

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 18th day of May, 2023.

In the Matter of the Application of Missouri-)
American Water Company for the approval)
of an Agreement with the City of O’Fallon,)
Missouri to Sell and Deliver Water for)
Resale and a Related Tariff Sheet)

File No. WO-2023-0193

ORDER GRANTING APPLICATION

Issue Date: May 18, 2023

Effective Date: May 28, 2023

On December 12, 2022, Missouri-American Water Company (MAWC) applied for authority to sell and deliver water to the City of O’Fallon (O’Fallon). According to the application, O’Fallon asked Missouri-American to provide water service so that O’Fallon can resell the water to its citizens.

MAWC attached its agreement with O’Fallon and O’Fallon’s resolution to approve the agreement between O’Fallon and MAWC to the application. MAWC also filed a proposed tariff sheet to implement the agreement between O’Fallon and MAWC. MAWC further asks for a waiver of Commission Rule 20 CSR 4240-4.017(1), which requires an applicant to file a 60-day notice before filing a case.

The Commission issued an Order Directing Notice and Setting Intervention Deadline, and O’Fallon moved to intervene. The Commission granted the request.

On April 27, 2023, Staff filed its Recommendation. Staff stated that the agreement between MAWC and O'Fallon is in the public interest. Staff recommended that the Commission approve the application. Staff further recommends that the Commission approve the tariff sheet filed with the application.¹ MAWC responded on April 28, 2023, stating that it had no objection to Staff's Recommendation. No other responses were received.

Section 393.150 RSMo states that whenever a water corporation shall file a contract or agreement with the Commission, the Commission may rule on the propriety of the contract or agreement after hearing. The requirement for a hearing is met when the opportunity for hearing has been provided and no proper party has requested the opportunity to present evidence. Since no one has requested a hearing, the Commission may grant the relief requested based on the verified application.²

The Commission finds that it is in the public interest to approve the application and the agreement between MAWC and O'Fallon. The Commission further finds good cause to waive Commission Rule 20 CSR 4240-4.017(1) in that MAWC filed an affidavit stating it has had no contact with the Commission regarding the application in the 150 days immediately preceding the filing of the application. So that MAWC and O'Fallon may expeditiously effectuate their agreement, the Commission finds it reasonable to make this order effective in less than 30 days.

THE COMMISSION ORDERS THAT:

1. MAWC's Application for the Approval of Agreement and Tariff is approved.

¹ MAWC filed an exemplar tariff with the application. The Commission will order MAWC to file a tariff sheet to comply with this order.

2. Commission Rule 20 CSR 4240-4.017(1) is waived for the purposes of this proceeding.
3. MAWC shall file a tariff identical to or substantially similar to the exemplar tariff filed with its application.
4. This order shall become effective on May 28, 2023.



BY THE COMMISSION

A handwritten signature in black ink that reads "Nancy Dippell". The signature is written in a cursive, flowing style.

Nancy Dippell
Secretary

Rupp, Chm., Coleman, Holsman, and
Kolkmeier CC., concur.

Pridgin, Deputy Chief Regulatory Law Judge

² *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App., W.D. 1989).

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 18th day of May, 2023.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

May 18, 2023

File/Case No. WO-2023-0193

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Nancy Dippell
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.