

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of Kimberling City Water Company's)
Request for an Extension of Time to file its 2013)
Annual Report) **File No. WE-2014-0348**

STAFF RECOMMENDATION TO CLOSE FILE

COMES NOW Staff of the Missouri Public Service Commission, by and through the undersigned counsel, and files this Recommendation with the Missouri Public Service Commission to state as follows:

1. On May 20, 2014,¹ Kimberling City Water Company ("Kimberling") filed a request for an extension of time to file its 2013 annual report.
2. On May 21, the Commission issued an *Order Directing Staff To File A Recommendation* ("*Order*"). The *Order* directed Staff to file a recommendation on Kimberling's extension request, as well as a brief report on the current status of Kimberling's operations. This filing is in compliance with the Commission's *Order*.

Recommendation

3. Pursuant to Section 393.140 (6), RSMo, and Commission Rule 4 CSR 240-3.640 (1), each water utility under the supervision of the Commission shall submit an annual report to the Commission on or before April 15 of each year. Kimberling failed to submit its annual report by April 15, so Staff sent a letter dated May 2 to notify and warn Kimberling of its delinquency. Kimberling attached Staff's letter as part of its request for an extension of time.

¹ All dates herein refer to calendar year 2014, unless otherwise specified.

4. On May 28, Kimberling submitted its annual report for 2013.² The Commission's Electronic Filing Information System assigned the non-case related tracking number BMAR-2014-1912 to the submission. On June 3, Staff completed its initial review of the annual report and sent a deficiency notice to Kimberling outlining six items that require correction.

5. Sections (3) and (9) of Rule 4 CSR 240-3.640 require a water utility to provide the information requested in the deficiency notice within 20 days, or the utility is subject to a penalty of one hundred dollars, plus an additional one hundred dollars per day that it is late in filing its response to a notice of deficiency. Kimberling's response to the notice of deficiency is due June 23.

6. Kimberling's filing of its annual report subsequent to its request for extension makes the relief sought moot and Staff recommends the Commission close this file. BMAR-2014-1912 will remain available for Staff's review and processing of the annual report and receipt of Kimberling's deficiency responses.

Status of Kimberling

7. As briefly stated in the request for extension, Brenda Morrill passed away in April. Ms. Morrill was a co-owner of Kimberling with her husband, R. Layne Morrill Sr. Ms. Morrill handled most, if not all, of the administrative responsibilities for Kimberling.

8. Since Ms. Morrill's passing, Kim Warsick has assumed the administrative responsibilities for Kimberling. The operational responsibilities for Kimberling have remained unchanged since Ms. Morrill's passing. Mr. Morrill remains the owner of Kimberling.

² The Commission's Electronic Filing Information System assigned Non-Case Related Tracking Number BMAR-2014-1912 to the submission.

9. The undersigned has contacted Kimberling to discuss the status of a response to the annual report's deficiencies. Kimberling is aware of the deficiencies and intends to provide supplemental information to Staff before the June 23 deadline.

10. Although some transitional delay has occurred, Staff is not aware of any other administrative or operational concerns in Kimberling's provision of service.

WHEREFORE, Staff files this Recommendation for the Commission's information and consideration and recommends the Commission close this file.

Respectfully submitted,

/s/ Jennifer Hernandez

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Missouri Bar No. 59814

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CERTIFICATE OF SERVICE

I do hereby certify that on this 5th day of June, 2014, a true and correct copy of the foregoing document has been: emailed to the Office of the Public Counsel at opcservice@ded.mo.gov; and sent by First Class United States Postal Mail, postage prepaid, to Kimberling City Water Company, Attn: Kim Warsick, 11863 State Hwy 13, P.O. Box 307, Kimberling City, MO 65686.

/s/ Jennifer Hernandez