

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY  
April 18, 2002**

**CASE NO: WE-2002-240**

**Office of the Public Counsel**  
P.O. Box 7800  
Jefferson City, MO 65102

**General Counsel**  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

**Gregory D. Williams**  
**Osage Water Company**  
P.O. Box 431  
Highway 5 at Lake Road 5-33  
Sunrise Beach, MO 65079

**Enclosed find a certified copy of an ORDER in the above-numbered case(s).**

Sincerely,

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, flowing style.

**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 18th day  
of April, 2002.

In the Matter of the Annual Report of Osage Water        )  
Company for the Calendar Year Ending December 31,        ) **Case No. WE-2002-240**  
1999.    )

**ORDER GRANTING LEAVE TO FILE  
DELINQUENT ANNUAL REPORT**

This order grants Osage Water Company's motion for leave to file its delinquent 1999 Annual Report.

On November 28, 2001, Osage Water Company filed a motion for leave to file its delinquent 1999 Annual Report. On January 3, 2002, the Staff of the Missouri Public Service Commission filed a request for additional time, until January 15, 2002, in which to file its response. The Commission granted the request by Order issued January 9, 2002. Staff requested a second extension on January 14, 2002, citing the need to continue to work with Osage Water regarding certain discrepancies in the 1999 Annual Report. The Commission granted an extension until February 5, 2002, by order issued January 15, 2002.

Staff filed its Recommendation on February 5, 2002, indicating that there are certain discrepancies in the Osage Water's 1999 Annual Report when it is compared to the company's 1998 Annual Report. Staff noted that the discrepancies fall into four specified categories. Staff sent an electronic communication to Osage Water on January 11, 2002,

requesting additional information, and counsel for Osage Water indicated that the company would not be able to provide any new information. Staff recommended that the Commission accept the 1999 Annual Report but attach the Staff's January 11, 2002, letter (Exhibit A) to the Annual Report so that the public would be on notice of the discrepancies and deficiencies. Staff further suggested that the Commission order Osage Water to provide either (1) the missing information, or (2) a written explanation of why the information is not available or why the discrepancies cannot be corrected.

On March 19, 2002, Hancock Construction Company filed an Application to Intervene and Consolidate. By order issued March 21, 2002, the Commission denied Hancock's request to intervene and denied its motion to consolidate.

The Commission scheduled a prehearing conference for March 20, 2002, to further address this matter. All parties appeared for the prehearing conference. During the conference, Osage Water indicated that it intends to hire a certified public accountant to assist it in preparing a revised 1999 Annual Report.

The Commission has reviewed Osage Water's motion, along with Staff's Recommendation and the official file. The Commission finds that there is good cause to accept the Annual Report out of time. The Commission will direct that the Data Center attach a copy of Staff's January 11, 2002, letter addressed to Greg Williams (Exhibit A to Staff's Recommendation) to the 1999 Annual Report. In addition, Osage Water will be directed to provide either (1) the missing information, or (2) a written explanation of why the information is not available or why the discrepancies cannot be corrected. If Osage Water does not comply with this directive within a reasonable time, Staff shall evaluate whether a complaint case should be filed.

**IT IS THEREFORE ORDERED:**

1. That the Motion for Leave to File Delinquent Annual Report, filed November 28, 2001, by Osage Water Company is granted.
2. That the Data Center shall attach a copy of Staff's January 11, 2002, letter addressed to Greg Williams (Exhibit A) to the 1999 Annual Report.
3. That, as directed in this order, Osage Water Company shall provide either (1) the missing information, or (2) a written explanation of why the information is not available or why the discrepancies cannot be corrected.
4. That this order shall become effective on April 28, 2002.

**BY THE COMMISSION**



**Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge**

**( S E A L )**

Simmons, Ch., Lumpe,  
and Forbis, CC., concur.  
Murray, C., dissents.  
Gaw, C., not participating.

Ruth, Senior Regulatory Law Judge

**BEFORE THE PUBLIC SERVICE COMMISSION**  
**OF THE STATE OF MISSOURI**

In the Matter of the Annual Report of Osage                     )  
Water Company for the Calendar Year Ending                 )     **Case No. WE-2002-240**  
December 31, 1999.   )

**DISSENTING OPINION OF COMMISSIONER CONNIE MURRAY**

It is inappropriate to accept for filing the delinquent Annual Report containing the deficiencies and discrepancies noted by Staff.

In accordance with Section 393.140 RSMo, "it shall be the duty of every person and corporation to file with the commission an annual report . . . . When any such report is defective or believed to be erroneous, the commission shall notify the person or corporation making such report to amend the same within a time prescribed by the commission. Any such person or corporation which shall neglect to make any such report or which shall fail to correct any such report within the time prescribed by the commission shall be liable to a penalty of one hundred dollars and an additional penalty of one hundred dollars for each day after the prescribed time for which it shall neglect to file or correct the same, to be sued for in the name of the State of Missouri. The amount recovered in any such action shall be paid to the public school fund of the state."

It is important to note that the Annual Report at issue here was due on or before April 15, 2000, in accordance with 4 CSR 240-10.080. Therefore, the company could have been subjected to the statutory penalty from that date for

the delinquent 1999 report, as well as to penalties for other delinquent and deficient reports.

One year and seven months after the 1999 report was due, the company filed its Motion for Leave to File Delinquent Annual Report for the year ending December 31, 1999. Staff notified the company of significant material discrepancies which fall into four major categories. Counsel for the company stated that no additional information would be forthcoming.

The Commission should not countenance such disregard for its rules and particularly should not permit a utility under its jurisdiction to continue to ignore its statutory obligations. The time for enforcement is long overdue.

**Respectfully submitted,**

  
**Connie Murray, Commissioner**

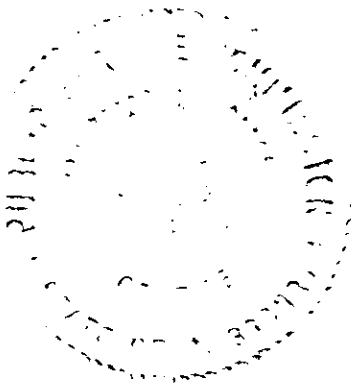
Dated at Jefferson City, Missouri,  
on this 18th day of April, 2002.

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

I have compared the preceding copy with the original on file in this office and  
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,  
Missouri, this 18<sup>th</sup> day of April 2002 .



*Dale Hardy Roberts*

**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**