

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 21st day of
January, 2015.

In the Matter of the Application of Kimberling City)	
Water Company for Authority to Transfer Certain Assets)	
to Upper White River Basin Foundation, Inc., and, in)	<u>Case No. WO-2015-0113</u>
Connection Therewith, Certain Other Related)	
Transactions.)	

ORDER APPROVING APPLICATION

Issue Date: January 21, 2015

Effective Date: February 20, 2015

Syllabus: This order approves the application of Kimberling City Water Company ("KCWC") to transfer its water system to Upper White River Basin Foundation, Inc., ("UWRB").

Procedural History

On November 4, 2014, KCWC filed an application. That application requests, among other things, authority from the Commission for KCWC to transfer its water system to UWRB.

The Commission issued notice of this application on November 6, 2014. In that notice, the Commission allowed anyone who wished to intervene until November 25, 2014 to request intervention. The Commission received an intervention request from the Missouri Department of Natural Resources ("DNR"). The Commission granted that request.

Staff filed its Recommendation on December 3, 2014. Staff recommended that the Commission approve the transaction, with certain conditions.

The Office of the Public Counsel (“OPC”) responded on December 5, 2014, and asked for a local public hearing. The Commission convened a local public hearing on January 5, 2015. No customers attended.

DNR responded on December 12, 2014. DNR recommended the Commission approve the transaction, but with conditions beyond those recommended by Staff.

KCWC responded on January 15, 2015, stating that DNR’s concerns are within DNR’s jurisdiction, not the Commission’s. DNR also responded on January 15, 2015, stating that while it still has those concerns, it believes KCWC and UWRB can address them.

The Commission will grant the application with the conditions suggested by Staff.

Discussion

The application is within the Commission’s jurisdiction to decide.¹ Because no party objects to the application, no evidentiary hearing is required.² Thus, the Commission deems the hearing waived,³ and bases its findings on the verified filings, and makes its conclusions as follows.

The Commission issued KCWC a certificate of convenience and necessity to provide water service in File No. WA-82-4. KCWC currently provides water service to approximately 94 customers in Stone County, Missouri. UWRB is a non-profit corporation

¹ Section 393.190 RSMo 2000.

² *State ex rel. Rex Deffenderfer Ent., Inc. v. Public Serv. Com’n*, 776 S.W.2d 494 (Mo. App. 1989).

³ Section 536.060, RSMo 2000.

associated with Ozarks Clean Water Company (“OCWC”). UWRB will ultimately transfer KCWC to OCWC. Neither UWRB nor OCWC are subject to Commission jurisdiction.

The Commission may approve of a transfer of a water company if that transfer is not detrimental to the public interest.⁴ Based on the verified pleadings, the Commission finds that granting the application for the transfer of the water company would not be detrimental to the public interest.

The application will be granted, subject to the conditions listed below.

THE COMMISSION ORDERS THAT:

1. The Application is granted.
2. The Commission authorizes the transfer of water utility assets from Kimberling City Water Company to Upper White River Basin Foundation, Inc.
3. Upon transfer, Kimberling City Water Company may cease providing water service.
4. This order makes no ratemaking determination regarding any potential future regulatory oversight, if any.
5. Kimberling City Water Company, Upper White River Basin Foundation, Inc., or Ozarks Clean Water Company shall submit notice to the Commission regarding evidence of the transfer of assets to Upper White River Basin Foundation, and the subsequent transfer to Ozarks Clear Water Company within five days after the transfer to Ozarks Clean Water Company.

⁴ See Commission Rule 4 CSR 240-3.605(1)(D).

6. If closing does not take place within thirty days following the effective date of this order, Kimberly City Water Company shall submit a status report within five days after the thirty-day period regarding the status of closing, and additional status reports with five days after each additional thirty day period, until closing takes place, or until Kimberly City Water Company determines that closing will not occur.

7. If Kimberling City Water Company determines that closing will not occur, it shall notify the Commission of such within five days of the determination.

8. Upon receipt of the notice of transfer to Ozarks Clean Water Company, the certificate of convenience and necessity and the tariff on file for Kimberly City Water Company shall be cancelled.

9. This order shall become effective on February 20, 2015.

BY THE COMMISSION



A handwritten signature in dark ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

R. Kenney, Chm., Stoll, W. Kenney,
Hall, and Rupp, CC., concur.

Pridgin, Deputy Chief Regulatory Law Judge