

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the matter of the joint application of)
Willard Water Co. and the City of Willard,)
Missouri, for the sale and transfer of) CASE NO. WM-90-83
Willard Water Co.'s water works system and)
franchise to the City of Willard, Missouri.)

APPEARANCES: Garry E. Champion, Attorney at Law, Hall, Ansley, Carmichael
& Gardner, P. O. Box 4609 G.S., Springfield, Missouri 65808,
for Willard Water Co.

James E. Miller, Attorney at Law, 700 Plaza Towers, 1736 Sunshine,
Springfield, Missouri 65804, for the City of Willard, Missouri.

Hearing
Examiner: C. Gene Fee

REPORT AND ORDER

By a verified application filed October 23, 1989, Willard Water Co.
(Company) requested authority to transfer all of its franchise, works or system to
the City of Willard, Missouri (City).

Notice of the proposed transfer was made and no persons intervened to
protest. The Commission determined that a hearing was not necessary to resolve the
matter and allowed the Applicant to submit its case in writing. The written
submission and the Commission Staff's recommendation have become the basis for this
Report and Order.

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:

Company is a Missouri corporation with its principal office and place of
business in Willard, Missouri.

The City is a municipal corporation organized and existing under the laws of the State of Missouri, and is not subject to the jurisdiction of the Commission.

The Company proposes to sell and transfer all of its franchise, works or system necessary and useful in the rendition of water service to its customers in its certificated area. A copy of the proposed Asset Purchase Agreement was attached to the application as Exhibit 1. A certified copy of the resolutions authorizing the proposed transaction by the Board of Directors of the Company was attached to the application as Exhibit 2. Certification by the Willard City Clerk of the adoption of an ordinance permitting the purchase was attached to the application as Exhibit 3.

The Commission Staff (Staff) has reviewed the proposed transfer and sale and filed its recommendation with the Commission on November 8, 1989. The Staff has expressed the opinion that the sale is in the public interest and should be approved.

The City Clerk of the City of Willard notified the Commission that at an election held November 8, 1989, the vote in favor of the acquisition of the Willard Water Co. was 165 to 76.

In the Commission's opinion the proposed sale should be authorized.

Conclusions

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

The Commission, under Section 393.190, RSMo Cum. Supp. 1989, must give approval to any sale or transfer of assets of a public utility under its jurisdiction. Based upon the verified application filed by the Company, the supporting exhibits and the recommendation of the Staff, the Commission concludes that the requested approval and authorization should be granted.

It is, therefore,

ORDERED: 1. That the sale and transfer of Willard Water Co.'s franchise, works or system, to the City of Willard, Missouri, be, and is, hereby authorized and approved.

ORDERED: 2. That the Willard Water Co. is hereby authorized to discontinue providing water service in its certificated area as of the date of the sale and transfer of its franchise, works or system.

ORDERED: 3. That Willard Water Co.'s Certificate of Public Convenience and Necessity and its tariff, are hereby canceled.

ORDERED: 4. That this Report and Order shall become effective on 16th day of March, 1990.

BY THE COMMISSION

Harvey G. Hubbs

Harvey G. Hubbs
Secretary

(S E A L)

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

Dated at Jefferson City, Missouri,
on this 6th day of March, 1990.