

# 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 DIRECTING FILING**

Issue Date: June 29, 2007

Effective Date: June 29, 2007

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 concerning Oakview's applications or a status report indicating the date on which it expects to file its recommendation regarding Oakview's applications on or before January 29, 2007. 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 has been set.

The Staff has now been waiting for the company to respond to the data request in question for over four months. Before making a decision as to whether to grant Staff's pending motion to compel, the Commission will need to see a detailed list of the information requested in the outstanding data request. The Commission will direct 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 submitted to Oakview's attorney in this case.

**IT IS ORDERED THAT:**

1. The Staff of the Commission shall file a detailed list of the information Staff believes is missing from Oakview Water and Sewer Company LLC's water and sewer certificate applications and a copy of Staff Data Request No. 1 submitted to that company's attorney in this case on or before July 9, 2007.

2. This order shall become effective on June 29, 2007.

**BY THE COMMISSION**



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 29th day of June, 2007.