

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Petition of Missouri-American)	
Water Company for Approval to Change Its)	<u>Case No. WO-2007-0043</u>
Infrastructure System Replacement Surcharge)	Tariff No. YW-2007-0070
(ISRS))	

ORDER TO CORRECT PETITION

Issue Date: September 21, 2006

Effective Date: September 21, 2006

On August 3, 2006, Missouri-American Water Company ("MAWC") filed a petition with the Missouri Public Service Commission pursuant to sections 393.1000, 393.1003 and 393.1006, RSMo Cum. Supp. 2005; and 4 CSR 240-2.060(1) and 4 CSR 240-3.650, requesting adjustment to its rates and charges through a change to its Infrastructure System Replacement Surcharge ("ISRS") rate schedule. It has come to the attention of the Commission that the attorney signing the petition, Mary S. Sullivan, did not provide the commission with a Missouri Bar number. A computer search of the Missouri Bar web cite to verify Ms. Sullivan's status as a licensed Missouri attorney in good standing produced no results. Ms. Sullivan does, however, represent herself to be the Corporate Counsel and Assistant Secretary of MAWC.

It is possible that Ms. Sullivan was recently admitted to the Missouri Bar and that the licensure records have not yet reflected her admission. However, if Ms. Sullivan is not licensed in Missouri, MAWC must bring its petition into compliance with Commission rules governing practice before the Commission. Commission Rule 4 CSR 240-2.040(3)(C),

addressing attorneys who not members of the Missouri Bar who wish to practice before the Commission, states:

(3) Attorneys who wish to practice before the commission shall fully comply with its rules and also comply with one (1) of the following criteria:

(C) Any attorney who is not a member of the Missouri Bar, but who is a member in good standing of the bar of any court of record may petition the commission for leave to be permitted to appear and participate in a particular case under all of the following conditions:

1. The visiting attorney shall file in a separate pleading a statement identifying each court of which that attorney is a member and certifying that neither the visiting attorney nor any member of the attorney's firm is disqualified to appear in any of these courts;

2. The statement shall designate some member in good standing of the Missouri Bar having an office within Missouri as associate counsel; and

3. The designated Missouri attorney shall simultaneously enter an appearance as an attorney of record.

MAWC shall provide proof of Ms. Sullivan's good standing with the Missouri Bar, or else bring its petition into compliance with 4 CSR 240-2.040(3)(C). MAWC's petition, in its current status, is deficient and failure to correct it in the time designated in this order may result its rejection. Additionally, if Ms. Sullivan is not a licensed Missouri attorney and she wishes to appear before the Commission in any proceeding, she will need to be admitted *pro hac vice* and demonstrate compliance with the Commission's rules and Missouri Supreme Court Rules 6.01(m) and 9.03.

IT IS ORDERED THAT:

1. No later than September 29, 2006, Missouri-American Water Company shall provide proof of Mary S. Sullivan's good standing as a member of the Missouri Bar, or, in

the alternative, bring its petition into compliance with Commission Rule 4 CSR 240-2.040(3)(C).

2. This order shall become effective on September 21, 2006.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Harold Stearley, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 21st day of September, 2006.