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Case No. WE-2000-804

Commission rule 4 CSR 240-2.080(3) states, in part: "Each pleading shall include a...specific reference to the statutory provision or other authority under which relief is requested." Spokane's motion did not comply with Commission rule 4 CSR 240-2.080(3) in that it did not include

a specific reference to the statutory provision or other authority under which relief was requested. On June 9, 2000, Spokane was ordered to file a supplemental pleading curing this deficiency.

In case number WO-2000-382, on December 23, 1999, Spokane filed a motion to accept its late-filed annual report. Attached to the motion was its annual report for the year 1998. Spokane stated in its motion that the "...reports (*sic*) were prepared and inadvertently not filed." Spokane was granted a waiver of the annual report deadline requirement of Commission rule 4 CSR 40-10.080 in an order issued on January 13, 2000. In that order, the Commission cautioned Spokane that its motion did not contain a particularly good explanation of what Spokane believed excused the late filing of its annual report. However, the Commission in that order accepted the report and allowed it to be filed late. Spokane was admonished by the Commission that, in the future, it should strive to meet known and required deadlines.

Spokane obviously learned nothing from its earlier experience. Spokane gave the same excuse in this case as it did in its previous case, even though the Commission in the previous case admonished Spokane to be more vigilant in the future. The reason offered for Spokane's late filing in this case was not accepted.

Commission Rule 4 CSR 240-10.080(8) states, in part: "A utility which is unable to meet the filing date...shall make a written request to extend the filing date for its annual report...and state the reason for the extension request." Spokane's motion did not comply with Commission rule 4 CSR 240-10.080(8) in that it did not include a reason

for the extension request. On June 9, 2000, Spokane was ordered to file a supplemental pleading correcting this deficiency also.

On June 22, 2000, Spokane filed its supplement to the motion to extend the filing date and accept the late-filed report; this supplement cured the two defects listed above.

First, Spokane stated that it moved the Commission to extend the filing date for its 1999 annual report pursuant to Commission rule 4 CSR 240-101.080(8). There is no such rule number. The Commission assumes that this is merely a scrivener's error and that the rule Spokane meant to cite is Commission rule 4 CSR 240-10.080(8).

Second, Spokane stated that the request for extension was required because it failed to note the April 15, 2000, filing date on its calendar and, although the information was compiled and the report completed, Spokane simply failed to file it in a timely manner. Spokane acknowledged the Commission's admonishment to be more vigilant in future filings.

Upon review of Spokane's pleadings and the official case file, the Commission finds that there is good cause shown to accept the late-filed annual report for 1999 and that an order accepting Spokane's filing of its annual report out of time should be granted.

However, for the second year in a row, Spokane is admonished by the Commission that, in the future, it should strive to meet known and required deadlines.

**IT IS THEREFORE ORDERED:**

1. That the motion filed on June 7, 2000, by Spokane Highlands Water Company to for an extension of time to file its 1999 annual report shall be granted.
2. That the late-filed annual report filed on June 7, 2000, by Spokane Highlands Water Company shall be accepted.
3. That this order shall become effective on July 17, 2000.
4. That this case may be closed on July 18, 2000.

**BY THE COMMISSION**



**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

(S E A L)

Bill Hopkins, Senior Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,  
on this 7th day of July, 2000.