

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of Utility Workers Union of America,	)	
Local 335,	)	
	)	
and	)	<b>Case No. WC-2011-0291</b>
	)	
Missouri-American Water Company	)	

**CONCURRING OPINION OF COMMISSIONER TERRY M. JARRETT  
IN THE ORDER REGARDING REQUEST FOR DISCLOSURE PURSUANT TO  
COMMISSION RULE 4 CSR 240-3.640(5)**

I concur in the result in this particular case on the facts set out by the Utility Worker's Union of America, Local 335 ("Local 355"). I disagree with the reasoning advanced by Local 335 and Staff Counsel as to what constitutes the public interest in this matter.

Local 355's argument is that the highly regulated nature of the water industry creates a "right" for the public to know the salaries of MAWC's officers, and that this right is essentially synonymous with the public interest. Also, Staff Counsel states that "...MAWC is a monopoly provider of a necessity of life to its ratepayers, and therefore **the public has a right to access** such information as may be necessary to understand exactly what is included in the "just and reasonable" rates for this service."

If Local 335's and Staff's purported standards were followed by this Commission, then no evidence in any proceedings could ever be highly confidential or proprietary. This is in direct conflict with state law and Commission Rules.<sup>1</sup> This Commission frequently considers highly confidential and proprietary information in proceedings, and frequently goes in camera to hear such evidence. To say that the public has a right to know everything that goes into the

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<sup>1</sup> See Section 386.480 RSMo (2000); see also 4 C.S.R. 240-2.010(9) and (17); see also 4 C.S.R. 240-2.010 - 2.090 *passim*.

ratemaking decision flies in the face of state law, Commission rules, and long-standing Commission practice.

That said, under the facts of this case I do not see a problem releasing the salaries of MAWC's officers previously designated nonpublic in MAWC's annual report. Therefore, I concur in the result.

Sincerely,

A handwritten signature in black ink, reading "Terry M. Jarrett". The signature is written in a cursive, flowing style. The first name "Terry" is written with a large, stylized "T". The middle initial "M." is written in a smaller, more compact cursive. The last name "Jarrett" is written with a large, stylized "J" and a long, sweeping tail that extends to the right.

Terry M. Jarrett, Commissioner

Issued this 26th day of April, 2011.