

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the matter of the application of Central Jefferson)
County Utilities, Inc., to increase its service and) CASE NO. WA-91-24
certificated area to provide water and sewer service.)

APPEARANCES: Jeremiah Nixon, Attorney at Law, 1519 McNutt Road,
Herculaneum, Missouri 63048

Robert Hack, Assistant General Counsel, P. O. Box 360,
Jefferson City, Missouri 65102 for the Staff of the
Missouri Public Service Commission.

Hearing
Examiner: Linda C. James

REPORT AND ORDER

On July 30, 1990, Central Jefferson County Utilities, Inc. (Company) filed an application with the Commission seeking a certificate of convenience and necessity to expand their territory to include property owned and to be developed by John Kolisch. The Kolisch property is adjacent to Company's current service territory. The landowner intends to develop it into commercial property and desires water and sewer service from Company.

Notice of the application was ordered by the Commission. No person sought intervention.

On September 10, 1990, the Commission's Staff (Staff) filed a report recommending that a certificate be granted to extend Company's service area, that Company should file tariff sheets amending the map and legal description in its water tariff and its sewer tariff.

Findings of Fact

The Missouri Public Service Commission, having considered all of the competent and substantial evidence upon the whole record, makes the following findings of fact:

Central Jefferson County, Inc., is a public utility with its principal place of business at 1519 McNutt Road, Herculaneum, Missouri 63048. The area to receive water and sewer service is land owned and to be developed by John Kolisch adjacent to the Company's service area in Jefferson County, Missouri. No municipalities or other sewer or water companies serve the area.

The Commission Staff has reviewed the application and the evidence filed in support of the proposal. Staff states that the plans are reasonable and it is in the public interest to expand the area as requested as it is desirable that a new development have water and sewer service available. The developer would extend a main and collecting sewer according to the company's existing extension rules, and pay the existing approved rates for service. Staff states that there will be no adverse impact upon the existing customers.

The Commission has reviewed the application and Staff's recommendation and has determined that the certificate of convenience and necessity to expand its service area sought by Company will be granted. It is clearly in the public interest that a sufficient supply of water and sewer service be available to those persons developing land. The Commission finds that water and sewer service is necessary and convenient for the public service.

Conclusions

The Missouri Public Service Commission has arrived at the following conclusions of law:

Central Jefferson County Utilities, Inc., is subject to Commission jurisdiction pursuant to Sections 386.019 and 386.029, RSMo 1986.

Section 393.170, RSMo 1986 states that no water or sewer corporation shall begin construction of water or sewer systems without having first obtained permission and approval of the Commission.

The Commission has found that the water and sewer systems proposed by Company is in the public interest and is necessary for the public service. Based upon this finding the Commission concludes that it will grant Company an extension of its certificate of convenience and necessity as requested/

The requirement for a hearing contained in Section 393.170 has been met when the opportunity for hearing is provided and no proper party requests the opportunity to present evidence. *State ex rel. Rex Deffenderfer Enterprises, Inc. v. PSC*, 776 S.W.2d 494, 496 (Mo. App. 1989). Notice was given in this matter and no person sought intervention or hearing. The Commission concludes that no hearing is necessary and it may base its findings on the evidence submitted by verified statements.

IT IS THEREFORE ORDERED:

1. That Central Jefferson County Utilities, Inc. is hereby granted an extension of its certificate of convenience and necessity to expand its service area in Jefferson County as described in Attachment A.
2. That Central Jefferson County Utilities, Inc. shall comply with the conditions as described in this Report and Order.
3. That this Report and Order shall become effective on September 28, 1990.

(S E A L)

Steinmeier, Chm., Mueller, Rauch,
McClure and Letsch-Roderique, CC., Concur.

Dated at Jefferson City, Missouri,
on this 18th day of September, 1990.

BY THE COMMISSION



Harvey G. Hubbs
Secretary

ATTACHMENT A

EXHIBIT A

A tract of Land being part of the West half of the Southwest quarter of the Southeast quarter of Section 30, Township 41, Range 4 East, described, Jefferson County, Missouri described as follows:

Commencing at an iron pin on the East line of said West half of the Southwest quarter of the Southeast quarter at a point. North 0 degrees 7 minutes East 40 feet from an iron pin marking the Southeast corner thereof; Thence North 0 degrees 7 minutes East 270 feet to an iron pin; Thence West 369.13 feet to a point in the Northeast right-of-way line of State Highway B; Thence Southwesterly along said right-of-way line 315.76 feet to an iron pin; Thence East 204.71 feet to the place of beginning.