

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 27th day
of May, 2009.

In the Matter of the Joint Application of the City)
of Centralia, Missouri and Public Water Supply)
District No. 10 of Boone County, Missouri for)
Approval of a Third Amendment to a Written)
Territorial Agreement Concerning Territory)
within Boone County, Missouri)

File No. WO-2009-0351

**REPORT AND ORDER APPROVING
AMENDMENT TO TERRITORIAL AGREEMENT**

Issue Date May 27, 2009

Effective Date: June 6, 2009

On April 2, 2009, the City of Centralia, Missouri and Public Water Supply District No. 10 of Boone County filed a joint application for approval of a third amendment to a territorial agreement approved by the Missouri Public Service Commission. The Commission issued notice of the application and set an intervention deadline. There were no requests to intervene.

The Staff of the Commission filed its recommendation on May 11, 2009. Staff states that the application and amendment meet the provisions of Section 247.172, RSMo 2000,¹ and the Commission's rules, and recommends that the Commission approve the application.

Findings of Fact

1. The City of Centralia is a municipal corporation located in Boone County, Missouri.

¹ All statutory references are to Revised Statutes of Missouri, 2000.

2. The City of Centralia owns and operates a water system and has authority to supply water within and outside of its corporate limits.
3. The District is a public water supply district organized under Chapter 247, providing service in Boone, Audrain and Randolph Counties.
4. The Commission approved the Joint Applicants' original territorial agreement in 2002.²
5. The Commission approved two amendments to the territorial agreement.³
6. Through the third amendment, the City and the District propose to include a 26-acre tract of land in the City's water service area.
7. No existing customers of either the City or the District will have their water service changed by the proposed amendment.
8. The proposed amendment is not detrimental to the public interest.

Conclusions of Law

1. Under Section 247.172, the Commission has jurisdiction over territorial agreements concerning the sale and distribution of water.
2. Section 247.172.3, requires that all territorial agreements and amendments to territorial agreements, entered into under this section, be approved by the Public Service Commission.
3. Under Section 247.172.4, the Commission may approve a territorial agreement or amendments thereto if it is not detrimental to the public interest.

² See Commission Case No. WO-2002-208.

³ See Commission Case Nos. WO-2005-0084 and WO-2007-0091.

4. The Commission need not hold an evidentiary prior to approving agreement and amendments.⁴

Decision

Having considered the joint application and Staff's verified recommendation in support of approval, the Commission concludes that the amendment to the territorial agreement between the City of Centralia and Public Water Supply District No. 10 of Boone County, Missouri is in the public interest and should be approved.

THE COMMISSION ORDERS THAT:

1. The joint application for approval of an amendment to the territorial agreement between the City of Centralia and Public Water Supply District No. 10 of Boone County, Missouri is approved.
2. This order shall become effective on June 6, 2009.
3. This case may be closed on June 7, 2009.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Clayton, Chm., Murray, Davis,
Jarrett, and Gunn, CC., concur.

Jones, Senior Regulatory Law Judge

⁴ *Deffenderfer Enterprises, inc. v. Public Service Comm'n of the State of Missouri*, 776 SW2d 494 (Mo. App. W.D. 1989)