

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of The Raytown Water)
Company for an Extension of Time to June 15, 2007) **Case No. WE-2007-0405**
to File Annual Report)

ORDER GRANTING REQUEST TO LATE-FILE APPLICATION FOR
EXTENSION OF TIME TO FILE ANNUAL REPORT

Issue Date: April 24, 2007

Effective Date: April 24, 2007

On April 18, 2007, The Raytown Water Company (“RWC”), by and through its attorney, filed an application requesting that the Missouri Public Service Commission extend the time within which it may file its 2006 annual report respecting its regulated water operations to June 15, 2007.

Except as otherwise provided, Commission Rule 4 CSR 240-3.640(1) requires all water utilities to “submit an annual report to the commission on or before April 15 of each year.” However, Section 393.140(6) authorizes the Commission to “extend the time prescribed for cause shown.”¹ Accordingly, Commission Rule 4 CSR 240-3.640(7) states:

A water utility that is unable to meet the submission date established in section (1) of this rule may request an extension of greater than thirty (30) days for submitting its annual report by:

(A) Filing a pleading, in compliance with the requirements of Chapter 2 of 4 CSR 240,² which states the reason for and the length of the extension being requested, with the commission prior to April 15; and

¹ All statutory citations are to RSMo 2000.

² The requirements for filing applications for waivers or variances from Commission rules and tariff provisions, as well as those statutory provisions that may be waived, are contained in 4 CSR 240-2.060(4)(A)-(C). See 4 CSR 240-3.015(1).

(B) Certifying that a copy of the pleading was sent to all parties of record in pending cases before the commission where the utility's activities are the primary focus of the proceedings.

As 4 CSR 240-3.640(7)(A) requires all requests for extensions of greater than thirty days to be filed "with the commission prior to April 15," RWC's request is untimely, since it was filed on April 18, 2007.

Recognizing this, on April 20, 2007, RWC filed its "Request to Accept Application for Extension Out of Time and to Extend Time for Filing Annual Report." Among other things, in this pleading, counsel for RWC explains that he prepared the application on April 12, 2007 – the same day his client informed him that RWC was going to need an extension. Counsel further avers that due to a clerical oversight, the application was mailed to the Commission rather than being sent via overnight delivery, which resulted in the delay.

The Commission notes that the cover letter accompanying the application is dated April 12, 2007, as is the notary's certification of the application itself. For this reason, and because counsel's explanation for the inadvertent three-day delay is reasonable, the Commission will grant RWC's Request to Accept Application for Extension Out of Time.

IT IS ORDERED THAT:

1. The Raytown Water Company's request for leave to late-file its application for an extension of the time within which it may file its 2006 annual report is granted.

2. This order shall become effective on April 24, 2007.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written in a cursive style.

Colleen M. Dale
Secretary

(S E A L)

Benjamin H. Lane, Regulatory Law
Judge, by delegation of authority
under Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 24th day of April, 2007.