

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

In the Matter of the Application of KMB Utility Corporation to Transfer the Assets of Cape Rock Village Sewer System to Triple C Development, LLC.)
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Case No. SO-2009-0174

STAFF MOTION FOR ADDITIONAL TIME

COMES NOW the Staff of the Missouri Public Service Commission, by and through the Commission's General Counsel, and for its Motion for Additional Time, states as follows:

1. KMB Utility Corporation and Triple C Development, LLC, filed their Joint Application on November 17, 2008, seeking Commission approval of the transfer of the sewer system assets of Cape Rock Village Sewer System from KMB to Triple C.

2. Also on November 17, 2008, the Joint Applicants requested expedited treatment, in particular, requesting that the Commission act by December 15, 2009.

3. Accordingly, the Commission directed its Staff to file a recommendation not later than December 9, 2008, but also specifically stated that Staff “may file an appropriate motion requesting additional time” if it believes such to be necessary.

4. Staff notes that transfers such as that contemplated here must be allowed so long as they are not detrimental to the public interest. ***State ex rel. City of St. Louis v. Public Service Commission***, 335 Mo. 448, 73 S.W.2d 393, 400 (Mo. banc 1934); ***State ex rel. Fee Fee Trunk Sewer, Inc. v. Litz***, 596

S.W.2d 466, 468 (Mo. App., E.D. 1980). In order to determine whether a proposed transfer is, or is not, detrimental to the public interest, Staff must conduct a fairly extensive analysis. This analysis depends upon Staff's receipt of certain information from the applicant, all of which is listed in Commission Rule 4 CSR 240-3.310(1), to-wit:

(A) A brief description of the property involved in the transaction, including any franchises, permits, operating rights or certificates of convenience and necessity;

(B) A copy of the contract or agreement of sale;

(C) The verification of proper authority by the person signing the application or a certified copy of resolution of the board of directors of each applicant authorizing the proposed action;

(D) The reasons the proposed sale of the assets is not detrimental to the public interest;

(E) If the purchaser is subject to the jurisdiction of the commission, a balance sheet and income statement with adjustments showing the results of the acquisitions of the property; and

(F) A statement of the impact, if any, the sale, assignment, lease or transfer of assets will have on the tax revenues of the political subdivisions in which any structures, facilities or equipment of the companies involved in that sale are located.

5. With respect to the present proposed transfer, Staff states that the Joint Application is deficient in that the Joint Applicants have not satisfied the minimum filing requirements set out in Rule 4 CSR 240-3.310(1), items (D), (E) and (F). Without those items, Staff is unable to proceed with its analysis of the public interest impact of the proposed transaction.

6. Staff requests that it be allowed an interval of thirty (30) days within which to complete its analysis after the missing items have been filed.

WHEREFORE, Staff prays that it will be granted additional time to file its Memorandum and Recommendation herein, specifically, an interval of thirty (30) days after the Joint Applicants have corrected the deficiencies noted above in the Joint Application; and such other and further relief as is just in the circumstances.

Respectfully submitted,

s/ Kevin A. Thompson
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Certificate of Service

I hereby certify that a true and correct copy of the foregoing was served, either electronically or by hand delivery or by First Class United States Mail, postage prepaid, on this **8th day of December, 2008**, on the parties of record as set out on the official Service List maintained by the Data Center of the Missouri Public Service Commission for this case.

s/ Kevin A. Thompson