BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

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In the Matter of the Joint Application of Bilyeu Water Co, LLC and Bilyeu Ridge Water Company, LLC for Authority to Sell Assets to Bilyeu Ridge Water Company, LLC

Case No. <u>WM-2013-0329</u>

STAFF RECOMMENDATION FOR APPROVAL OF TARIFFS

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through counsel, and hereby recommends the Missouri Public Service Commission (Commission) approve tariff sheets submitted in this case. In support of this recommendation, Staff respectfully states:

1. On December 7, 2012, Bilyeu Water Co, LLC (Bilyeu Water) and Bilyeu Ridge Water Company, LLC (Bilyeu Ridge) filed a *Joint Application* seeking to sell and transfer water utility assets owned and operated by Bilyeu Water to Bilyeu Ridge.

2. On February 27, 2013, the Commission issued an *Order Approving Application*, which authorized Bilyeu Water to sell and transfer its assets to Bilyeu Ridge and ordered Bilyeu Ridge to file an adoption notice tariff sheet and revised title page and index sheets within five days after closing on the assets.

3. On June 21, 2013, Bilyeu Ridge filed a *Notice of Completion of Transfer of Property*, which states the transfer of assets closed on March 21, 2013.

4. On July 17, 2013, Bilyeu Ridge filed an *Adoption Notice*, which included a revised title page and index sheet.

5. Staff recognizes the Company's *Adoption Notice* was filed after the deadline ordered by the Commission but believes the Company's delay was inadvertent.

6. The Commission has the authority to approve the proposed tariff sheets pursuant to Section 393.140(11), RSMo (2000).

7. Jim Merciel, Utility Regulatory Engineering Supervisor, reviewed the index and adoption notice filed with the Commission and states that, to the best of his knowledge, information, and belief, the proposed sheets substantially comply with the Commission's *Order Approving Application*, even though it was not timely filed. See Affidavit of James A. Merciel, Jr., P.E., attached and incorporated by reference herein as Attachment A.

WHEREFORE, Staff submits this recommendation to the Commission stating that the tariffs filed in this case comply with the terms of the Commission's *Order Approving Application*.

/s/ Amy E. Moore_

Amy E. Moore Deputy Counsel Missouri Bar No. 61759

Attorney for the Staff of the Missouri Public Service Commission P. O. Box 360 Jefferson City, MO 65102 (573) 751-4140 (Telephone) (573) 751-9285 (Fax) amy.moore@psc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed with first-class postage, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 5th day of August, 2013.

/s/ Amy E. Moore

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

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In the Matter of the Joint Application of Bilyeu Water Co, LLC and Bilyeu Ridge Water Company, LLC for Authority to Sell Assets to Bilyeu Ridge Water Company, LLC

File No. WM-2013-0329 (Tariff Tracking No. JW-2014-0025)

AFFIDAVIT OF JAMES A. MERCIEL, JR., P.E.

STATE OF MISSOURI)
) ss
COUNTY OF COLE)

James A. Merciel, Jr., P.E., of lawful age, on his oath states: (1) that he is the Assistant Manager – Engineering in the Water and Sewer Unit of the Missouri Public Service Commission; (2) that he participated in the preparation of the foregoing *Staff Recommendation for Approval of Tariffs*; (3) that certain information in the *Staff Recommendation for Approval of Tariffs* was provided by him; (4) that he has knowledge of matters set forth in the *Staff Recommendation for Approval of Tariffs*; and (5) that such matters set forth in the *Staff Recommendation for Approval of Tariffs* are true and correct to the best of his knowledge, information and belief.

James A. Merciel, Jr., P.E.

Subscribed and sworn to before me this 5th day of August 2013.

Notary Public

LAURA BLOCH Notary Public - Notary Seal State of Missouri Commissioned for Cole County My Commission Expires: June 21, 2015 Commission Number: 11203914