

CM

Case No. WM-99-255

The requirement for a hearing is met when the opportunity for hearing has been provided and no proper party has requested the opportunity to present evidence. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496

(Mo. App. 1989). Since no one has requested a hearing, the Commission may grant the relief requested based on the verified application.

On January 21, the Staff of the Public Service Commission (Staff) filed a memorandum recommending that the Commission approve the sale and transfer of water system assets. The memorandum indicates that Spring Valley was granted authority to operate in Case No. WA-93-3, and serves approximately 115 customers in the Spring Valley Subdivision in Christian County. Riverside has been in business as a regulated utility since 1982 and currently provides water service to approximately 455 customers in three areas in Taney, Benton and Greene Counties.

Staff's memorandum indicates that Riverside proposes to provide service to Spring Valley's customers using the rates that are presently approved for Spring Valley. Staff believes that Riverside has demonstrated that it has adequate technical, managerial and financial resources to provide utility service in the existing service areas. Staff indicates that Riverside's acquisition of the Spring Valley system will not have a negative impact on that system, nor will it be detrimental to the public interest. Staff recommends that the application to transfer assets be approved.

The Commission has considered the application of Spring Valley and Riverside along with the recommendation of Staff and concludes that the application for sale of assets should be granted.

IT IS THEREFORE ORDERED:

1. That Spring Valley Water Company is authorized to sell, transfer and assign its franchise, works or system to Riverside Utility Company pursuant to the terms and conditions contained in the Agreement for Sale of Water System attached to the application.

2. That Riverside Utility Company is granted a Certificate to provide water in the present service area of Spring Valley Water Company.

3. That Riverside Utility Company shall file tariff sheets reflecting the service area and rates for the present Spring Valley Water Company service area. The tariffs shall have an effective date coinciding with the date set for closing on the asset sale.

4. That Riverside Utility Company's certificate shall become effective when its tariffs become effective.

5. That the certificate and tariff on file for Spring Valley Water Company shall be canceled when the Riverside Utility Company's tariff and certificate become effective.

6. That Riverside Utility Company shall submit journal entries reflecting the acquisition of the Spring Valley Water Company system within ten days after the closing of the asset sale.

7. That nothing in this order shall be considered a finding by the Commission of the value for ratemaking purposes of the transactions herein involved.

8. That the Commission reserves the right to consider any ratemaking treatment to be afforded the transactions herein involved in a later proceeding.

9. That this order shall become effective on February 9, 1999.

BY THE COMMISSION

A handwritten signature in cursive script that reads "Dale Hardy Roberts".

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

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

Woodruff, Regulatory Law Judge