

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 15th day of
May, 2007.

In the Matter of Missouri-American Water Company's)	
Application for Expansion of Its Certificate of Conven-)	
ience and Necessity Authorizing It to Participate in)	<u>Case No. SA-2007-0316</u>
the Extension, Construction, Operation, Maintenance,)	
Removal, Replacement, Control, and Management of)	
a Sewer Utility in Platte County, Missouri.)	

**ORDER GRANTING APPLICATION TO INTERVENE,
SECOND ORDER DIRECTING STAFF RECOMMENDATION,
AND ORDER SETTING PROCEDURAL CONFERENCE**

Issue Date: May 15, 2007

Effective Date: May 15, 2007

This case involves Missouri-American Water Company's application for a certificate of convenience and necessity expanding its ability to provide sewer service in Platte County, Missouri, to a residential development known as the Montebella Subdivision. The Commission issued notice of the application and set an intervention deadline. In response, Platte County Regional Sewer District filed a letter commenting on the application and requesting to be kept informed. The Commission considered the letter as a request for intervention but, finding it deficient under 4 CSR 240-2.075, so informed the Sewer District and set a deadline for the District to file a compliant request to intervene if it wished to do so. The Sewer District filed its application to intervene on April 26, 2007, which it amended on April 27, 2007.

The Sewer District states that it was organized and specifically authorized to provide sanitary sewer services to the entire unincorporated area of Platte County. The Sewer District further states that the area designated by Missouri-American in its application is presently under the Sewer District's jurisdiction. The District opposes any further extension of Missouri-American's service area into its jurisdictional area, and therefore opposes the present application.

On May 7, 2007, Missouri-American filed an objection to the Sewer District's application to intervene. Missouri-American argues that the Sewer District has not stated sufficient grounds for intervention. Missouri-American argues that Section 250.010.1, RSMo, upon which the Sewer District relies, does not grant exclusive jurisdiction or prohibit private water and sewer corporations from providing service in the area.

The Commission has reviewed the request for intervention and the objection filed by Missouri-American. Whether or not Section 250.010.1, RSMo, grants exclusive jurisdiction over the area served may be an issue in this case. Even if no such exclusive jurisdiction exists, the Commission finds that it would be in the public interest, and necessary in the determination of the grant or denial of a certificate of convenience and necessity, for the Commission to have complete information about what water and sewer services exist or are potentially available to area residents. Therefore, the Commission has considered the application to intervene and finds that it is in the public interest to allow the Sewer District to intervene.

The Commission previously directed its Staff to file a recommendation or a status report stating when it intended to file its recommendation. On May 4, 2007, Staff filed a pleading in which it claimed it was unable to file either its recommendation or state when such

recommendation would be forthcoming because the Commission had not yet ruled on the application to intervene of the Sewer District. Staff also made a vague reference to the necessity to complete some “additional procedural matters.” The Commission, therefore, shall again direct its Staff to file a recommendation in this matter as set out below.

Because the Sewer District has objected to the application, this matter is ripe for hearing. In order to give the parties an opportunity to discuss settlement and to discuss the setting of a procedural schedule, the Commission shall set a procedural conference as set out below. In addition, the Commission shall set a time for the filing of a proposed procedural schedule.

IT IS ORDERED THAT:

1. Platte County Regional Sewer District’s application to intervene is granted and the Sewer District is made a party to this case.

2. The Staff of the Missouri Public Service Commission shall file its recommendation no later than May 25, 2007.

3. The parties shall appear at a procedural conference to be held on May 30, 2007, beginning at 10:00 a.m. in Room 305 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. The Governor Office Building meets accessibility standards required by the Americans with Disabilities Act. Anyone needing additional accommodations to participate in the procedural conference should call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 prior to the conference.

4. Any party wishing to appear at the procedural conference by telephone shall notify the Regulatory Law Judge by calling 573-751-4393 or e-mailing nancy.dippell@psc.mo.gov no later than May 25, 2007.

5. The parties shall jointly or separately file a proposed procedural schedule no later than June 6, 2007.

6. This order shall become effective on May 15, 2007.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Davis, Chm., Murray, Gaw, Clayton,
and Appling, CC., concur.

Dippell, Deputy Chief Regulatory Law Judge