

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Petition of Missouri-American)
Water Company for Approval to Change its)
Infrastructure System Replacement Surcharge (ISRS))

Case No. WO-2011-0106

Tariff No. YW-2011-0312

ORDER GRANTING UTILITY WORKERS UNION OF AMERICA LOCAL 335'S APPLICATION TO INTERVENE

Issue Date: February 18, 2011

Effective Date: February 18, 2011

On December 22, 2010, Missouri-American Water Company filed a petition to change its Infrastructure System Replacement Surcharge (ISRS) rate schedule to recover ISRS-eligible costs. Missouri-American filed a tariff to implement its ISRS rate adjustment along with its petition and the Commission has suspended that tariff until April 21, 2011.

The Commission issued notice of Missouri-American's ISRS filing and established January 14 as the deadline for submission of applications to intervene. No party asked to intervene by January 14, but Utility Workers Union of America Local 335, AFL-CIO filed an application to intervene on February 4, accompanied by a motion requesting leave to file its application out of time

Local 335 is the labor organization that represents approximately 300 employees of Missouri-American. Local 335 indicates it has an interest in this case different from that of the general public in that it is concerned about the impact the proposed change to the ISRS could have on jobs, pensions, and other terms and conditions of employment. It believes no other party to this case can adequately represent those unique concerns. Local 335 explains its failure to file a motion to intervene within the established time as an excusable

failure to become aware of the intervention deadline until after that deadline had passed. More than ten days have passed since Local 335 applied to intervene and no party has objected to that application.

The Commission finds that Local 335's interest in this case is different from that of the general public, and may be adversely affected by a final order arising from this case. Furthermore, the Commission finds that allowing Local 335 to intervene will serve the public interest. Therefore, in accordance with Commission Rule 4 CSR 240-2.075(4), the Commission will grant the application to intervene. The Commission will require Local 335 to accept the procedural status of the case as it now stands, but hereafter, Local 335 may fully participate as a party to the case.

THE COMMISSION ORDERS THAT:

1. The Application to Intervene of Utility Workers Union of America Local 335, AFL-CIO is granted.
2. Utility Workers Union of America Local 335, AFL-CIO's Motion to File Application to Intervene Out of Time is granted.
3. This order shall become effective on February 18, 2011.

(S E A L)

BY THE COMMISSION



Steven C. Reed
Secretary

Morris L. Woodruff, Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 18th day of February, 2011.