

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

In the Matter of Application of Canyon Treatment )  
Facility, LLC for Permission, Approval and a )  
Certificate of Convenience and Necessity )  
Authorizing it to Acquire, Construct, Install, Own, )  
Operate, Control, Manage, and/or Maintain a Sewer )  
System for the Public Located in Stone County, )  
Missouri. )

**Case No. SA-2010-0219**

**MOTION FOR EARLY PREHEARING CONFERENCE**

**COMES NOW** the Staff of the Missouri Public Service Commission (“Staff”), by and through the undersigned counsel, and moves for the Missouri Public Service Commission (“Commission”) to convene an early prehearing conference in this matter. For its *Motion*, the Staff respectfully states the following:

1. On November 24, 2009, the Staff filed a *Complaint* against Canyon Treatment Facility, LLC (“Canyon Treatment”) and other Respondents in SC-2010-0161, which asserted the unlawful provision of sewer service to the public for gain in Stone County, Missouri, without certification or other authority from the Commission.

2. On December 10, 2009, the Staff participated in a discussion regarding the *Complaint* with the counsel for Respondents Box Canyon Watershed Association, Inc., Dream Builders, LLC, Horse Trading, LLC, Canyon Treatment, and Kandis Davis. Ms. Davis, through her counsel, expressed a commitment to apply for a Certificate of Convenience and Necessity (CCN) by January 31, 2010.

3. In response to the discussion within the *Complaint* case, Canyon Treatment Facility, LLC (“Canyon Treatment”) filed an *Application* on January 21, 2010, requesting a Certificate of Convenience and Necessity (“CCN”) to acquire, construct, install, own, operate, control, manage, and/or maintain a sewer system for the public in Stone County, Missouri.

4. On January 22, 2010, the Commission by order directed the Staff to file a status report by February 16, 2010, indicating when it expected to file a recommendation in this matter. Subsequent to the directive, VPG Partners IV, LLC, (“VPG”) filed an *Application To Intervene*, which the Commission granted. Additionally, on February 9, 2009, Royal Vista, LLC, (“Royal Vista”) filed an *Application To Intervene*. At the time of this filing, the Commission has not issued an order on Royal Vista’s application.

5. Due to varied interests, the Staff recommends that the Commission convene a prehearing conference to allow the Staff to engage in discussions with Canyon Treatment and any intervenors, to determine the interests of all parties and develop the proper procedural track for this case.

6. If the Commission convenes a prehearing conference, the Staff requests that the scheduling order allow the option for the parties to participate by telephone.

**WHEREFORE** the Staff submits this *Motion For Early Prehearing Conference*, and moves for the Missouri Public Service Commission to convene a prehearing conference in this matter at its earliest convenience.

Respectfully submitted,

**/s/Jennifer Hernandez**

Jennifer Hernandez

Legal Counsel

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### **CERTIFICATE OF SERVICE**

I hereby certify that I provided a true and correct copy of this *Motion* via electronic mail to W.R. England III and Brian T. McCartney, attorneys for Canyon Treatment Facility, LLC, at [trip@brydonlaw.com](mailto:trip@brydonlaw.com) and [bmccartney@brydonlaw.com](mailto:bmccartney@brydonlaw.com); David Woodsmall, attorney for VPG Partners, VI, LLC, at [dwoodsmall@fcplaw.com](mailto:dwoodsmall@fcplaw.com); and the Office of the Public Counsel at [opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov) this 16<sup>th</sup> day of February 2010.

**/s/ Jennifer Hernandez**