

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the matter of the application of Quail Run )  
Water & Land Co., Inc. for a certificate of )  
convenience and necessity authorizing it to )  
construct, install, operate and maintain a water ) Case No. WA-91-231  
system to supply and render water service to the )  
public located in an unincorporated area of )  
Christian County, Missouri. )

APPEARANCES: David N. Appleby, Attorney at Law, 119 North Second Street,  
P.O. Box 158, Ozark, Missouri 65721.

HEARING

EXAMINER: Michael F. Pfaff

REPORT AND ORDER

Procedural History

On December 18, 1990, Quail Run Water and Land Company, Inc.  
(Company) filed a verified Application seeking a certificate of public  
convenience and necessity authorizing it to provide water service in an area  
in Christian County, Missouri, which includes Quail Run Subdivision. Company  
proposes to provide service in an area adjacent to its presently certificated  
area and to charge the same tariff rates as Company presently charges its  
existing customers. -

On January 11, 1991, the Commission gave notice of Company's  
application and set February 10, 1991, as the intervention deadline. None  
sought to intervene or requested a hearing. This matter comes to the  
Commission on the verified petition filed herein and on Staff's  
recommendation, mentioned below.

### Findings of Fact

Having considered all the competent and substantial evidence upon the whole record, the Missouri Public Service Commission makes the following findings of fact.

Applicant is a Missouri corporation organized and existing under the laws of the State of Missouri. Applicant's principal place of business and offices are located at Route 2, Box 162-B, Ozark, Missouri 65721. Applicant is an existing water utility, having previously been certificated by this Commission to provide water service in an area immediately adjacent to the service area sought in this case. There are no water companies under the jurisdiction of this Commission rendering water service in the proposed area; nor are there incorporated cities within said area.

On October 24, 1991, the Commission Staff (Staff) recommended that Company's application for water authority be approved. Staff states, and the Commission finds, that the area in question is under residential development and that the individuals therein have requested water service from Applicant. Having reviewed Company's verified application and Staff's recommendation, the Commission finds that Applicant is qualified to provide water service, that said service is needed, and that authorizing Applicant to provide same will promote the public interest.

Applicant and Staff have proposed that Applicant's current water rate tariff should also apply to the service area under consideration in this case. The Commission finds that said existing water rate is reasonable and hereby approves same for use in the service area proposed. Staff also recommends that the Company file tariff sheets within 30 days of the effective date of this Report and Order to update Company's metes and bounds description of the service area herein granted.

The Commission finds that the Company is qualified and financially able to operate the water system described in its application and has further determined that there is now and will be a future need for adequate water service in the proposed area and that it is in the public interest to grant the authority requested by Applicant. The Commission also finds that the rates and charges presently approved for service by Company should be approved for service as herein proposed. The Commission therefore finds that Applicant should be granted a certificate of public convenience and necessity.

#### Conclusions of Law

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

The Commission has jurisdiction over this application by virtue of Sections 393.170 and 393.150, RSMo 1986. Section 393.170 empowers the Commission to grant certificates of public convenience and necessity when it is found that such a grant will be in the public interest. Section 393.150 authorizes the Commission to set just and reasonable rates.

The Commission has determined that a hearing is not necessary in this case. Requirements of a hearing have been met when all those having an interest and a desire to be heard are given such an opportunity. *State ex rel. Deffenderfer Enterprises, Inc. v. PSC*, 776 S.W.2d 494, 496 (Mo. App. 1989). Although notice was given, no interventions or motions for hearing were filed. Applicant submitted its evidence by verified statement. Since there has been no objection to the evidence, the Commission concludes that pursuant to Section 536.070(12) the affidavits are sufficient foundation to grant the requested authority.

IT IS THEREFORE ORDERED:

1. That Quail Run Water and Land Company, Inc. is hereby granted a certificate of public convenience and necessity to construct, install, own, operate, control, manage and maintain a water system for the public in an unincorporated area of Christian County, Missouri, as described at Exhibit B, pages 1 and 2, of Company's verified Application.

2. That Quail Run Water and Land Company, Inc. is hereby authorized to charge the same usage, inspection, and connection charges as are now contained in the its presently approved tariff.

3. That Quail Run Water and Land Company, Inc., shall, within 30 days of the effective date of this Order, file new tariff sheets to update its present service area map and the metes and bounds description of the service area herein certificated.

4. That Quail Run Water and Land Company, Inc. shall keep its books and records in accordance with the Uniform System of Accounts.

5. That this Report and Order shall be effective on the 3rd of December, 1991.

BY THE COMMISSION

*Brent Stewart*

Brent Stewart  
Executive Secretary

(S E A L)

Mueller, Rauch,  
McClure, and Perkins, CC.,  
Concur.  
Steinmeier, Chm.,  
Absent.

Dated at Jefferson City, Missouri,  
on this 19th day of November, 1991.