

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

In the Matter of the Application of Rodger)
Owens d/b/a Whispering Hills Water System)
for Authority and Approval of the Acquisition)
of Certain Assets of Whispering Hills Water)
System and, in conjunction Therewith Certain)
Other Related Transactions)

Case No. WM-2009-0436

STAFF RECOMMENDATION REGARDING TARIFF FILING

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through counsel, and for its Staff Recommendation Regarding Tariff Filing states the following:

1. On June 5, 2009, Rodger Owens, a sole proprietor d/b/a Whispering Hills Water System (“Whispering Hills” or “the Company”), filed with the Missouri Public Service Commission (“the Commission”) its Application for Approval of Assets Transfer (“Application”), requesting that the Commission authorize a transfer of assets to the Company from the system’s previous owners and grant to Whispering Hills a Certificate of Convenience and Necessity (“CCN”).

2. On July 29, 2009, Staff, Whispering Hills, and the Office of the Public Counsel (“OPC”) (collectively referred to as “the Signatories”) filed a Unanimous Stipulation and Agreement (“Unanimous Agreement”). This Unanimous Agreement was intended to resolve all issues identified by the Signatories regarding the Company's Application, except as otherwise specifically stated therein.

3. On August 5, 2009, and effective August 15, 2009, the Commission issued its Order Approving Unanimous Stipulation and Agreement (“Order”). The Commission’s Order (1) approved the Unanimous Stipulation and Agreement, (2) ordered the Signatories to comply

with the terms of the Unanimous Agreement, (3) granted Whispering Hills a CCN, and (4) transferred the assets of the system to the Company from its previous owners.

4. As contained in the Unanimous Agreement, numbered paragraph twenty (20) states as follows:

No later than ten (10) days after the effective date of any Commission Order approving the terms of this Unanimous Stipulation and Agreement the Company shall file an adoption notice whereby the Company shall adopt the existing tariff of Whispering Hills Water System, subject to the conditions contained herein.

5. As contained in the Unanimous Agreement, numbered paragraph twenty-one (21), states as follows:

Upon filing the adoption notice required herein, the Company shall file with the Commission the substitute tariff sheets P.S.C. MO. No. 1, 2nd Revised Sheet No. 5 (“No. 5”), and P.S.C. MO. No. 1, 1st Revised Sheet No. 6 (“No. 6”), intended both to reflect the terms of this Unanimous Stipulation and Agreement and to supersede tariff sheets P.S.C. MO. No. 1, 1st Revised Sheet No. 5 and P.S.C. MO. No. 1, Original Sheet No. 6, currently on file with the Commission. The Company shall also file any additional substitute tariff sheet required to implement the terms and conditions of this Unanimous Stipulation and Agreement. All substitute tariff sheets shall be filed on or before August 13, 2009, shall bear an effective date of September 12, 2009, and shall contain the rates, charges and language set out in the sample tariff sheets attached hereto as Attachment A.

6. On August 13, 2009, Whispering Hills filed with the Commission revised tariff sheets with an effective date of September 12, 2009. This filing was assigned in Tariff File No. YW-2010-0081. On August 13, 2009, Whispering Hills filed with the Commission a Water Tariff Adoption Notice (“Adoption Notice”). This Adoption Notice also bears an effective date of September 12, 2009. This filing was assigned Tariff File No. YW-2010-0084.

7. Also on August 13, 2009, the Commission issued its Order Directing Filing, ordering Staff to file a recommendation regarding the Company's tariff revisions by August 28, 2009.¹

8. The Commission has the authority to approve the subject proposed tariff revisions in accordance with Sections 393.140 (11) and 393.150 RSMo (2000).

9. David Spratt, a Technical Specialist in the Commission's Water and Sewer Department, has examined Whispering Hills' revised tariff sheets, P.S.C. MO. No. 1, 2nd Revised Sheet No. 5, Canceling 1st Revised Sheet No. 5 and P.S.C. MO. No. 1, 1st Revised Sheet No. 6, Canceling Original Sheet No. 6 (collectively assigned Tariff File No. YW-2010-0081), and the Adoption Notice, P.S.C. MO. No. 1, Original Sheet No. Adoption Notice No. 1 (assigned Tariff File No. YW-2010-0084). *See* Spratt Affidavit, attached hereto as Appendix A.

10. As noted in his Affidavit, attached hereto, Mr. Spratt notes that the tariff revisions reflect the terms agreed-upon by the Signatories to the Unanimous Agreement, comply with the Commission's Order, and should be allowed to take effect no later than September 12, 2009. *See* Appendix A.

WHEREFORE, Staff recommends the Commission issue an order approving the proposed revised tariff sheets currently pending in Tariff File No. YW-2010-0081 and Tariff File No. YW-2010-0084, to be effective no later than September 12, 2009.

¹ Although the Commission's Order Directing Filing was issued prior to submission by the Company of its Adoption Notice, Staff has interpreted the Commission's Order Directing Filing as necessitating a Staff recommendation concerning both the tariff sheets assigned Tariff File No. YW-2010-0081 and the Adoption Notice assigned Tariff File No. YW-2010-0084.

Respectfully submitted,

/s/ Eric Dearmont

Eric Dearmont
Assistant General Counsel
Missouri Bar No. 60892

Attorney for the Staff of the
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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 25th day of August, 2009.

/s/ Eric Dearmont

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

STATE OF MISSOURI

ss.

COUNTY OF COLE

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Case No. WM-2009-0436

AFFIDAVIT OF DAVID SPRATT

David Spratt, being of lawful age, and on his oath states the following: (1) that he is a Technical Specialist in the Missouri Public Service Commission's Water & Sewer Department; (2) that he has reviewed and examined the revised tariff sheets filed by Whispering Hills Water System on August 13, 2009, comprised of P.S.C. MO. No. 1, 2nd Revised Sheet No. 5, Canceling 1st Revised Sheet No. 5, P.S.C. MO. No. 1, 1st Revised Sheet No. 6, Canceling Original Sheet No. 6, and P.S.C. MO. No. 1, Original Sheet No. Adoption Notice No. 1; (3) that he has personal knowledge of the matters set forth in the foregoing tariff sheets and in the Staff Recommendation Regarding Tariff Filing; (4) that the matters set forth in the Staff Recommendation Regarding Tariff Filing are true and correct to the best of his knowledge, information and belief; and (5) that to the best of his knowledge, information and belief, the revised tariff sheets comply with the Missouri Public Service Commission's Order Approving Unanimous Stipulation and Agreement issued August 5, 2009 and effective August 15, 2009.

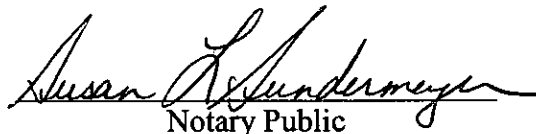


David A. Spratt
Technical Specialist
Water and Sewer Department

Subscribed and sworn to before me this 25th day of August, 2009.



SUSAN L. SUNDERMEYER
My Commission Expires
September 21, 2010
Callaway County
Commission #06942086



Notary Public