

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

City of O’Fallon, Missouri,	)	
	)	
Complainant,	)	
	)	
v.	)	
	)	
Missouri-American Water Company	)	<b><u>File No. WC-2010-0010</u></b>
	)	
and	)	
	)	
Public Water Supply District No. 2 Of	)	
Saint Charles County, Missouri,	)	
	)	
Respondents.	)	

**MOTION FOR EXTENSION TO FILE RECOMMENDATION**

**COMES NOW** the Staff of the Missouri Public Service Commission (Staff), through the undersigned counsel, and for its *Motion For Extension*, respectfully states the following to the Missouri Public Service Commission (Commission):

1. On July 8, 2009, the City of O’Fallon, Missouri (O’Fallon) filed a *Complaint* in the above-stated cause, which stated O’Fallon is seeking a new source of supply of water and desires to take wholesale service from Missouri-American Water Company (MAWC).

*Complaint* p. 3. O’Fallon requests the Commission find either that the Territorial Agreement entered into by the Public Water Supply District No. 2 of Saint Charles County, Missouri (District) and MAWC is no longer in the public interest and should be revoked or that the Territorial Agreement is unlawful and with no force or effect as to O’Fallon.

2. On July 15, 2009, the Commission issued a *Notice Of Complaint And Order Directing Staff Investigation*, which directed the District and MAWC to file answers to the

*Complaint* by August 14, 2009, and the Staff to file a report and recommendation on its investigation no later than thirty (30) days after the Respondents filed their answers.

3. On August 14, 2009, the District filed their *Answer To Complaint*.

4. Also, on August 14, 2009, MAWC filed their *Answer And Motion To Dismiss*.

5. Staff is in the process of completing its investigation and determining its final recommendation to file with the Commission. Therefore, Staff respectfully requests an extension of ten days, until September 24, 2009, to file its report and recommendation in this matter with the Commission.

6. O'Fallon, the District, MAWC, and the Office of Public Counsel do not object to this request.

**WHEREFORE**, the Staff requests that the Commission allow an extension of ten (10) days, until September 24, 2009, for the Staff to complete its investigation of the *Complaint* and file a report and recommendation of its investigation with the Commission.

Respectfully submitted,

**/s/ Jennifer Hernandez**

Jennifer Hernandez

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served via electronic mail on Leland B. Curtis and Kevin M. O'Keefe of Curtis, Heinz, Garrett & O'Keefe, P.C., attorneys for the City of O'Fallon at [lcurtis@lawfirmemail.com](mailto:lcurtis@lawfirmemail.com); Mark W. Comley, Newman, Comley & Ruth P.C., attorney for the District at [comleym@ncrpc.com](mailto:comleym@ncrpc.com); Mark C. Piontek, Lewis Rice Fingersh L.C., attorney for the District at [mpiontek@lewisrice.com](mailto:mpiontek@lewisrice.com); Kenneth Jones, attorney for MAWC at [kenneth.jones@amwater.com](mailto:kenneth.jones@amwater.com); Dean L. Cooper, Brydon, Swearngen & England P.C., attorney for MAWC at [dcooper@brydonlaw.com](mailto:dcooper@brydonlaw.com); and the Office of Public Counsel at [opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov) this 14<sup>th</sup> day of September, 2009.

**/s/ Jennifer Hernandez**