

On January 24, 2014, the deadline for filing a disposition agreement with the Commission, Staff instead filed its *Request for Waiver and Amended Rate Case Timelines*. Staff seeks to extend the deadline for the filing of a disposition agreement to April 1, 2014, and to extend the regulatory mandated deadlines for both presenting a full resolution of the

small utility rate case to the Commission¹ and the deadline for the Commission to issue an order.²

Staff is requesting a waiver of Commission Rule 4 CSR 240-3.050 (11) and (24) and the adoption of an amended rate case timeline. In its request, Staff does not cite to a regulation which allows such a waiver and extension, and indeed, no such provision exists.

The Commission's rules have the full force and effect of law and are binding on the Commission.³ However, "the failure of an agency to comply with its own rules may invalidate its actions only when prejudice results."⁴ Company is in the process of obtaining financing to complete necessary system improvements. To maintain the timeline required by the Commission's regulations may impede Company's ability to receive full consideration for needed capital improvements. Furthermore, dismissal of the rate case or requiring Company to withdraw and re-submit its request may cause an undue financial hardship to the Company. Staff indicates that Company supports this request and that the Office of Public Counsel does not oppose it. Finding that no prejudice will result, the Commission will on this rare occasion grant the extension request.

THE COMMISSION ORDERS THAT:

1. The filing dates regarding Roy L-Utilities, Inc.'s request for a rate increase in File Nos. WR-2013-0543 and SR-2013-0544 are extended as outlined in Appendix A to Staff's *Request for Waiver and Amended Rate Case Timelines*.

¹ See 4 CSR 240-3.050(24) which requires submission of proposed resolution to the Commission no later than nine (9) months after the case is opened and a decision by the Commission no later than eleven (11) months after the case was opened.

² Staff's proposed deadlines will result in the deadline to submit a resolution to the Commission to June 2, 2014 and the deadline for a Commission order to August 2, 2014.

³ The rules of a state agency duly promulgated pursuant to properly delegated authority have the force and effect of law and are binding upon the agency adopting them. *State ex rel. Martin-Erb v. Missouri Com'n on Human Rights*, 77 S.W.3d 600, 607 (Mo. banc 2002).

⁴ *Missouri Nat. Educ. Ass'n v. Mo. State Bd. Of Mediation*, 695 S.W.2d 894, 897 (Mo. 1985).

2. This order shall become effective upon issuance.



BY THE COMMISSION

Morris L. Woodruff

Morris L. Woodruff
Secretary

Kim S. Burton, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 24th day of January, 2014.