

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

In the Matter of the Matter of the Missouri-American)
Water Company for Certificates of Convenience)
And Necessity Authorizing it to Install, Own,)
Acquire, Construct, Operate, Control, Manage) **File No. WA-2019-0366**
And Maintain a Water System and a Sewer System)
In an Area of Camden County, Missouri (Sunset)
Palms Condominium Complex))

STAFF'S RECOMMENDATION

COMES NOW the Staff ("Staff") of the Missouri Public Service Commission ("Commission"), by and through counsel, and recommends that the Commission grant to Missouri-American Water Company ("MAWC" or "Company") a Certificate of Convenience and Necessity to provide regulated water and sewer services in and around an existing development known as the Sunset Palms Condominiums in Camden County, Missouri. In support of this *Recommendation*, Staff states as follows:

1. MAWC filed its *Application and Motion for Waivers* ("Application") on May 26, 2019, requesting certificates of convenience and necessity ("CCNs") authorizing it to own and operate water and sewer systems at a development known as the Sunset Palms Condominiums, in Camden County, Missouri.

2. On May 29, 2019, the Commission issued its *Order Directing Notice, Setting Date for Intervention, and Ordering Staff Recommendation* (the "May 29 Commission Order"), setting an intervention deadline of June 12, 2019. No intervention requests were received.

3. The May 29 Commission Order also ordered Staff to file a suggested due date for its staff recommendation. On June 19, 2019, Staff suggested and the Commission ordered a deadline of August 16, 2019. On August 16, 2019, Staff requested

additional time in which to file its Recommendation and was granted such additional time until September 18, 2019.

4. Pursuant to Section 393.170, RSMo, no water or sewer corporation shall provide service to consumers without first having obtained approval from the Commission. In determining whether or not to grant such approval, the Commission has traditionally applied the five “Tartan Energy Criteria” established in *In the Matter of Tartan Energy Company, et al.*, 3 MO. PSC 3d 173, 177 (1994): (1) there must be a need for the service; (2) the applicant must be qualified to provide the service; (3) the applicant must have the financial ability to provide service; (4) the applicants proposal must be economically feasible, and; (5) the service must promote the public interest.

5. As explained in the Staff *Memorandum*, attached hereto as Appendix A, Staff conducted an investigation into MAWC’s request. Based upon this review, Staff has determined that MAWC fulfills the requirements of the Tartan Energy Criteria. Accordingly, Staff asserts that granting of the CCN is necessary and convenient for the public service, and recommends approval with conditions as described in the Staff *Memorandum*.

6. The Commission need not holding a hearing if, after proper notice and opportunity to intervene, no party requests such a hearing. *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494 (Mo. App. W.D. 1989). No party or individual has requested a hearing, so the Commission need not hold a hearing to grant a CCN to the Company.

WHEREFORE, Staff respectfully submits this *Staff Recommendation* for the Commission's information and consideration, and requests the Commission grant Missouri-American Water Company a Certificate of Convenience and Necessity, with conditions, to provide water and sewer service to the requested service area.

Respectfully submitted,

/s/ Alexandra L. Klaus

Alexandra L. Klaus
Senior Counsel
Missouri Bar No. 67196
Attorney for the Staff of the
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102
573-751-1854 (Voice)
573-751-9285 (Fax)
lexi.klaus@psc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been electronically mailed to all parties and/or counsel of record on this 18th day of September, 2019.

/s/ Alexandra L. Klaus