

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

|   |   |                                     |
|---|---|-------------------------------------|
| In the Matter of Braden Park, LLC's Application | ) |                                     |
| for Certificate of Convenience and Necessity to | ) | <b><u>File No. WA-2011-0260</u></b> |
| Provide Water Service.                          | ) |                                     |

**STAFF'S RESPONSE TO APPLICATION AND MOTION TO WITHDRAW**

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through the undersigned counsel, and files *Staff's Response To Application And Motion To Withdraw Agreement (Response)* with the Missouri Public Service Commission (Commission), respectfully stating the following:

1. On February 14, 2011, Braden Park, LLC (Braden Park or Company) filed an *Application For Certificate Of Convenience And Necessity To Provide Water Service (Application)* to Braden Park Village, a subdivision and Mobile Home Park located in Benton County, Missouri.

2. On February 15, 2011, the Commission issued an Order that directed the filing of applications to intervene no later than March 7, 2011. The Commission received no such applications.

3. Since the filing of the *Application*, the Company and Staff have engaged in various discussions and Staff requested and was granted additional time, until July 1, 2011 to reach an agreement in lieu of filing a recommendation in this case.

4. Staff, Company, and the Office of the Public Counsel (Public Counsel) have entered into a *Memorandum of Agreement (Agreement)* and stipulated to a method of operation that will allow Braden Park to provide water service to its customers without being required to

obtain a Certificate of Convenience and Necessity from the Commission at this time. The *Agreement* also provides that Staff will conduct periodic follow-up reviews of the operation.

5. As a result of entering into the *Agreement*, Braden Park filed a *Motion to Withdraw (Motion)* its *Application* with the Commission on June 27, 2011. Staff has reviewed the Company's *Motion* and finds it to be in compliance with the *Agreement* and recommends the Commission allow this matter to be withdrawn and closed.

6. Staff further asserts that Public Counsel does not object to the Company's *Motion to Withdraw*.

**WHEREFORE**, Staff files this *Response* for the Commission's information and consideration and respectfully recommends that the Commission grant Braden Park, LLC's *Motion to Withdraw*, and close this file.

Respectfully submitted,

/s/ Rachel M. Lewis

Rachel M. Lewis

Deputy Counsel

Missouri Bar No. 56073

Attorney for the Staff of the  
Missouri Public Service Commission  
P. O. Box 360

Jefferson City, MO 65102

(573) 526-6715 (Telephone)

(573) 751-9285 (Fax)

[rachel.lewis@psc.mo.gov](mailto:rachel.lewis@psc.mo.gov)

### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed or hand-delivered, transmitted by facsimile or by electronic mail to all counsel of record on this 29th day of June, 2011.

/s/ Rachel M. Lewis