

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

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| In the Matter of Missouri-American Water |) | |
| Company's Request for Authority to Implement |) | <u>Case No. WR-2008-0311</u> |
| a General Rate Increase for Water and Sewer |) | |
| Service Provided in Missouri Service Areas |) | |

ORDER DENYING MOTION FOR RECONSIDERATION

Issue Date October 24, 2008

Effective Date: October 24, 2008

On October 20, 2008, the Missouri Public Service Commission issued an order setting the true-up period and procedural schedule. On October 21, City of Joplin filed an application for rehearing under Section 386.500 RSMo.

It is clear from the language¹ of Section 386.500 that the procedural purpose of filing an application for rehearing is to preserve the right to appeal. The order issued by the Commission is not a final order for purposes of circuit court review.² Because 386.500 contemplates final orders ripe for judicial review, it is not applicable to the interlocutory order issued by the Commission.

Because this is not a final order disposing of this matter, but rather an interlocutory order, the Commission will treat Joplin's application for rehearing as a motion for reconsideration under Commission rule 4 CSR 240-2.160. Under this rule, a movant is required to set forth grounds for why the order is unlawful, unjust or unreasonable. Joplin

¹ See Section 386.500.2 (RSMo 2000).

² *State ex rel. AG Riverside Pipeline Co., L.P. v. Public Service Commission*, 26 S.W.3d 396, 400 (Mo. App. 2000)

has not shown the Commission's order to be unreasonable, unjust or unlawful. The Commission will therefore deny the motion for reconsideration.

THE COMMISSION ORDERS THAT:

1. The motion for reconsideration is denied.
2. This order shall become effective upon issuance.

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)

Kennard L. Jones, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 24th day of October, 2008.