

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Missouri-American Water Company for Approval of an Agreement with Nestlé Purina PetCare for Retail Sale and Delivery of Water.)
) **Case No. WO-2009-0043**
)
)

ORDER DIRECTING NOTICE AND ORDER DIRECTING FILING

Issue Date: August 15, 2008

Effective Date: August 15, 2008

On August 13, 2008, Missouri-American Water Company filed its Application for Approval of Agreement and Tariff. Missouri-American seeks approval of certain proposed tariff sheets and an agreement between itself and Nestlé Purina PetCare. The proposed sheets add Rate Q to Missouri-American's tariffs. Rate Q is a "rate available for service provided to Nestlé Purina PetCare pursuant to the Contract for the Retail Sale and Delivery of Potable Water (Contract)."¹ Missouri-American states that the actual rate under which service will be provided to Nestlé Purina PetCare is contained the agreement attached to the application as Appendix A.

The application explains that Nestlé Purina PetCare is involved in expanding its canned pet food products plant located within the city limits of St. Joseph, Missouri. The expansion is associated with 30 additional jobs and an investment of \$26 million. The application alleges that Nestlé Purina PetCare chose to expand its plant in St. Joseph in large part due to consideration of the water rates.

¹ Proposed Tariff Sheet No. 62.

Missouri-American requests that the Commission: authorize it to perform in accordance with its agreement with Nestlé Purina PetCare; approve its proposed tariff sheets to be effective on September 12, 2008; grant waiver from the Availability and Applicability provision of Missouri-American's Economic Development Rider Tariff which requires new or additional facilities to provide at least fifty new jobs in order to be eligible under the Economic Development Rider Tariff; and grant any other relief consistent with the application.

The Commission finds that proper persons should be allowed an opportunity to seek to intervene or to oppose the proposed tariff sheets and agreement. The Commission finds that notice of this application should be sent to all parties in Missouri-American's currently pending rate case, Case No. WR-2008-0311. The Commission shall also direct its Data Center to mail a copy of this order to the County Commission of Buchanan County and the Mayor of the City of St. Joseph, Missouri. In addition, the Commission shall direct its public information officer to make available a copy of this notice to the legislators and the news media serving Buchanan County and the remainder of Missouri-American's service territory.

The Commission shall also direct its Staff to file a recommendation regarding the proposed tariffs and agreement. Finally, the Commission shall set a time for responses to applications to intervene and for any objections to the application and tariff.

IT IS ORDERED THAT:

1. The Commission's Data Center shall send notice of this application and of the proposed tariff sheets to all parties in Case No. WR-2008-0311.

2. The Commission's Data Center shall send a copy of this order to the County Commission of Buchanan County and to the Mayor of the City of St. Joseph.

3. The Public Information Officer shall make a copy of this order available to the legislators and the news media serving Buchanan County and the remainder of Missouri-American Water Company's service territory.

4. Any party wishing to intervene in this matter shall file an application, no later than August 20, 2008, with:

Coleen M. Dale, Secretary
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102

and serve a copy on:

Dean L. Cooper
Brydon, Swearengen & England, P.C.
312 East Capitol Avenue
Post Office Box 456
Jefferson City, Missouri 65102

John Reichart, Corporate Counsel
Missouri-American Water Company
727 Craig Road
St. Louis, Missouri 63141

ATTORNEYS FOR MISSOURI-AMERICAN WATER COMPANY

and

Office of the Public Counsel
Post Office Box 2230
Jefferson City, Missouri 65102

5. Any response to the applications to intervene shall be filed no later than August 22, 2008.

6. The Staff of the Missouri Public Service Commission shall file its recommendation regarding the agreement and proposed tariff sheets no later than August 26, 2008.

7. Any objections to the agreement or tariff shall be filed no later than August 26, 2008.

8. This order is effective upon issuance.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Nancy Dippell, Deputy Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 15th day of August, 2008.