

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Extension of Time
for U.S. Water Company to File the
2006 Annual Report

)
) **Case No. WE-2007-0412**
)

ORDER GRANTING REQUEST TO LATE-FILE APPLICATION FOR
EXTENSION OF TIME TO FILE ANNUAL REPORT

Issue Date: May 3, 2007

Effective Date: May 3, 2007

On April 20, 2007,¹ U.S. Water Company (“USW”), by and through its attorney, filed a very brief pleading requesting that the Missouri Public Service Commission extend the time within which it may file its 2006 annual report respecting its regulated water operations to June 15. On April 24, the Commission issued a Notice of Deficiency, which identified the pleading’s most significant omissions and procedural deficiencies and stated that they had to be corrected before the Commission would take any further action on or give any further consideration to USW’s request. In response to the Notice of Deficiency, USW filed a revised “Request for Extension of Time” on April 30, which remedied the vast majority of the problems with USW’s original pleading.

¹ All dates specified in this order refer to the year 2007.

As this latest pleading also addresses the fact that USW's request for an extension of time was late-filed,² the Commission will consider that part of the application as a request for leave to file the extension request out of time. In this regard, counsel for USW explains that because April 15 fell on a Sunday, he prepared and mailed the application to the Commission on the first business day thereafter (April 16), even though the Commission did not actually receive it until April 20.

Because counsel's explanation for the inadvertent five-day delay is reasonable and he mailed the pleading during a time when, due to the IRS filing deadline of April 17 this year, postal volume was undoubtedly unusually high, the Commission will grant USW's request to accept its late-filed application for an extension of time to file its 2006 annual report.

IT IS ORDERED THAT:

1. U.S. Water Company's request for leave to late-file its application for an extension of the time within which it may file its 2006 annual report is granted.

² As the Commission observed in the Notice of Deficiency, Commission Rule 4 CSR 240-3.640(1) requires all water utilities to "submit an annual report to the commission on or before April 15 of each year." However, Section 393.140(6), RSMo 2000, authorizes the Commission to "extend the time prescribed for cause shown." RWC's request for an extension was filed after the deadline established in Commission Rule 4 CSR 240-3.640(7)(A), which requires all water utilities seeking extensions of greater than thirty days to file appropriate pleadings "with the commission prior to April 15."

2. This order shall become effective on May 3, 2007.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Benjamin H. Lane, Regulatory Law
Judge, by delegation of authority
under Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 3rd day of May, 2007.