

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

The Staff of the Missouri Public Service Commission,	)	
	)	
	)	
Complainant,	)	
	)	File No. WC-2008-0405
v.	)	
	)	
Dale Whiteside and Whiteside Hidden Acres, L.L.C.	)	
	)	
Respondents.	)	

**STATUS REPORT**

**COMES NOW** the Staff of the Missouri Public Service Commission (Staff), through the undersigned counsel, and respectfully submits this *Status Report* to the Missouri Public Service Commission (Commission) stating the following:

1. On June 19, 2008, Staff filed a *Complaint* in this case asserting Dale Whiteside and Whiteside Hidden Acres, L.L.C., (Respondents) are water corporations, and thus, public utilities subject to the jurisdiction, regulation and control of the Commission.
2. On September 8, 2008, the Commission ordered the evidentiary hearing in this case be held on January 20-21, 2009.
3. On January 13, 2009, Respondents filed an *Application* for a certificate of convenience and necessity (CCN) for water and sewer systems located in Hickory County, Missouri. The application was assigned File Nos. WA-2009-0261 and SA-2009-0262.
4. On January 14, 2009, Staff filed a motion in this case, requesting the Commission continue the hearing, with Staff to file a status report in 30 days. On January 15, 2009, the Commission granted Staff's motion, ordering a status report be filed on February 17,

2009. On February 17, 2009, Staff filed its status report stating it was seeking a feasibility study from the Respondents. Staff filed further status reports on April 7 and May 7, 2009.

5. From Staff's investigation conducted for the Respondents' *Application* filing, the Staff concludes that the sewer system operated by Whiteside Hidden Acres, L.L.C., does not qualify at this time as a Section 386.020 (49) RSMo (Supp. 2008) "sewer corporation", as it has less than twenty-five outlets. Staff conveyed its position to the Respondents, and on May 21, 2009, a voluntary dismissal in SA-2009-0262 was filed by Respondents' counsel.
6. While Staff has filed its *Staff Recommendation* in WA-2009-0261, Counsel for Staff respectfully requests the Commission allow this case, WC-2008-0405, to remain open until such time the Commission approves tariffs for any CCN granted in WA-2009-0261.

**WHEREFORE**, Counsel for Staff requests the Missouri Public Service Commission allow this complaint case to remain open until any certificate of convenience and necessity that is granted in WA-2009-0261 has approved tariffs on file with the Commission.

Respectfully submitted,

**/s/Jennifer Hernandez**  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served on Lisa C. Henderson, attorney for the Respondents, P.O. Box 1141, 303 South Maple, Buffalo, MO 65622, [hendersonatlaw@yahoo.com](mailto:hendersonatlaw@yahoo.com) ; and the Office of Public Counsel, 200 Madison Street P.O. Box 2230, Jefferson City, MO 65102, [opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov) this 21st day of May, 2009, either by hand delivery, electronic mail or First Class United States Mail, postage prepaid.

**/s/ Jennifer Hernandez**