

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 EXTENSION OF TIME TO FILE ANNUAL REPORT

Issue Date: May 3, 2007

Effective Date: May 3, 2007

On April 18, 2007,¹ Raytown Water Company (“RWC”), by and through its attorney, filed a pleading 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.

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), RSMo 2000, authorizes the Commission to “extend the time prescribed for cause shown.”² RWC’s request for an extension was filed after the deadline established in Commission Rule 4 CSR 240-3.640(7)(A), which requires all water utilities seeking extensions of greater than thirty days to file appropriate pleadings “with the commission prior to April 15.” Therefore, in a supplemental pleading filed on April 20, RWC

¹ All dates specified in this order refer to the year 2007.

² In its recommendation, which is discussed later in this order, Staff misquotes Section 393.140(6) as providing that the Commission may extend the time prescribed for filing the annual report “for good cause shown.”

also requested leave to file the extension request out of time. The Commission granted that request by order dated April 24.

Also on April 24, the Commission ordered its Staff to file, by no later than May 1, a recommendation as to whether the extension should be granted and under what conditions, if any. In its recommendation, which was filed on May 1, Staff advised that while RWC's pleading met the substantive filing requirements set forth in Commission Rule 4 CSR 240-3.640(7), it was not in full "compliance with the requirements of Chapter 2 of 4 CSR 240," as mandated by 4 CSR 240-3.640(7)(A). In particular, Staff noted that RWC's pleading does not comply with all the procedural provisions of Commission Rule 4 CSR 240-2.060(1)³ in that it: (1) does not include the company's electronic mail address or fax number, as required by 4 CSR 240-2.060(1)(A); (2) does not include a Certificate of Good Standing from the Missouri Secretary of State, as required by 4 CSR 240-2.060(1)(B); (3) does not include a statement regarding actions, judgments or decisions against the company within the last three years that involve customer service or rates, as required by 4 CSR 240-2.060(1)(K); and (4) is not verified by affidavit under oath by an authorized officer of the corporation or authorized attorney representing the corporation, as required by 4 CSR 240-2.060(1)(M).

Nevertheless, Staff further noted that under Commission Rule 4 CSR 240-2.015, any rule in the 4 CSR 240-2 series may be waived by the Commission for good cause. Staff believes that under the circumstances here, good cause exists to waive the requirements of

³ This regulation sets forth the filing requirements for *any* application to the Commission requesting relief under statutory or other authority. Those filing requirements are *in addition to* those imposed by 4 CSR 240-3.640(7). See 4 CSR 240-2.060(6) ("In addition to the general requirements set forth above, the requirements found in Chapter 3 of the commission's rules pertaining to the filing of various types of applications must also be met.")

4 CSR 240-2.060(1)(A), (B), (K), and (M) as they apply to RWC's request. Accordingly, Staff reported that it has no objection to granting RWC the extension it requested on April 18.

The Commission agrees with Staff that there is good cause to waive 4 CSR 240-2.060(1)(A), (B), (K), and (M) in this case, as the Commission already has most of that information, RWC's pleading substantially (although not totally) complies with the procedural rule in question, and RWC has satisfied all of the *substantive* regulatory prerequisites for an extension. Therefore, the Commission will extend the date by which RWC's 2006 annual report is due to June 15.

IT IS ORDERED THAT:

1. Commission Rule 4 CSR 240-2.060(1)(A), (B), (K), and (M) are waived in this case, and Raytown Water Company's request for an extension of the time within which it may file its 2006 annual report respecting its regulated water operations to June 15, 2007 is granted.
2. Raytown Water Company shall include a copy of this order when it files its 2006 annual report.

3. This order shall become effective on May 3, 2007.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read "Colleen M. Dale". The signature is stylized and cursive.

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 3rd day of May, 2007.