

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public
Service Commission held at its
office in Jefferson City on the
13th day of October, 2010.

In the Matter of Missouri-American Water Company's) **File No. WR-2010-0131**
Request for Authority to Implement a) Tracking Nos.
General Rate Increase for) YW-2011-0145, YW-2011-0146,
Water and Sewer Services) YW-2011-0147, YW-2011-0148,
Provided in Missouri Service Areas) YW-2011-0149, YW-2011-0150

**ORDER APPROVING TARIFFS RELATED TO
PRIVATE FIRE PROTECTION SERVICE**

Issue Date: October 13, 2010

Effective Date: October 23, 2010

The Missouri Public Service Commission is approving the tariff sheets, related to private fire protection service, that accompany the *Report and Recommendation of the Residential Fire Sprinkler Service Collaborative Group* (“the application”).

A. Background

The application addresses issues unresolved in an earlier action that Missouri American Water Company (“MAWC”) commenced under this file number. In that action, MAWC filed tariffs¹ seeking changes in the terms of, and an increase in rates for, water and sewer service. The Commission suspended those tariffs,² requiring contested case procedure for the earlier action.³

In that earlier action, the parties resolved most of the issues in their *Stipulation and Agreement* (“settlement”),⁴ which the Commission incorporated into its *Report and Order*.⁵

¹ On October 30 and November 22, 2009.

² By order issued on November 18, 2009, and by order issued on November 23, 2009.

³ Section 393.150, RSMo 2000.

⁴ Filed on May 24, 2010.

The *Report and Order* rejected the tariffs and ordered the filing of new tariffs in conformity with the settlement's terms. MAWC filed new tariffs⁶ in compliance with the *Report and Order*. The Commission issued an order approving the compliance tariffs.⁷ No person filed a motion for rehearing, so the rulings in the earlier action are final⁸ and unreviewable.⁹

But the *Report and Order* also expressly deferred, and made no determination, on other issues including those that are the subject of the application.

B. Application

Staff filed the application¹⁰ on behalf of the Fire Sprinkler Service Collaborative Group ("collaborative"), with attached tariff sheets ("tariffs"). In the application, Staff states that the collaborative negotiated the tariffs pursuant to the terms of the *Report and Order*. The application asks the Commission to approve the tariffs. The tariffs bear an effective date of October 23, 2010. The statutes allow, but do not require, a hearing on the tariffs.¹¹ The Commission set a deadline for responses to the application. As of the date of this order, no party filed a response to the application. No party has asked for a suspension of the tariffs, and no party has asked for a hearing, so this action is not a contested case.¹²

⁵ Issued on June 16, 2010.

⁶ On June 18 and 21, 2010.

⁷ On June 22, 2010.

⁸ *State ex rel. Missouri Gas Energy v. Public Serv. Comm'n of Mo.*, 224 S.W.3d 20, 26 (Mo. App. W.D., 2007) (citing *Bresnahan v. May Department Stores Co.*, 726 S.W.2d 327 (Mo. banc 1987)).

⁹ Section 386.500, RSMo 2000.

¹⁰ On September 23, 2010.

¹¹ Section 393.150.1, RSMo 2000.

¹² Section 536.010(4), RSMo Supp. 2009.

C. Order

Based on the content of this file, the Commission independently finds and concludes that the tariffs set just and reasonable rates, and support safe and adequate service, so the Commission will approve the tariffs.¹³

THE COMMISSION ORDERS THAT:

1. The tariff sheets that accompany the *Report and Recommendation of the Residential Fire Sprinkler Service Collaborative Group* are approved to become effective on October 23, 2010. The specific tariff sheets approved are:

PSC Mo. No. 1

2nd Revised Sheet No. 10, Cancelling 1st Revised Sheet No. 10
2nd Revised Sheet No. 11, Cancelling 1st Revised Sheet No. 11
Original Sheet No. 11A
2nd Revised Sheet No. 23, Cancelling 1st Revised Sheet No. 23

PSC Mo. No. 2

1st Revised Sheet No. 13A, Cancelling Original Sheet No. 13A
1st Revised Sheet No. 13B, Cancelling Original Sheet No. 13B
Original Sheet 13C
1st Revised Sheet No. 18A, Cancelling Original Sheet No. 18A
1st Revised Sheet No. 27, Cancelling Original Sheet No. 27
1st Revised Sheet No. 27A, Cancelling Original Sheet No. 27A
1st Revised Sheet No. 36A, Cancelling Original Sheet No. 36A
1st Revised Sheet No. 36B, Cancelling Original Sheet No. 36B
Original Sheet No. 36C

PSC Mo. No. 3

1st Revised Sheet No. 8e, Cancelling Original Sheet No. 8e
1st Revised Sheet No. 15A, Cancelling Original Sheet No. 15A
1st Revised Sheet No. 15B, Cancelling Original Sheet No. 15B
Original Sheet No. 15C

PSC Mo. No. 6

1st Revised Sheet No. R2.0(a), Cancelling Original Sheet No. R2.0(a)
2nd Revised Sheet No. R18.2, Cancelling 1st Revised Sheet No. R18.2
1st Revised Sheet No. R18.3, Cancelling Original Sheet No. R18.3
1st Revised Sheet No. R18.4, Cancelling Original Sheet No. R18.4

¹³ Section 393.130.1, RSMo Supp. 2009.

PSC Mo. No. 7

2nd Revised Sheet No. 1, Cancelling 1st Revised Sheet No. 1
Original Sheet No. 12B

1st Revised Sheet No. 29, Cancelling Original Sheet No. 29
Original Sheet No. 30
Original Sheet No. 31

2. This order shall become effective on October 23, 2010.
3. The Commission's Data Center shall close this file on October 25, 2010.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

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

Jordan, Senior Regulatory Law Judge