

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 4th day of August, 2010.

In the Matter of)	<u>File No. WR-2010-0131</u> ¹
Missouri-American Water Company's)	Tracking Nos. YS-2010-0716,
Request for Authority to Implement a)	JS-2010-0718, YS-2010-0720,
General Rate Increase for)	YW-2010-0721, YW-2010-0722,
Water Service and Sewer Service)	YW-2010-0723, YW-2010-0724,
Provided in Missouri Service Areas)	YW-2010-0725, YW-2010-0726

ORDER APPROVING TRIUMPH ADDENDUM NO. 2

Issue Date: August 4, 2010

Effective Date: August 14, 2010

The Missouri Public Service Commission is granting the *Motion for Approval of Triumph Addendum No. 2* (“the motion”)² because *Addendum No. 2* complies with the Commission’s *Report and Order*.

A. Background

The motion is part of the action that Missouri American Water Company (“MAWC”) commenced by filing tariffs³ seeking changes in the terms of, and an increase in rates for, water service. The Commission suspended such tariffs,⁴ which instituted a contested case.⁵ In that contested case, Triumph Foods, LLC, (“Triumph”) filed a motion to intervene,⁶ which the Commission granted.⁷ The parties resolved all issues in their *Stipulation and*

¹ Consolidated with File No. SR-2010-0135. *Transcript Volume 1*, page 13 line 20, to page 14 line 3.

² The parties designated *Addendum 2* as highly confidential.

³ On October 30 and November 22, 2009.

⁴ By order issued on November 18, 2009, and by order issued on November 23, 2009.

⁵ Section 393.150, RSMo 2000.

⁶ On November 30, 2009.

⁷ Order issued on December 11, 2009.

Agreement (“settlement”),⁸ which the Commission incorporated into its *Report and Order*.⁹ The *Report and Order* rejected the tariffs and ordered the filing of new tariffs in conformity with the settlement’s terms. MAWC filed new tariffs¹⁰ in compliance with the *Report and Order* and the Commission issued an order approving the compliance tariffs.¹¹

B. The Motion

On June 30, 2010, Missouri American Water Company (“MAWC”) filed the motion. The motion asks the Commission to approve the attached *Addendum No. 2*. *Addendum No. 2* relates to Triumph’s commodity charge, constitutes a form of agreement or contract between Triumph and MAWC, and is subject to the Commission’s approval in accordance with the *Report and Order*¹² and the statutes.¹³

The statutes allow, but do not require, a hearing on *Addendum No. 2*.¹⁴ On July 15, 2010, the Office of Public Counsel (“OPC”) filed a response to the motion, stating that *Addendum No. 2* complies with the *Report and Order* and asking the Commission to grant the motion. On July 30, 2010, Staff filed its recommendation, stating that *Addendum No. 2* complies with the *Report and Order* and recommending that the Commission grant the motion. No other party filed a response to the motion. No party has asked for a hearing.

Based on the content of this file, the Commission independently finds and concludes that *Addendum No. 2* complies with the *Report and Order*, so the Commission will grant the motion and approve *Addendum No. 2*.

⁸ Filed on May 24, 2010.

⁹ Issued on June 16, 2010.

¹⁰ On June 18 and 21, 2010.

¹¹ On June 22, 2010.

¹² Settlement, paragraph 15 and *Appendix D* (highly confidential).

¹³ Section 393.150.1, RSMo 2000.

¹⁴ *Id.*

THE COMMISSION ORDERS THAT:

1. The *Motion for Approval of Triumph Addendum No. 2* (“motion”) is granted.
2. This order shall become effective on August 14, 2010.
3. The Commission’s Data Center shall close this file on August 15, 2010.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Clayton, Chm., Davis, Jarrett, Gunn,
and Kenney, CC., concur.

Jordan, Regulatory Law Judge