

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

In the Matter of Missouri Utilities Company)
Small Company Rate Increase)

Case No. WR-2009-0150

In the Matter of Missouri Utilities Company)
Small Company Rate Increase)

Case No. SR-2009-0153

**ORDER GRANTING MOTION FOR SIXTY-DAY EXTENSION,
GRANTING VARIANCE FROM COMMISSION RULE 4 CSR 240-3.050(7)
AND DIRECTING STAFF TO FILE A REVISED TIME-LINE**

Issue Date: January 30, 2009

Effective Date: January 30, 2009

On January 21, 2009, Missouri Utilities Company ("MUC") filed a Motion for Extension of Time and Waiver of Commission Rule 4 CSR 240-3.050(7) for Case No. WR-2009-0150. On January 30, 2009, MUC filed an identical request for its companion case, Case No. SR-2009-0153. MUC states that due to a misunderstanding with the company's billing office the customer notices for these cases were sent out later than required by Commission Rule 4 CSR 240-3.050(7). Customer notice was originally sent on December 24, 2008, instead of no later than thirty days after opening the cases, which would have been no later than November 22, 2008. Consequently, MUC re-sent notice to its customers on January 21, 2009 and now requests an extension of time and waiver of the Commission's notice rule to bring the procedural time-line back into conformity with the Small Utility Rate Case Procedure. MUC represents that neither Staff nor the Office of the Public Counsel objects to the modification in the time-line.

Commission Rule 4 CSR 240-3.050(7) requires customer notice be mailed no later than thirty days after a case is opened. The time-line for the preliminary report (90 days

after the case is opened), settlement proposal (120 days after the case is opened) and disposition agreement (150 days after the case is opened), are all contingent upon, and in sequence with, the issuance of notice. MUC's request would essentially re-set the entire clock on these proceedings. As such, a complete waiver of 4 CSR 240-3.050(7) is not required. Instead, the Commission finds there is good cause to grant MUC a variance from the rule to accommodate the re-setting of the entire procedural schedule. Proper and timely notice to allow customers adequate time to comment on the proposed rate increases is good cause for the variance.

Because Staff agrees with the change in the time-line, and Public Counsel does not object to the change, the Commission shall approve it. Pursuant to 4 CSR 240-3.050(12), the Commission shall direct Staff to file a written agreement regarding the extension and an updated time-line reflecting the extension.

THE COMMISSION ORDERS THAT:

1. Missouri Utilities Company is granted a variance in Commission Rule 4 CSR 240-3.050(7) for Case Nos. WR-2009-0150 and SR-2009-0153, as more fully described in the body of this order.

2. Missouri Utilities Company is granted a sixty-day extension in the time-line of its small company rate increase requests, Case Nos. WR-2009-0150 and SR-2009-0153.

3. The Staff of the Missouri Public Service Commission shall file a written agreement for the extension and an updated time-line pursuant to Commission Rule 4 CSR 240-3.050(12).

4. This order shall be effective immediately 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)

Harold Stearley, Senior Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 30th day of January, 2009.