

At a session of the Public Service Commission held at its office in Jefferson City on the 14th day of May, 2014.

File No. WC-2014-0260

On April 3, the Commission directed notice of the complaint to Missouri-American and to the Commission's General Counsel. The Commission established May 5, 2014 as the deadline to file an answer to the complaint. The Staff of the Commission

responded on April 29, by filing a motion asking the Commission to dismiss the complaint against the Commission.

As an administrative agency, the Commission has only those powers that are granted to it by statute. Section 386.390, RSMo 2000 authorizes the bringing of a complaint before the Commission against any “corporation, person, or public utility”. Such a complaint must set forth “any act or thing done or omitted to be done ... in violation, or claimed to be in violation, of any provision of law, or any rule or order or decision of the commission.” That is a very broad grant of authority to hear complaints, but that broad grant of authority must also be limited to hearing complaints against those persons and corporate entities that are subject to the Commission’s jurisdiction.

Chapter 393 of the Missouri statutes gives the Commission authority to regulate water corporations, such as Missouri-American. However, there is nothing in Missouri’s statutes that would give the Commission authority to consider a complaint against itself. Therefore, Houston Lake’s complaint against the Commission must be dismissed.

Missouri-American has also filed a motion asking the Commission to dismiss the complaint against it. The Commission will address that motion in a separate order.

THE COMMISSION ORDERS THAT:

1. The City of Houston Lake’s Complaint against the Missouri Public Service Commission is dismissed.

2. This order shall become effective on June 13, 2014.

BY THE COMMISSION



Morris L. Woodruff

Morris L. Woodruff
Secretary

R. Kenney, Chm., Stoll, W. Kenney, Hall,
and Rupp, CC., concur.

Woodruff, Chief Regulatory Law Judge