

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Annual Report of Osage Water)
Company for the Calendar Year Ending December 31,) Case No. WE-2002-240
1999.)

CORRECTION ORDER: NUNC PRO TUNC

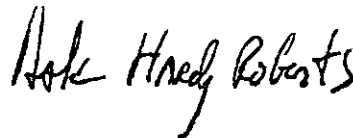
On April 18, 2002, the Commission issued an Order Granting Leave to File Delinquent Annual Report. Due to an administrative error, the dissenting opinion of Commissioner Murray was not attached. In order to correct this error, a copy of the dissenting opinion is attached to this notice and shall also be attached to the April 18, 2002, order in the official case file.

IT IS THEREFORE ORDERED:

1. That Commissioner Murray's dissenting opinion shall be attached to the Order Granting Leave to File Delinquent Annual Report, issued April 18, 2002.
2. That a copy of the dissenting opinion shall also be attached to this order.
3. That this order shall be effective on May 1, 2002.

BY THE COMMISSION

(SEAL)



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

Vicky Ruth, Senior Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 1st day of May, 2002.

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BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Annual Report of Osage)
Water Company for the Calendar Year Ending) **Case No. WE-2002-240**
December 31, 1999.)

DISSENTING OPINION OF COMMISSIONER CONNIE MURRAY

It is inappropriate to accept for filing the delinquent Annual Report containing the deficiencies and discrepancies noted by Staff.

In accordance with Section 393.140 RSMo, "it shall be the duty of every person and corporation to file with the commission an annual report When any such report is defective or believed to be erroneous, the commission shall notify the person or corporation making such report to amend the same within a time prescribed by the commission. Any such person or corporation which shall neglect to make any such report or which shall fail to correct any such report within the time prescribed by the commission shall be liable to a penalty of one hundred dollars and an additional penalty of one hundred dollars for each day after the prescribed time for which it shall neglect to file or correct the same, to be sued for in the name of the State of Missouri. The amount recovered in any such action shall be paid to the public school fund of the state."

It is important to note that the Annual Report at issue here was due on or before April 15, 2000, in accordance with 4 CSR 240-10.080. Therefore, the company could have been subjected to the statutory penalty from that date for

the delinquent 1999 report, as well as to penalties for other delinquent and deficient reports.

One year and seven months after the 1999 report was due, the company filed its Motion for Leave to File Delinquent Annual Report for the year ending December 31, 1999. Staff notified the company of significant material discrepancies which fall into four major categories. Counsel for the company stated that no additional information would be forthcoming.

The Commission should not countenance such disregard for its rules and particularly should not permit a utility under its jurisdiction to continue to ignore its statutory obligations. The time for enforcement is long overdue.

Respectfully submitted,


Connie Murray, Commissioner

Dated at Jefferson City, Missouri,
on this 18th day of April, 2002.