

**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 July, 2012.

In the Matter of Application of Canyon )  
Treatment Facility, LLC for permission, )  
approval and a Certificate of Convenience )  
and Necessity Authorizing it to Acquire, )  
Construct, Install, Own, Operate, Control, )  
Manage or Maintain a Sewer System for )  
the Public located in Stone County, Missouri )

**File No. SA-2010-0219**

**ORDER APPROVING UNANIMOUS STIPULATION AND AGREEMENT  
AND AUTHORIZING TRANSFER OF ASSETS**

Issue Date: July 17, 2012

Effective Date: July 23, 2012

**Background**

On May 1, 2012, the Missouri Public Service Commission issued its Order Granting Conditional Certificate of Convenience and Necessity to Canyon Treatment Facility, LLC. The certificate is conditioned on either the appointment of a receiver to oversee the day-to-day operations of the company or upon a Commission-approved purchase of the company. These conditions were put in place in light of concerns set out in a complaint the Staff of the Commission has against the company.<sup>1</sup>

On May 24, 2012, Stone County Sewer District No. 1, with all of the parties to this case, entered into an agreement to purchase the company. On July 12, the parties filed the Agreement and in their pleading point out that Stone County intends to provide service to residential customers at the monthly rate of \$45.00. This is the same amount the District

---

<sup>1</sup> Commission Case No. SC-2010-0161.

charges its other customers. Additionally, the District intends to undertake the necessary engineering and construction to increase the system's capacity to meet current and future needs. The parties further point out that the District has not had any significant problems with the Missouri Department of Natural Resources and agree that the transfer is in the public interest.

Finally, with the Agreement, the Staff of the Commission filed a motion for expedited treatment. And, on July 13, Canyon Treatment filed a motion in support of Staff's. Canyon points out that it is in the position to close on the Sale Agreement and a tentative closing date of July 23 has been established. The Office of the Public Counsel has no objection to expedited treatment of the Agreement and transfer of assets.

## **Discussion**

Section 393.190, RSMo 2000, requires sewer companies to seek Commission approval prior to transferring any assets that are necessary or useful in the performance of its duties to the public. The parties have not filed an application as is routinely done in transfer cases. However, through the Unanimous Stipulation and Agreement, the parties are requesting that the Commission approve the transfer.

This Agreement represents the condition imposed by the Commission in its order granting the company a Certificate; that a purchase of the company be approved by the Commission. The Agreement facilitates that condition.

Because this request was not made as an application, Commission rule 4 CSR 240-3.310 has not been followed. This rule requires that a regulated sewer company seeking to transfer its assets provide certain information upon filing its request. Because this matter has been open since January of 2010, and the parties have worked since that

time to this proposed end, requiring compliance with the above Commission rule would at best produce redundant information. The Commission will therefore waive this rule.

The Commission has reviewed the Unanimous Stipulation and Agreement and finds that it has not been shown to be detrimental to the public interest. The Commission will therefore approve the Agreement and the intended sale of assets to Stone County Sewer District No. 1. Upon the transfer being closed, the Commission will cancel the certificate granted to Canyon Treatment and dismiss Staff's Complaint; File No. SC-2010-0161.

**THE COMMISSION ORDERS THAT:**

1. The Unanimous Stipulation and Agreement is approved and incorporated into this order by reference, and the parties shall abide by the terms set out therein.
2. Commission rule 4 CSR 240-3.310 is waived.
3. The Commission approves the transfer of assets Canyon Treatment Facility, LLC, to Stone County Sewer District No. 1.
4. The Staff of the Commission shall notify the Commission when the transfer is complete.
5. This order shall become effective on July 23, 2012.

( S E A L )

**BY THE COMMISSION**



Steven C. Reed  
Secretary

Gunn, Chm., Jarrett, Kenney,  
and Stoll, CC., concur.

Jones, Senior Regulatory Law Judge