

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

In the Matter of the Transfer of Assets of       )  
Swiss Villa Utilities, Inc. to the Black Oak       )  
Mountain Resort Property Owners                )  
Association.    )

**Case No. WO-2007-0410**

**STATUS REPORT**

**COMES NOW** the Staff of the Missouri Public Service Commission (Staff), by and through counsel, as directed by the Commission's Order Directing Staff to File Monthly Status Reports and submits the following Status Report to the Missouri Public Service Commission (the Commission):

1. This report covers the period of July 1, 2009 to July 31, 2009 and serves as the "monthly status report" for that period. Staff will continue to file these reports on or around the last working day of each month unless directed to do otherwise.

2. On April 20, 2007, Staff filed its Motion to Approve Transfer of Assets of Swiss Villa Utilities, Inc. to the Black Oak Mountain Resort Property Owners Association (Asset Transfer Motion), generating Case No. WO-2007-0410. In its Asset Transfer Motion Staff requested that the Commission authorize the transfer of the assets of Swiss Villa Utilities, Inc. to the Black Oak Mountain Resort Property Owners Association (the Association) conditioned upon (1) the submission of documentation that the Association has authority to access the utility-related facilities, and (2) the modification of certain provisions of the Association's bylaws.

3. On May 17, 2007, the Commission issued its Order Directing Staff to file Monthly Status Reports, ordering Staff to file monthly status reports until Staff determines that all of the conditions contained in Staff's Asset Transfer Motion have been satisfied.

4. Since the issuance of the Commission's Order Directing Staff to File Monthly Status Reports, various interested parties have worked extensively with Staff in order to achieve a viable and beneficial solution to those conditions contained in Staff's Asset Transfer Motion and to those system-related issues which customers have been facing for some time.

5. On July 10, 2009, the incorporators of the Black Oak Mountain Sewer Company and the Black Oak Mountain Water Company (collective referred to hereinafter as Black Oak Mountain Water and Sewer) filed with the Missouri Secretary of State the documents necessary to incorporate these entities as non-profit water and sewer corporations under the applicable provisions of the Missouri Revised Statutes 2000<sup>1</sup>. Both corporations are currently listed as in "Good Standing" by the Missouri Secretary of State.

6. The incorporators of Black Oak Mountain Water and Sewer are individual property owners in the Black Oak Mountain Resort community and have actively engaged in communication with the Directors of the Association. All entities, including Staff, support the incorporation of Black Oak Mountain Water and Sewer as a viable solution to the utility issues facing the community. It is the intention in the incorporation of Black Oak Mountain Water and Sewer for these entities to be the transferees of the assets of Swiss Villa Utilities, Inc.

7. Due to the incorporation of Black Oak Mountain Water and Sewer, the original Staff condition related to the Association's bylaws no longer applies. While the other of Staff's conditions is no longer applicable as applied to the Association, Staff does however similarly condition its recommendation to approve the asset transfer upon the ability of Black Oak Mountain Water and Sewer to submit documentation necessary to demonstrate authority to access the system

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<sup>1</sup> See RSMo Sections 393.825 through 393.861 for those provisions related to the formation and operation of non-profit sewer companies and Sections 393.900 through 393.954 for those provisions related to the formation and operation non-profit water companies.

facilities. On July 20, 2009 Staff contacted John View, the President of both of the newly-formed non-profit entities, in order to receive from Mr. View the requested documentation. Since that time Mr. View has provided Staff with several documents related to facility access. Staff is currently reviewing the documentation in order to determine compliance and to formulate its ultimate recommendation as to the approval of the asset transfer.

**WHEREFORE**, Staff submits this Status Report for the Commission's information.

Respectfully Submitted,

**/s/ Eric Dearmont**

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### **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 31<sup>st</sup> day of July, 2009.

**/s/ Eric Dearmont**