

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 1<sup>st</sup> day of  
July, 2013.

Peter Howard,

Complainant,

v.

City of St. Louis Water Division,

Respondent.

**File No. WC-2013-0540**

**ORDER DISMISSING COMPLAINT**

Issue Date: July 1, 2013

Effective Date: July 31, 2013

On June 18, 2013, Peter Howard filed a complaint with the Missouri Public Service Commission (“Commission”) against the City of St. Louis Water Division, which is a part of the Department of Public Utilities for the City of St. Louis, Missouri. In his complaint, Mr. Howard states that he lives in St. Louis, Missouri. On its own motion, the Commission will address its jurisdiction to act in this matter.

“[T]he Public Service Commission is a body of limited jurisdiction and has only such powers as are expressly conferred upon it by the statutes and powers reasonably incidental thereto.”<sup>1</sup> As the Commission is an administrative agency with limited jurisdiction, “the lawfulness of its actions depends directly on whether it has statutory power and authority to

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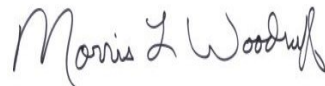
<sup>1</sup> *State ex rel. Kansas City Power & Light Co. v. Buzard*, 168 S.W.2d 1044, 1046 (Mo. 1943); *State ex rel. City of West Plains v. Pub. Serv. Comm'n*, 310 S.W.2d 925, 928 (Mo. banc 1958).

act.”<sup>2</sup> Section 386.250(3), RSMo 2000, provides that the Commission’s jurisdiction extends to water corporations, “except that nothing contained in this section shall be construed as conferring jurisdiction upon the commission over the service or rates of any municipally owned water plant or system in any city of this state except where such service or rates are for water to be furnished or used beyond the corporate limits of such municipality.”<sup>3</sup> Since Mr. Howard is a resident of St. Louis and his complaint concerns services provided by that city’s water system, the Commission concludes that it lacks the statutory authority to consider the complaint. Therefore, the Commission will dismiss the complaint.

**THE COMMISSION ORDERS THAT:**

1. The complaint filed by Peter Howard on June 18, 2013 is dismissed with prejudice.
2. This order shall become effective on July 31, 2013.
3. This matter shall be closed on August 1, 2013.

**BY THE COMMISSION**



Morris L. Woodruff  
Secretary

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

Bushmann, Regulatory Law Judge

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<sup>2</sup> *State ex rel. Gulf Transp. Co. v. Pub. Serv. Comm'n*, 658 S.W.2d 448, 452 (Mo. App. 1983).

<sup>3</sup> See also, *Forest City v. City of Oregon*, 569 S.W.2d 330, 332-333 (Mo. Ct. App. 1978); *City of Columbia v. State Pub. Serv. Comm'n*, 329 Mo. 38, 43 S.W.2d 813 (1931).