

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

In the matter of the application of Environmental Utilities, )  
LLC, for Permission Approval and Certificate of )  
Convenience and necessity Authorizing it to Construct )  
Install, Own, Operate, Control, Manage and Maintain ) CASE #: WA-2002-65  
A Water System for the Public Located in Unincorporated )  
Portions of Camden County, Missouri (Golden Glade )  
Subdivision) )

**HANCOCK CONSTRUCTION'S COMPANY'S  
PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

COMES NOW Hancock Construction Company, by and through it's attorney of record, Thomas E. Loraine of Loraine & Associates, and states to the Missouri Public Service Commission as follows:

On the 26<sup>th</sup> day of March, 2002, the Commission issued its Notice Regarding Filing of Briefs and Proposed Findings of Fact and Conclusions of Law in which it directed parties to file their proposed findings of fact and conclusions of law simultaneously with the initial briefs on April 30, 2002.

The following proposed findings and conclusions are deemed appropriate based on the Initial Brief filed by Hancock Construction Company.

**Proposed Findings of Fact**

1. Environmental Utilities, L.L.C. is a proposed new startup company and is owned and operated by Mr. and Mrs. Greg Williams since 1991. These Principals have owned and operated and made all management decisions regarding O.W.C. from 1998 to 2002.
2. Mr. Williams, as president through 2000, filed CCN's for Osage Beach and Parkview Bay.
3. O.W.C.'s Parkview Bay and Osage Beach assets are now not included in rate base because these assets are not used and useful. These exclusions from rate base are a result of incompetence by

these Principals in operating O.W.C.

4. The lost revenue of Parkview Bay and Osage Beach has resulted in the Principal's submission of Ex. 28 indicating the demise of O.W.C.

5. The incompetence of these Principals in operating O.W.C. shows they cannot meet any of the five (5) Tartan Criteria.

6. This ongoing incompetence resulted in these Principals failure to meet the requirements of 4 CSR 240- 7.060 and 4 CSR 240-2.130 (2), and enter any application for the Environmental Utilities, L.L.C's CCN into evidence.

**Proposed Conclusions of Law**

1. Principals have failed to meet any of the five (5) Tartan Criteria.
2. Principals have failed to file an Application for a CCN for Environmental Utilities, L.L.C. and either incorporate by reference or introduce this Application into evidence as a part of the record.

Respectfully submitted,

LORAIN & ASSOCIATES



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