

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held at its office
in Jefferson City on the 17th
day of October, 1990.

In the matter of the application of)
A.D. Henss and Ethelmae Henss, d/b/a)
Branson North Water Company, to sell and) Case No. WM-91-3
transfer their franchise works or system)
to the City of Branson, Missouri.)

ORDER AUTHORIZING MERGER

On July 3, 1990, A.D. Henss and Ethelmae Henss d/b/a Branson North Water Company (Applicants) filed an application for authority to sell and transfer the assets of its water system to the City of Branson. On August 22, 1990, the Commission issued an Order and Notice which established September 20, 1990 as an intervention deadline. The Commission stated if no proper person intervened and neither Public Counsel nor Commission Staff requested a hearing, Applicant would be allowed to submit its evidence by affidavit. No applications for intervention nor requests for hearing were made.

Having considered the verified application, exhibits and the recommendation of its Staff, the Commission has determined that a hearing is unnecessary and finds and concludes as follows. Applicants are residents of Taney County, Missouri, d/b/a Branson North Water Company, who are authorized by the Commission to operate a water system serving Branson North subdivision in Taney County, Missouri. Their principal place of business is located at P.O. Box 621, Branson, Missouri. In its recommendation, Staff stated that according to the contract, the City of Branson has annexed an area in which the water company's service area is located and wishes to provide city utility service. Staff also stated Applicants are of retirement age and no longer desire to be in the

utility business. Staff stated further that the rate impact on customers will be a 30.99% increase. Staff stated that transfer would be in the public interest.

In its Order and Notice, the Commission directed Applicants to send notice to its customers of the proposed sale and stated that comment may be made to the Commission or the Public Counsel by September 21, 1990. A copy of the order was also sent to the county commissioners of Taney County, area newspapers and to the members of the General Assembly representing the area served by Applicants. No comments were received. The Applicants are of retirement age and no longer desire to be in the utility business. Moreover, the City of Branson is capable of providing quality ongoing service. For these reasons, the Commission has determined the application should be granted.

The Commission has jurisdiction over this matter pursuant to Section 393.190, RSMo 1986, and 4 CSR 240-2.060(3). The Commission has determined the proposed sale and transfer of assets are not detrimental to the public interest and should be approved.

IT IS THEREFORE ORDERED:

1. That the application to sell and transfer their franchise, works or system to the City of Branson, Missouri, filed herein on July 3, 1990 by A.D. Henss and Ethelmae Henss is hereby granted.

2. That A.D. Henss and Ethelmae Henss, d/b/a Branson North Water Company are authorized to perform in accordance with the terms of the contract and agreement attached to the application as Exhibit 2.

3. That A.D. Henss and Ethelmae Henss, d/b/a Branson North Water Company, are authorized to perform all action reasonably necessary to execute the application approved herein.

4. That this order shall become effective on October 30, 1990.

BY THE COMMISSION

Dan Ross

Dan Ross
Interim Secretary

(S E A L)

Mueller, Rauch, McClure and
Letsch-Roderique, CC., Concur.
Steinmeier, Chm., Absent.