

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

In the Matter of Missouri-American Water )	
Company's Request for Authority to Implement )	Case No. WR-2010-0131
A General Rate Increase for Water and Sewer )	SR-2010-0135
Service Provided in Missouri Service Areas. )	

**MOTION FOR APPROVAL OF TRIUMPH ADDENDUM NO. 2**

COMES NOW Missouri-American Water Company (MAWC or Company), and, as its Motion for Approval of Triumph Addendum No. 2, states as follows to the Missouri Public Service Commission (Commission):

**BACKGROUND**

1. Triumph Foods, LLC, formerly known as Premium Pork, LLC ("Triumph"), and the Company, pursuant to the terms of Company's Economic Development Rider tariff, entered into a Contract for the Retail Sale and Delivery of Potable Water dated September 2, 2003. Triumph and the Company further entered into an Addendum to the Contract on October 8, 2003.

2. The Contract and Addendum were approved by the Commission in its Case No. WT-2004-0192.

3. On May 24, 2010, Triumph, the Company and other parties to Case No. WR-2010-0131 filed a comprehensive Stipulation and Agreement ("Stipulation and Agreement").

4. No party filed an objection to the Stipulation and Agreement. Accordingly, the Commission treated the Stipulation and Agreement as unanimous and approved it through a Report and Order, issued June 16, 2010, effective June 18, 2010.

5. Highly Confidential Appendix D to the Stipulation & Agreement provides that Triumph's commodity charge under its Contract with MAWC will be set forth in accordance with its terms, and that Triumph and the Company agree to execute an agreement incorporating the terms found in Highly Confidential Appendix D to be effective July 1, 2010, and to be presented to the Commission for its approval.

6. Triumph and MAWC have now negotiated an addendum to incorporate the terms of the Stipulation and Agreement. Attached hereto as **Appendix 1** is Addendum No. 2. Appendix 1 has been identified as Highly Confidential in accordance with the terms of Commission Rule 4 CSR 240-2.135.

### **MOTION**

7. MAWC makes this Motion by authority of §393.150, RSMo 2000. Section §393.150 states in pertinent part:

**393.150. Commission may fix rates after hearing—stay increase—burden of proof --**

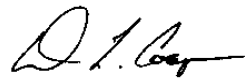
1. Whenever there shall be filed with the commission by any . . . water corporation . . . any new form of contract or agreement . . . relating to . . . any privilege . . . the commission shall have, and it is hereby given, authority, to enter upon a hearing concerning the propriety of such . . . form of contract or agreement . . .; and after full hearing; whether completed before or after the . . . form of contract or agreement . . . goes into effect, the commission may make such order in reference to such . . . form of contract or agreement . . . or practice as would be proper in a proceeding . . .

Case law indicates that the Commission may act upon such an application without a hearing under the file and suspend provisions of §393.150, if and when it so determines.

8. The commodity charge contained in the Appendix D to the Stipulation and Agreement and, now, agreed to in Addendum No. 2, represents a just and reasonable rate for Triumph and furthers the goals of MAWC's Economic Development Rider tariff.

WHEREFORE, MAWC respectfully requests that the Commission issue its order authorizing MAWC to perform in accordance with Addendum No. 2 and granting such further relief as is consistent with this application.

Respectfully submitted,



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ATTORNEYS FOR MISSOURI-AMERICAN  
WATER COMPANY

## CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been sent by electronic mail this 30<sup>th</sup> day of June, 2010, to:

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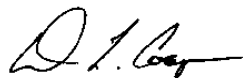
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