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

In the matter of the Application of Schell )  
Sanitation, Inc., ex rel., for Approval to )  
transfer its Franchise Workhorse System to )  
the City of Springfield, Missouri. )

Case No. SR-98-559

**ORDER AND NOTICE**

On June 15, 1998, Schell Sanitation, Inc. (Schell) filed an application with the Commission pursuant to Section 393.190, RSMo. 1994, and Commission Rule 4 CSR 240-2.060(5), requesting the Commission: 1) approve the sale and transfer of Schell assets, as described in Appendix 2 attached to the application, to the City of Springfield, Missouri (Springfield); 2) authorize Schell to dissolve its corporation on the completion of the sale and transfer; 3) authorize Schell to discontinue providing sanitary sewer services and treatment services in its certificated area as of the date of sale and transfer of its franchise, works and system to the City of Springfield, Missouri; 4) and grant such other relief deemed appropriate and proper to accomplish the purposes of the application.

Schell states that it is a duly organized sanitary sewer corporation and public utility as defined in Section 386.020, RSMo., and has a Certificate of Convenience and Necessity from the Commission issued February 24, 1978, in Docket No. SA-78-190. Schell is, therefore, subject to the jurisdiction, supervision and control of the commission over the transmission, collection and treatment of sanitary sewer waste in Schell's service area in Greene County, Missouri.

Schell states that Springfield is a home rule charter city located in Greene County, Missouri, authorized by the statutes and the charter of the city to operate a sanitary sewer system. Springfield operate its sanitary sewer system under a permit from the Missouri Department of Natural Resources. Schell states that Springfield provides a sewer collection system in the area served by Schell, which is now capable of collecting sewage waste from the area served by Schell and transmission of this waste to the treatment facilities operated by Springfield. Schell's operating permit from the Missouri Department of Natural Resources is conditioned on the requirement that Schell cease operating its treatment facilities when a publically owned treatment system becomes available. Due to recent improvements in the sanitary sewer collections systems operated by Springfield, this publically operated treatment system is now available.

Schell states that the proposed transfer will not harm the public interest even though some customers may experience a rate increase. Schell states the proposed transfer will have minimal impact on the tax revenues of the political subdivisions in which Schell's facilities are located in that Greene County will only lose a total of \$139-\$140 in property taxes previously paid by Schell because the City of Springfield will not be required to pay any amount of taxes as a political subdivision.

The Commission determines that notice of the proposed sale should be given, either by direct mail or by billing insert, to Schell's customers. The direct mailing or billing insert should provide, at a minimum, the following information: (1) identity of the parties to the contract; (2) a general statement of what property is being sold; (3) a

general statement of the anticipated impact on rates; and (4) a statement referring any questions or concerns to the Office of the Public Counsel, Post Office Box 7800, Jefferson City, Missouri 65102 by July 27, 1998.

The Commission further determines that proper parties should be given an opportunity to intervene in this case. Applications to intervene should be submitted to the Executive Secretary of the Missouri Public Service Commission, Post Office Box 360, Jefferson City, Missouri 65102. Copies of the application to intervene should be sent to:

Larry Schell, President  
Schell Sanitation, Inc.  
3406 W. Sexton Dr.  
Springfield, Missouri 65810

Don G. Busch, Attorney at Law  
Miller & Sanford  
1845 S. National  
P.O. Box 4288  
Springfield, Missouri 65808-4288

Gary Nelms, Assistant City Attorney  
City of Springfield  
Busch Municipal Building  
840 Boonville  
Springfield, Missouri 65802

The Records Department of the Commission shall mail a copy of this order to the County Commission of Greene County, Missouri. In addition, the Information Officer of the Commission shall send a notice of this application to each newspaper located in Greene County, Missouri, as listed in the newspaper directory of the current *Official Manual of the State of Missouri*, and to all members of the General Assembly representing Greene County.

The requirement of a hearing has been fulfilled when all those having a desire to be heard are offered such an opportunity. If no

proper party or governmental entity files an application to intervene and neither the Commission's Staff nor the Office of the Public Counsel requests a hearing, the Commission may determine that a hearing is not necessary and that the applicant may submit evidence in support of the application by verified statement. State ex rel. Rex Deffenderfer Enterprises, Inc. v. P.S.C., 776 S.W.2d 494, 496 (Mo. App. 1989).

**IT IS THEREFORE ORDERED:**

1. That the Records Department of the Missouri Public Service Commission is ordered to provide notice as set out herein.

2. That the Information Officer of the Missouri Public Service Commission is ordered to provide notice as set out herein.

3. That Schell Sanitation, Inc. is ordered to provide notice to its customers as set out herein.

4. That any proper party wishing to intervene in this matter shall file an application to do so no later than July 27, 1998. Such applications shall be filed with the Executive Secretary of the Missouri Public Service Commission, Post Office Box 360, Jefferson City, Missouri 65102.

5. That this order shall become effective on July 6, 1998.

BY THE COMMISSION



Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

(S E A L)

S. Register, Regulatory Law Judge,  
by delegation of authority pursuant  
to 4 CSR 240-2.120(1), (November 30,  
1995) and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,  
on this 26th day of June, 1998.

RECEIVED

JUN 26 1998

COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION