

W-11

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a Session of the Public Service  
Commission held at its office  
in Jefferson City on the 5th  
day of October, 1999.

In the Matter of the Application of	)	
Ozark Shores Water Company for Permission,	)	
Approval, and a Certificate of Public	)	
Convenience and Necessity Authorizing It to	)	
Construct, Install, Own, Operate, Control,	)	<u>Case No. WA-99-99</u>
Manage and Maintain a Water and Sewer System	)	
for the Public at Summerhaven Condominiums	)	
in Miller County and a Water System for	)	
the Public in the Perdue Development in	)	
Camden County.	)	

ORDER DISMISSING CASE

The applicant in this case, Ozark Shores Water Company (Ozark), sought certificates of convenience and necessity for two separate service territories: the Summerhaven Condominiums and the Perdue Development. In a pleading filed on May 6, 1999, Ozark stated that it was no longer pursuing the Summerhaven Condominiums portion of its application. In an order issued on May 13, 1999, the Commission granted Ozark a certificate for the Perdue Development, and noted that it appeared that Ozark was dismissing the Summerhaven Condominiums portion of its application. On May 18, 1999, Ozark filed a pleading in which it stated that, in light of pleadings filed by other parties and the May 13 order, it believed it should be allowed a reasonable time to reconsider whether it wished to pursue the Summerhaven Condominiums portion of its application.

Over four months has passed since there was any action in this case and no party has requested a continuance. Ozark has had ample to time in which to inform the Commission that it has reconsidered its decision not to pursue the Summerhaven Condominiums portion of its application. Pursuant to 4 CSR 240-2.116(2), this case will be dismissed for failure to prosecute. Ozark may, if in the future it decides to seek a certificate of convenience and necessity for the Summerhaven Condominiums, file a new application.

**IT IS THEREFORE ORDERED:**

1. That this case is dismissed pursuant to 4 CSR 240-2.116(2).
2. That this order shall become effective on October 15, 1999.
3. That this case may be closed on October 18, 1999.

**BY THE COMMISSION**

*Dale Hardy Roberts*

**Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge**

(S E A L)

Lumpe, Ch., Murray, Schemenauer,  
and Drainer, CC., concur  
Crumpton, C., absent

Mills, Deputy Chief Regulatory Law Judge

**RECEIVED**

OCT 05 1999

**COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION**