

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of)
JERRY WEST and SHARON WEST)
to Change the Electrical Supplier)
for Part of their Property.)

File No. EO-2009-0272

Order Allowing Late Filing

Issue Date: April 9, 2009

Effective Date: April 9, 2009

The Missouri Public Service Commission is granting the motion of Cuivre River Electric Cooperative ("Cuivre River") to file out of time ("the motion") a response to a Commission order.

The Commission's March 24, 2009, order ("the order") sought conflict dates, and information on the continuation of electricity to the applicants, with responses due no later than April 8, 2009. On April 9, 2009, Cuivre River filed the motion. The motion includes a response to the order ("the response").

The Commission's regulations allow an extension of filing time:

When an act is required or allowed to be done by order or rule of the commission at or within a specified time, the commission, at its discretion, may—

* * *

(B) After the expiration of the specified period, permit the act to be done where the failure to act was the result of excusable neglect.^[1]

¹ 4 CSR 240-2.050(3).

Excusable neglect means conduct that is “neither reckless nor intentionally dilatory in failing to file”² on time. Its failure to timely file, Cuivre River argues, was because its personnel with the information needed for a timely response were traveling out of state and hence unavailable. Such circumstances constitute excusable neglect. Therefore, the Commission will grant the motion and allow the late filing of the response.

THE COMMISSION ORDERS THAT:

1. “Cuivre River Electric Cooperative Inc.’s Motion to File Response after Expiration of Deadline” is granted.
2. The “Response of Cuivre River Electric Cooperative Inc. to Order Soliciting Conflict Dates and Information on Electrical Supply” is filed on April 9, 2009.
3. This order shall become effective immediately upon issuance.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

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

Dated at Jefferson City, Missouri,
on this 9th day of April, 2009.

² *Barsto Const., Inc. v. Gladstone Senior Partners, L.P.*, 270 S.W.3d 440, 443 (Mo. App. W.D., 2008).