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Staff of Missouri Public Service Commission v. Consolidated Public Water Supply District C-1 of Jefferson County, Missouri

Missouri Court of Appeals, Western District - November 17, 2015 - S.W.3d - 2015 WL 7253149

The Public Service Commission issued a report and order concluding that the Consolidated Public Water Supply District C-1 of Jefferson County, Missouri (CPWSD) and the City of Pevely violated section 247.1721 by failing to submit to the Commission for approval a written contract addressing the provision of water services. The Commission ordered CPWSD and Pevely to submit a territorial agreement to the Commission for approval.

CPWSD appealed, arguing that section 247.172 did not apply to its agreement with Pevely, and that in any event, the Commission lacked jurisdiction and statutory authority to determine whether the agreement violated section 247.172 and to order CPWSD and Pevely to submit a territorial agreement for Commission approval.

The Court of Appeals held that:

- The Commission had no statutory authority to determine whether an agreement between a public water supply district and a municipally owned utility is unlawful; and
- The Commission had no authority to order a public water supply district and a municipally owned utility to submit an agreement regarding the provision of water services to the Commission for approval.