

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of Oakview Water)
and Sewer Company, LLC for a Certificate of)
Convenience and Necessity Authorizing it to)
Participate in the Ownership, Maintenance,) **Case No. WA-2007-0201, et al.**
Removal, Replacement, Control and Management)
of a Water and Sewer Utility in Warren County,)
Missouri.)

ORDER DISMISSING APPLICATIONS

Issue Date: July 10, 2007

Effective Date: July 20, 2007

Syllabus: This order dismisses the applications filed by Oakview Water and Sewer Company, LLC, with the Missouri Public Service Commission, pursuant to Section 393.170, RSMo 2000, requesting that the Commission grant it authority to provide water service and sewer service to an unincorporated portion of Warren County, Missouri.

On November 28, 2006, Oakview Water and Sewer Company, LLC, filed applications with the Missouri Public Service Commission, pursuant to Section 393.170, RSMo 2000, requesting that the Commission grant it authority to provide water service and sewer service to an unincorporated portion of Warren County, Missouri. Separate cases were opened to consider certification of the water and sewer systems. Finding that the issues in the water certification case, Case No. WA-2007-0201, are clearly related to those in the sewer certification case, Case No. SA-2007-0200, the Commission issued an order dated December 4, 2006, consolidating these two cases and designating Case No. WA-2007-0201 as the lead case.

On December 28, 2006, the Commission directed its Staff to file a recommendation, on or before January 29, 2007, concerning Oakview's applications or a status report indicating the date on which it expects to file its recommendation regarding Oakview's applications. On January 29, 2007, Staff filed a status report indicating that the applications lacked "significant information that is required by Commission Rules . . . and which the Staff needs in order to make an appropriate and informed recommendation." Staff indicated that it was attempting to obtain that information and would file another status report on February 20, 2007. Staff timely filed its second status report indicating it still had not received the required information from Oakview.

On April 18, 2007, the Commission directed its Staff to file a third status report indicating when it expected to file a recommendation. The Commission also instructed its Staff to file a proposed schedule for filing future status reports if Staff believed it would require an extended period of time to file its recommendation. On April 25, 2007, Staff filed a Motion for Waiver of 4 CSR 240-2.090(8)(B) and a Motion to Compel Response to Data Request.

On May 1, 2007, Staff timely filed its third status report. In that report Staff informed the Commission it had been in contact with the Company's attorney, and was awaiting receipt of information requested by the outstanding data request. Staff advised the Commission that no set date for submission of that information had been set. The report also indicated that Staff anticipated it would take more than ninety days to file its recommendation in this docket due to the time Staff would require to issue its recommendation once the information required by the data request in question was furnished. Staff recommended that the Commission order it to file bimonthly status reports in this case until it is able to file its recommendation.

On May 2, 2007, the Commission directed its Staff to file bimonthly status reports in this case until such time that a Staff recommendation can be filed, with the first report due on or before July 1, 2007. The Commission further directed its Staff to include an update on the status of the outstanding data request in subsequent status reports.

On June 28, 2007, Staff timely filed its fourth status report in which Staff advised the Commission that it had not yet received the company's response to the outstanding data request. Staff further stated that no date for the submission of the information required of that data request had been set.

On June 29, 2007 the Commission directed its Staff to file a detailed list of the information Staff believes is missing from Oakview's water and sewer certificate applications and a copy of Staff Data Request No. 1. Staff timely filed the verified copies of the requested information, along with verified copies of Staff letters to Oakview's legal counsel, on July 5, 2007.

Based upon its review of Oakview's applications the Commission finds that Oakview's applications are deficient in that they lack information required in applications for certificates of convenience and necessity to provide sewer and water service required by Commission Rules 4 CSR 240-3.305 and 4 CSR 240-3.600, respectively. Further, Oakview has had over seven months to bring its applications into compliance with the applicable Commission Rules, but has declined to do so. The Commission will dismiss Oakview's pending applications for failure to comply with Commission Rules 4 CSR 240-3.305 and 4 CSR 240-3.600.

IT IS ORDERED THAT:

1. The Application of Oakview Water and Sewer Company, LLC, for a Certificate of Convenience and Necessity Authorizing it to Participate in the Ownership, Maintenance,

Removal, Replacement, Control and Management of a Water Utility in Warren County, Missouri on November 28, 2006, and assigned Case No. WA-2007-0201, is dismissed.

2. The Application of Oakview Water and Sewer Company, LLC, for a Certificate of Convenience and Necessity Authorizing it to Participate in the Ownership, Maintenance, Removal, Replacement, Control and Management of a Sewer Utility in Warren County, Missouri on November 28, 2006, and assigned Case No. SA-2007-0200, is dismissed.

3. All pending motions not herein addressed are dismissed.

4. This order shall become effective on July 20, 2007.

5. Commission Case Nos. SA-2007-0200 and WA-2007-0201 may be closed on July 21, 2007.

BY THE COMMISSION

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

Colleen M. Dale
Secretary

(S E A L)

Cherlyn D. Voss, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 10th day of July, 2007.