

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

Staff of the )  
Missouri Public Service Commission, )  
 )  
Complainant, )  
 )  
v. )  
 )  
Noel Water Company, Inc., )  
and )  
Dan M. Harmon, )  
 )  
Respondents. )

**File No. WC-2011-0144**

**ORDER APPOINTING MEDIATOR AND DIRECTING FILING**

Issue Date: January 6, 2011

Effective Date: January 6, 2011

The Commission is appointing a mediator, to explore the possibilities for settlement with the parties, and ordering the parties to file proposed dates for a mediation session.

A request for mediation accompanied:

- The first answer, which Noel Water Company, Inc., (“the company”) filed on December 22, 2010, in response to the first notice of contested case; and
- The second answer, which the company and Dan Harmon filed on December 29, 2010, in response to the second notice of contested case.

On December 29, 2010, Staff filed a response to that request, stating that it has no objection to mediation.

Mediation is the subject of Commission regulation 4 CSR 240-2.125, which includes the following provision.

(2) Mediation.

\* \* \*

(B) [M]ediation services may be provided by a presiding officer . . . for the purpose of identifying the issues and attempting a resolution.

\* \* \*

(3) The . . . mediator, if that mediator is also a presiding officer, shall be disqualified from conducting an evidentiary hearing relating to that particular case and shall not make any communication regarding the settlement or mediation discussions in the case to any commissioner or the presiding officer appointed to preside over the case.

Because the Commission is appointing the regulatory law judge as mediator, the Commission will re-assign this file to another regulatory law judge if the action goes to hearing.

**THE COMMISSION ORDERS THAT:**

1. The Commission appoints Daniel Jordan, Senior Regulatory Law Judge, as mediator.
2. No later than January 20, 2010, the parties shall file proposed dates for a mediation session.
3. This order is effective when issued.

( S E A L )

**BY THE COMMISSION**



Steven C. Reed  
Secretary

Daniel Jordan, Senior Regulatory Law Judge,  
by delegation of authority pursuant  
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this January 6, 2011.