

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 26th day of
November, 2013.

Staff of the
Missouri Public Service Commission,

Complainant,

v.

Consolidated Public Water Supply District
C-1 of Jefferson County, Missouri,

and

City of Pevely, Missouri,

Respondents.

File No. WC-2014-0018

ORDER DENYING MOTION FOR RECONSIDERATION

Issue Date: November 26, 2013

Effective Date: November 26, 2013

Procedural History

On October 24, 2013, the Commission issued an *Order Denying Motion to Dismiss* in File No. WC-2014-0018. On November 4, 2013, Consolidated Public Water Supply District C-1 of Jefferson County, Missouri ("District") and the City of Pevely, Missouri ("City") (jointly, "Respondents") filed a *Petition for Rehearing Regarding Order Denying Motion to Dismiss*. Since an evidentiary hearing has yet to occur in this matter, an application for "rehearing" is impossible. Therefore, the Commission will treat Respondents' *Petition for Rehearing Regarding Order Denying Motion to Dismiss* as a Motion for Reconsideration. Although the Commission's *Order Denying Motion to Dismiss* is not considered a final order

subject to judicial review,¹ Commission Rule 4 CSR 240-2.160(2) allows for the filing of motions for reconsideration of procedural and interlocutory orders within ten days of the date the order was issued, unless otherwise ordered by the Commission. The Commission's *Order Denying Motion to Dismiss* was issued on October 23, 2013 and went into effect twelve days later on Monday, November 4, 2013. Respondents did not file their Motion for Reconsideration until November 4, 2013. Although Commission Rule 4 CSR 240-2.050(1) states that in computing any period of time prescribed by the Commission, the last day of a period shall not include a Saturday or Sunday, an "...order is considered effective at 12:00 a.m. on the effective date designated in the order...."² Therefore, pursuant to the Commission's rules, Respondents failed to file their Motion for Reconsideration in a timely manner, since the *Order Denying Motion to Dismiss* had already gone into effect. However, since, Respondents are not accustomed to practicing before the Commission and the Commission finds good cause as to Respondent's possible confusion concerning the timeframe to file, in this instance, the Commission will waive the deadline for filing a motion for reconsideration found in 4 CSR 240-2.160(2)³ and issue an order on the merits of Respondents' motion.

The Respondents contend reconsideration is appropriate because the Commission has no jurisdiction to issue any order concerning the Respondents. However, Respondents fail to offer new arguments to support their position. The Commission has already rejected Respondents' contention that the Commission has no jurisdiction over them in a previous

¹ See *City of Park Hills, v. Public Service Comm. of the State of Mo.*, 26 S.W.3d 401 (Mo. App.W.D. 2000) Finding section 386.510 does not allow judicial review by way of appeal of denials of motion to dismiss for lack of jurisdiction.

² 4 CSR 240-2.050(2).

³ 4 CSR 240-2.015 Waiver of Rules; "A rule in this chapter may be waived by the commission for good cause."

order and the Commission's reasoning still applies. For this reason, the Commission will not revisit the issue at this time.

Motion denied.

THE COMMISSION ORDERS THAT:

1. The joint motion of Consolidated Public Water Supply District C-1 of Jefferson County and the City of Pevely, Missouri, to reconsider the Commission's order denying the motion to dismiss the complaint filed by the Staff of the Commission is denied.
2. This order shall become effective upon issuance.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

R. Kenney, Chm., Stoll, W. Kenney,
and Hall, CC., concur.

Burton, Regulatory Law Judge