

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held by telephone and internet audio conference on the 18th day of November, 2020.

Vearline Nelson,)	
)	
Complainant,)	
)	
v.)	<u>File No. WC-2021-0139</u>
)	
City of St. Louis Water Department,)	
)	
Respondent)	

ORDER DISMISSING COMPLAINT

Issue Date: November 18, 2020

Effective Date: December 18, 2020

On November 10, 2020, Vearline Nelson filed a complaint with the Missouri Public Service Commission against the City of St. Louis Water Division, which is a part of the Department of Public Utilities for the City of St. Louis, Missouri. Ms. Nelson’s complaint states that she lives in St. Louis, Missouri. On its own motion, the Commission will address its jurisdiction to act in this matter.

“[T]he Public Service Commission is a body of limited jurisdiction and has only such powers as are expressly conferred upon it by the statutes and powers reasonably incidental thereto.”¹ As the Commission is an administrative agency with limited jurisdiction, “the lawfulness of its actions depends directly on whether it has statutory power and authority to act.”² Section 386.250(3), RSMo, provides that the Commission’s

¹ *State ex rel. Kansas City Power & Light Co. v. Buzard*, 168 S.W.2d 1044, 1046 (Mo. 1943); *State ex rel. City of West Plains v. Pub. Serv. Comm’n*, 310 S.W.2d 925, 928 (Mo. banc 1958).

² *State ex rel. Gulf Transp. Co. v. Pub. Serv. Comm’n*, 658 S.W.2d 448, 452 (Mo. App. 1983).

jurisdiction extends to water corporations, “except that nothing contained in this section shall be construed as conferring jurisdiction upon the commission over the service or rates of any municipally owned water plant or system in any city of this state except where such service or rates are for water to be furnished or used beyond the corporate limits of such municipality.”³ Since Ms. Nelson is a resident of St. Louis and her complaint concerns services provided by that city’s water system, the Commission concludes that it lacks the statutory authority to consider the complaint. Therefore, the Commission will dismiss the complaint.

THE COMMISSION ORDERS THAT:

1. The complaint filed by Vearline Nelson on November 10, 2020, is dismissed.
2. This order shall become effective on December 18, 2020.
3. This matter shall be closed on December 19, 2020.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Silvey, Chm., Kenney, Rupp, Coleman, and
Holsman CC., concur.

Clark, Senior Regulatory Law Judge

³ See also, *Forest City v. City of Oregon*, 569 S.W.2d 330, 332-333 (Mo. Ct. App. 1978); *City of Columbia v. State Pub. Serv. Comm'n*, 329 Mo. 38, 43 S.W.2d 813 (1931).

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 18th day of November, 2020.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

November 18, 2020

File/Case No. WC-2021-0139

**Missouri Public Service
Commission**

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Commission**

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Vearline Nelson

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.