

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

In the Matter of the Application of Dale Whiteside and)	
Whiteside Hidden Acres, L.L.C. for a Certificate of)	
Convenience and Necessity Authorizing it to Own,)	<u>Case No. WA-2009-0261</u>
Control, Manage, Improve, and Maintain a Water and)	<u>Case No. SA-2009-0162</u>
Sewer System for the Public, Located in an Incorporated)	
Area of Hickory County, Missouri)	

**ORDER DIRECTING NOTICE AND SETTING DATE FOR SUBMISSION
OF INTERVENTION REQUESTS**

Issue Date: January 15, 2009

Effective Date: January 15, 2009

On January 14, 2009, pursuant to Section 393.170, RSMo 2000, and Commission Rules 4 CSR 240-2.060, 4 CSR 240-3.305, and 4 CSR-3.600, Dale Whiteside and Whiteside Hidden Acres, L.L.C, (hereafter "Applicant") filed two applications (as captioned in the style of these cases above) with the Missouri Public Service Commission. Applicant requests that the Commission grant it authority to own, operate, control, manage, improve and maintain a water and sewer system for the public in an incorporated area of Hickory County, Missouri.

The water and sewer service is to be provided to the Cedar Haven, Holly Court , and Sportsman Retreat Subdivisions, which consist of approximately 41 full-time residences and 160 recreational chalets. Chalets can only be used for recreational purposes and cannot be used as a residence.

In compliance with Commission Rules 4 CSR 240-3.305 and 4 CSR 240-3.600, Applicant provided a full legal description of its proposed water and sewer district, plat maps, and the names and addresses of no fewer than ten persons residing in the proposed service area. Applicant stated it would obtain all relevant permits from the Department of

Natural Resources. Additionally, Applicant plans to submit a feasibility study and develop and submit formal tariffs as supplements to its applications.¹

The Commission finds that notice of these applications should be given to the general public and interested parties and a date for intervention of proper parties should be set. The Commission's Data Center shall mail a copy of this notice to the County Commission of Hickory County, and to the Department of Natural Resources of the State of Missouri. In addition, the Commission's public information officer shall make notice of this order available to the media serving Hickory County and to the members of the General Assembly representing Hickory County.

The requirement of a hearing has been fulfilled when all those having a desire to be heard are offered an opportunity to be heard. If no proper party or governmental entity is granted intervention, and neither the Commission's Staff nor the Office of the Public Counsel requests a hearing, the Commission may determine that a hearing is not necessary for a determination on these applications.²

THE COMMISSION ORDERS THAT:

1. The Missouri Public Service Commission's Data Center is ordered to serve notice as described in the body of this order.
2. The Missouri Public Service Commission's information officer is ordered to serve notice as described in the body of this order.

¹ The feasibility study will contain a description of the company, the existing water and sewer systems, plans and specifications for anticipated improvements to the systems and estimated cost of construction during the first three (3) years, plans for financing, proposed rates and charges and an estimate of the number of customers, revenues and expenses during the first three (3) years of operation.

² *State ex rel. Deffenderfer v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo App. 1989).

3. Any proper person wishing to intervene in this matter shall file an application no later than February 17, 2009. Such applications shall be filed with:

Secretary
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

with a copy served on:

Lisa C. Henderson
Attorney for Applicant
303 South Maple
Buffalo, Missouri 65622

and

Office of the Public Counsel
P.O. Box 2230
Jefferson City, Missouri 65102

and

General Counsel
Missouri Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, Missouri 65102-0360

4. This order shall become effective immediately upon issuance.

(S E A L)

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', is written over a horizontal line.

Colleen M. Dale
Secretary

Ronald D. Pridgin, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 15th day of January, 2009.