MISSOURI COURT OF APPEALS
WESTERN DISTRICT

**IN THE MATTER OF THE PETITION
OF MISSOURI-AMERICAN WATER COMPANY
FOR APPROVAL TO CHANGE AN
INFRASTRUCTURE SYSTEM
REPLACEMENT SURCHARGE**

APPELLANT,

v.

MISSOURI PUBLIC SERVICE COMMISSION

RESPONDENT.

DOCKET NUMBER WD83067

DATE: April 21, 2020

Appeal From:

Public Service Commission

Appellate Judges:

Division One: Lisa White Hardwick, Presiding Judge, Cynthia L. Martin, Judge and Thomas N. Chapman, Judge

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Attorneys:

William R. England II, Jefferson City, MO, for appellant.

Shelley E. Brueggemann, Jefferson City, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

IN THE MATTER OF THE PETITION OF MISSOURI-AMERICAN WATER COMPANY FOR APPROVAL TO CHANGE AN INFRASTRUCTURE SYSTEM REPLACEMENT SURCHARGE, APPELLANT,
v.
MISSOURI PUBLIC SERVICE COMMISSION, RESPONDENT.

WD83067 Public Service Commission

Before Division One Judges: Lisa White Hardwick, Presiding Judge, Cynthia L. Martin, Judge, and Thomas N. Chapman, Judge

Missouri-American Water Company appeals from the Public Service Commission's report and order approving Missouri American's petition to change the company's infrastructure system replacement surcharge to recover costs the company incurred in connection with infrastructure system replacements and relocations made from October 1, 2018, to March 31, 2019. Missouri-American asserts two points on appeal, both related to the Commission's exclusion of estimated net operating loss from calculation of the ISRS.

AFFIRMED.

Division One holds:

We previously considered and rejected the arguments Missouri-American raises in this appeal as to the exclusion of estimated net operating loss from calculation of the ISRS in *Missouri-American Water Co. v. Public Service Commission* (*Missouri-American I*), 591 S.W.3d 465 (Mo. App. W.D. 2019). Nothing has changed since our decision in *Missouri-American I* to warrant a different conclusion in this case involving a different ISRS period.

Opinion by: Cynthia L. Martin, Judge April 21, 2020

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