

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

In the Matter of the City of Chillicothe, Missouri)
and Public Water Supply District No. 2 of Livingston) **File No. WO-2013-0193**
County, Missouri)

ORDER DENYING REQUEST FOR WAIVER AND DIRECTING FILING

Issue Date: January 10, 2013

Effective Date: January 20, 2013

On October 16, 2012, the City of Chillicothe, Missouri and Public Water Supply District No. 2 of Livingston County, Missouri filed an application for approval of a Joint Service Agreement. Rather than file a legal description, as required by Commission rule 4 CSR 240-3.625(1)(A), the Applicants filed a photo map of their respective territories. On December 12, 2012, Applicants requested that the Commission, for good cause, waive the requirement of a legal description because obtaining a legal description would be very time-consuming and expensive to Applicants. On December 21, the Staff of the Commission filed its Recommendation that the Commission deny Applicants' request for a waiver.

Under Section 247.172.2, territorial agreements shall specifically designate the boundaries of each water supplier subject to the agreement. However, the Commission's rule requires a legal description in that designation. Staff asserts that a legal description on file with the Commission will better protect the individual interest of the Applicants, any future customer in the two territories, and any future party who has a complaint arising from the territorial agreement. Staff recommends that the application be denied until the Applicants file a legal description. Applicants have not responded to Staff's Recommendation.

Staff's concerns are well taken. What is represented in the picture may change over time and complicate future efforts to define the respective service areas. Further, Applicants' statement of good cause, that a legal description would be time consuming and expensive, does not set their effort apart from other requests to approve territorial agreements. Their circumstance is no different from any other applicants who seek approval of a territorial agreement. The Commission will therefore deny Applicants' request for a waiver and direct Applicants to file a legal description.

THE COMMISSION ORDERS THAT:

1. The City of Chillicothe, Missouri and the Public Water Supply District #2 of Livingston County, Missouri's request for a waiver is denied.
2. The City of Chillicothe, Missouri and the Public Water Supply District #2 of Livingston County, Missouri shall file a legal description as required by the Commission's rule.
3. This order shall become effective on January 20, 2013.

BY THE COMMISSION



Shelley Brueggemann
Acting Secretary

(S E A L)

Kennard L. Jones, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo.

Dated at Jefferson City, Missouri,
on this 10th day of January, 2013.