

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**
At a session of the Public Service
Commission held at its office in
Jefferson City on the 9th day of
December, 2009.

In the Matter of Missouri-American Water Company's)
Request for Authority to Implement a) **File No. WR-2010-0131**
General Rate Increase for Water Service) Tracking No. YW-2010-0310
Provided in Missouri Service Areas)

ORDER GRANTING INTERVENTIONS AND WAIVER

Issue Date: December 11, 2009

Effective Date: December 11, 2009

The Missouri Public Service Commission is granting each application to intervene (“application”), including one filed late, and is waiving of the requirement that an association list all its members.

The Commission set¹ the intervention date at November 30, 2009. Filing of the applications occurred as follows.

<i>Date Filed</i>	<i>Intervenor</i>
11/2/2009	UWUA Local 335
11/9/2009	AG Processing Inc
11/12/2009	City of Warrensburg ²
11/19/2009	St. Louis Area Fire Sprinkler
11/23/2009	City of Joplin, Missouri ³
11/24/2009	Missouri Energy Group
11/25/2009	Public Water Supply District No. 1 of Andrews County, Public Water Supply District No. 2 of Andrews County, Public Water Supply District No. 1 of DeKalb County
11/25/2009	Metropolitan St. Louis Sewer District
11/30/2009	City of Riverside
11/30/2009	City of St. Joseph
11/30/2009	Triumph Foods, LLC
12/1/2009	City of Jefferson

Any response to any application was due on December 4, 2009.

¹ By order dated November 18, 2009.

² All cities, counties and districts are in Missouri.

The Commission received no response to any application.

A. Late Filing

The City of Jefferson filed after the intervention date, but cites the Commission's regulation on intervention, which provides:

Applications to intervene filed after the intervention date may be granted upon a showing of good cause. [⁴]

"Good cause" in this context means reasonableness and good faith.⁵ Those elements appear in the City of Jefferson's allegations that the time for intervention included holidays, which impede counsel's communication with a government client, and that the press of other business prevented filing by the intervention date. The intervention date was earlier than usual⁶ and the City of Jefferson filed the very next day. No party or intervenor opposed the City of Jefferson's intervention. Therefore, the Commission finds good cause for the City of Jefferson's filing after the intervention date.

B. Intervention

The standard for intervention is as follows:

(4) The commission may on application permit any person to intervene on a showing that--

(A) The proposed intervenor has an interest which is different from that of the general public and which may be adversely affected by a final order arising from the case; or

(B) Granting the proposed intervention would serve the public interest. [⁷]

³ City of Joplin also filed an amended application on 11/30/09.

⁴ 4 CSR 240-2.075(5).

⁵ *American Family Ins. Co. v. Hilden*, 936 S.W.2d 207 (Mo. App. W.D. 1996).

⁶ 4 CSR 240-2.075(1).

⁷ 4 CSR 240-2.075(4).

The public interest includes “efficient facilities and substantial justice between patrons and public utilities [.]”⁸ Such considerations appear in each application’s allegations, so the Commission will grant each of the applications.

C. Waiver

UWUA Local 335 seeks a waiver of the following requirements:

All applications shall comply with the requirements of these rules and shall include the following information:

* * *

(J) If any applicant is an association, a list of all of its members; [⁹]

and:

An association filing an application to intervene shall list all of its members.[¹⁰]

Waiver of that provision is subject to the following standard:

A rule in this chapter may be waived by the commission for good cause. [¹¹]

In support of its request, UWUA states:

Though Local 335 is an “association,” it does not seem to be the type of association to which 4 CSR 240-2.060(1)(J) and 4 CSR 240-2.075(3) are directed. It does not appear to be the intent of those regulatory subsections for Local 335 to file a list of all its members [.]

That reading of the Commission’s regulations has no opposition from any party or intervenor, so the Commission will grant that request.

⁸ Section 386.610, RSMo 2000.

⁹ 4 CSR 240-2.060(1).

¹⁰ 4 CSR 240-2.075(3).

¹¹ 4 CSR 240-2.015(1).

THE COMMISSION ORDERS THAT:

1. The application for intervention filed by AG Processing, Inc. is granted.
2. The application for intervention filed by UWUA Local 335 is granted.
3. The application for intervention filed by City of Warrensburg, Missouri is granted.
4. The application for intervention filed by St. Louis Area Fire Sprinkler is granted.
5. The application for intervention filed by City of Joplin, Missouri is granted.
6. The application for intervention filed by Missouri Energy Group is granted.
7. The application for intervention filed by Public Water Supply District No. 1 of Andrews County, Public Water Supply District No. 2 of Andrews County; and Public Water Supply District No. 1 of DeKalb County is granted.
8. The application for intervention filed by Metropolitan St. Louis Sewer District is granted.
9. The application for intervention filed by City of Riverside, Missouri is granted.
10. The application for intervention filed by City of St. Joseph, Missouri is granted.
11. The application for intervention filed by Triumph Foods, LLC is granted.
12. The application for intervention filed by City of Jefferson, Missouri is granted.
13. The request of UWUA Local 335 to waive the requirements of 4 CSR 240-2.060(1)(J) and 4 CSR 240-2.075(3) is granted.

14. This order shall become effective immediately upon issuance.

(S E A L)

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'S. Reed', is positioned above the printed name of the Secretary.

Steven C. Reed
Secretary

Clayton, Chm., Davis, Gunn, Kenney, CC., concur;
and Jarrett, C., concurs with separate concurring opinion to follow.

Jordan, Regulatory Law Judge