

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 17th day of April, 2013.

In the Matter of an Investigation into the
Operations and Conditions of Tri-States Utility, Inc.

File No. WO-2013-0403

ORDER DENYING INTERVENTION

Issue Date: April 17, 2013

Effective Date: April 17, 2013

The Commission opened this case on March 6, 2013 at the request of Staff and Public Counsel to facilitate an investigation into the operations of Tri-States Utility, Inc., which recently filed for bankruptcy. As the Commission indicated in its order opening this case, this is an investigative case, not a contested case, and the Commission will take no action against Tri-States Utility within the confines of this case.

On March 18, Missouri-American Water Company filed an application to intervene. That application claims allowing Missouri-American to intervene would serve the public interest because Missouri-American is interested in acquiring the assets of Tri-States Utility and already operates other water and sewer systems in the area served by Tri-States Utility. Missouri-American claims that it may be able to provide information and potential solutions to assist Staff and Public Counsel in their investigation.

Tri-States Utility objected to Missouri-American's application to intervene on March 26. Tri-States Utility asserts that allowing Missouri-American to intervene in this investigation would not serve the public interest in that Missouri-American could use its status as a party to obtain access to confidential information to further its parochial interests in acquiring the assets of a distressed utility.

Commission rule 4 CSR 240-2.075 governs the procedures by which an individual or entity may intervene in a case (the “intervention rule”). The purpose of the rule is to allow individuals or entities to intervene in contested cases where some relief is being sought.

This case was opened to facilitate an investigation by Staff and Public Counsel. It is not a contested case and there are no parties. The purposes of the investigation are stated in Staff and Public Counsel’s Joint Motion to Open an Investigation: “The opening of an investigatory docket will allow Staff and Public Counsel to formally investigate the ongoing operations and condition of TSU [Tri-States Utility], monitor further proceedings in the bankruptcy court and circuit court, and provide periodic reports to the Commission.” Given that this is an investigation where the only purposes are information gathering, monitoring, and reporting, the intervention rule does not apply. Missouri-American’s application must be denied.

That said, nothing prohibits Missouri-American from sharing information with Staff and Public Counsel that it believes will assist in accomplishing the stated purposes of the investigation. Additionally, if Staff and Public Counsel believe that Missouri-American has information that is relevant to the investigation, nothing prohibits them from asking Missouri-American for such assistance.

THE COMMISSION ORDERS THAT:

1. Missouri-American Water Company’s Application to Intervene/Participate as an Interested Entity is denied.

2. This order shall become effective upon issuance.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read "Joshua Harden". The signature is written in a cursive, flowing style.

Joshua Harden
Secretary

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

Woodruff, Chief Regulatory Law Judge