

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of Missouri-American Water Company's)
request for a variance from)
certain requirements set forth in 4 CSR 240-2.050)

File No. WE-2010-0136

ORDER GRANTING LEAVE TO AMEND APPLICATION

Issue Date: December 1, 2009

Effective Date: December 1, 2009

The Missouri Public Service Commission is granting MAWC's Motion for Leave to Amend Application ("motion") that Missouri-American Water Company ("MAWC") filed on November 30, 2009. MAWC's application seeks a variance from the Commission's regulations on termination of service and includes an illustrative tariff sheet as an exhibit. That exhibit is the subject of the motion, by which MAWC offers a different illustrative tariff sheet.

To do so, MAWC must have the Commission's leave to amend its application because the ten day window for amendment as a matter of right has expired under the Commission's regulation on amendments:

Any pleading^[1] may be amended within ten (10) days of filing, unless a responsive pleading has already been filed, or at any time by leave of the commission.^[2]

That regulation offers no standard by which to decide the motion. Nonetheless, the motion describes good cause to grant it, meaning reasonableness and good faith.³ MAWC states that the amendment will better illustrate the variance it seeks.

¹ "Pleading" includes an application. 4 CSR 240-2.010(13).

² 4 CSR 240-2.080(20).

³ *American Family Ins. Co. v. Hilden*, 936 S.W.2d 207 (Mo. App., W.D. 1996).

Therefore, the Commission will grant leave to amend the application.

THE COMMISSION ORDERS THAT:

1. MAWC's Motion for Leave to Amend Application is granted.
2. This order shall become effective immediately upon issuance.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Daniel Jordan, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 1st day of December, 2009.