

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI, ex rel. PUBLIC COUNSEL,

Appellant,

v.

PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI,

Respondent.

DOCKET NUMBER WD71660

Date: October 26, 2010

Appeal from:
Cole County Circuit Court
The Honorable John E. Beetem, Judge

Appellate Judges:
Division One: Karen King Mitchell, Presiding Judge, Lisa White Hardwick, Chief
Judge and Cynthia Martin, Judge.

Attorneys:
Christina L. Baker, Esq. and Lewis R. Mills, Jr., Esq., Jefferson City, MO, for
appellant.
Steven C. Reed, Esq., Jefferson City, MO, for respondent.

**MISSOURI APPELLATE COURT OPINION SUMMARY
COURT OF APPEALS -- WESTERN DISTRICT**

STATE OF MISSOURI, ex rel. PUBLIC COUNSEL

Appellant,

v.

PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI,

Respondent.

WD71660

Cole County

Before Division One Judges: Karen King Mitchell, Presiding Judge,
Lisa White Hardwick, Chief Judge, and Cynthia Martin, Judge.

Public Counsel appeals an order by the Missouri Public Service Commission approving the transfer of sewer utility assets and an interim tariff increase for Stoddard County Sewer Company, Inc.

DISMISSED.

Division One holds: The Commission's order approving the interim rate request was superseded by the Commission's subsequent approval of a permanent rate increase request. Public Counsel did not move the circuit court to stay imposition of the interim rates or seek impoundment of the funds pending appellate review. The appeal is moot because there is not a currently-in-effect utility tariff or any impounded funds that would be affected by a decision in this matter, and an opinion in this case would have no practical effect on the parties involved. The appeal is dismissed at moot.

Opinion by: Lisa White Hardwick, Judge

October 26, 2010

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