

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held by telephone
and internet audio conference on
the 24th day of February, 2021.

DDMS Properties,)	
)	
Complainant,)	
)	
v.)	<u>File No. AC-2021-0037</u>
)	
Metropolitan St. Louis Sewer District,)	
)	
Respondent.)	

ORDER DISMISSING COMPLAINT

Issue Date: February 24, 2021

Effective Date: March 26, 2021

On August 14, 2020, DDMS Properties filed a complaint against the Metropolitan St. Louis Sewer District (MSD) with the Missouri Public Service Commission (Commission). On August 19, 2020, the Commission issued a notice of deficiency in which it allowed time for DDMS Properties to state a claim upon which relief could be granted in light of the Commission's statement that it did not have authority to hear complaints against MSD.¹ No response was received. Now, 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."² As the Commission is an administrative agency with limited

¹ A deficiency regarding lack of legal representation involving a corporation was also noted, but will not be addressed here in light of the Commission's dismissal on other grounds.

² *State ex rel. Kansas City Power & Light Co. v. Buzard*, 168 S.W.2d 1044, 1046 (Mo. 1943) (internal citations omitted).

jurisdiction, “the lawfulness of its actions depends directly on whether it has statutory power and authority to act.”³

MSD was organized under Article VI, Section 30(a) of the Missouri Constitution as a metropolitan sewer district; is a political subdivision of the state of Missouri; is subject to Chapter 249 of the Missouri statutes (Sewer Districts in Certain Counties) and Chapter 250 (Sewerage Systems and Waterworks – City or District); and is not a “sewer corporation” as that term is defined in the Public Service Commission Act, Section 386.020, RSMo (Supp. 2020).

The Commission is created by statute and has only the powers granted to it by the legislature.⁴ Those powers do not include authority to hear complaints against MSD. Because the Commission has not been granted statutory authority to hear complaints against MSD, DDMS Properties’ complaint fails to state a claim upon which relief can be granted. Therefore, the Commission will dismiss the complaint.

THE COMMISSION ORDERS THAT:

1. The complaint filed by DDMS Properties against MSD on August 14, 2020, is dismissed.
2. This order shall become effective on March 26, 2021.
3. This matter shall be closed on March 27, 2021.

³ *State ex rel. Gulf Transp. Co. v. Pub. Serv. Comm'n*, 658 S.W.2d 448, 452 (Mo. App. 1983) (internal citations omitted).

⁴ *State ex rel. United Rys Co. of St. Louis v. Public Service Commission of Missouri*, 270 Mo. 429 (1917); *City of Columbia v. State Public Service Commission*, 43 S.W. 2d 813 (1931).



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive style.

Morris L. Woodruff
Secretary

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

Hatcher, Regulatory Law Judge

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 24th day of February, 2021.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

February 24, 2021

File/Case No. AC-2021-0037

**Missouri Public Service
Commission**

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**Missouri Public Service
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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.