

10/1/99

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 3rd
day of June, 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,) Case No. WA-99-99
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 DENYING APPLICATION FOR REHEARING
AND GRANTING MOTION TO RECONSIDER

On May 13, 1999, the Commission issued an Order Approving Stipulation and Agreement and Denying Motion to Compel. In that order, the Commission approved a stipulation that resolved the issues between the parties as to one of the two areas for which Ozark Shores Water Company (Ozark) requested a certificate. The Commission also noted that, on May 6, Ozark had filed a pleading that indicated that it no longer intended to pursue a certificate for the second area for which it requested a certificate (the Summerhaven Condominiums). The Commission stated that it would treat Ozark's May 6 pleading as a motion to dismiss that portion of the application.

On May 14, Waterserv, Inc. (Waterserv) asked for a rehearing of the Commission's May 13 order insofar as it dismissed the portion of the

application dealing with the second service area. On May 18, Ozark filed a motion for reconsideration. In essence, Ozark states that it did not intend to dismiss the Summerhaven portion of the application, it merely wanted to advise the Commission that it did not believe a procedural schedule was necessary since it did not intend to pursue that portion of the application. Ozark asks the Commission to reconsider the order insofar as it treats Ozark's May 6 as a notice of dismissal. Since Ozark did not intend to dismiss the Summerhaven portion of the application, the Commission will reconsider the May 13 order and will not treat Ozark's May 6 pleading as a notice of dismissal¹. The Commission will deny Waterserv's application for rehearing because, although it did state that it would treat Ozark's pleading as a notice that Ozark is dismissing that portion of its application, it did not dismiss the application.

Ozark, in its May 18 pleading, requests that the Commission set a date for the filing of a report on the progress of discussions concerning a resolution of the Summerhaven portion of this case. The Commission declines to do so. Given that negotiations between the parties turned from impasse to an apparent resolution seemingly overnight, there is no reason to believe that the apparent resolution will not turn back into an impasse just as quickly.

¹ Because Ozark has stated that it is not pursuing the Summerhaven portion of the application, the Commission's determination regarding the data requests pertaining to it is still valid.

IT IS THEREFORE ORDERED:

1. That the application for rehearing filed by Waterserv, Inc. on May 14, 1999 is denied.
2. That the motion for reconsideration filed by Ozark Shores Water Company is granted as described herein.
3. That this order shall become effective on June 3, 1999.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

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

Mills, Deputy Chief Regulatory Law Judge

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION