

In the Matter of the Application)
of Water's Edge Sewer Company)
for Permission and Approval)
for a Certificate of Convenience) Case No. SA-80-208
and Necessity Authorizing it)
to Construct, Install, Own, Operate,)
Control, Manage and Maintain a)
Sewer System for the Public Located)
in an Unincorporated Area in Boone)
County, Missouri.)

PETITION TO SET ASIDE THE SUBMISSION AND
REOPEN THE PROCEEDINGS FOR THE TAKING OF ADDITIONAL EVIDENCE

Comes now the Staff of the Missouri Public Service Commission (hereinafter the Staff) in the above-entitled case and respectfully states to the Commission:

1. That a hearing was held in the above-entitled matter on May 30th, 1980;

2. That since the time of the conclusion of that hearing, events have occurred which amount to material changes of fact, to wit:

a) The owner operator of Boone Water and Waste, Inc. (BW&W), Mr. Kenneth Flood, is negotiating in good faith to transfer BW&W's assets and certificate of necessity and convenience to one Vernon Stump, an experienced operator, engineer, and President of Mid-Missouri Engineers and that the consummation of a contract is imminent;

b) That the Applicant, Water's Edge Sewer Company (Water's Edge), is negotiating in good faith with Mr. Vernon Stump, potential owner and operator of intervenor BW&W, to allow the BW&W sewer system to connect to the Water's Edge treatment facility and that the consummation of an agreement is imminent;

c) That should the BW&W sewer system be connected to the Water's Edge treatment facility the BW&W sewer service would no longer be inadequate;



d) That should the agreement and contract described above be consummated there will be no dispute among the parties to these proceedings, thereby obviating the necessity of this Commission determining the adequacy or inadequacy of BW&W's service and facility and obviating the necessity of this Commission determining whether or not Water's Edge should be granted a certificate of convenience and necessity which incorporates the service area of BW&W;

3. That the Staff of the Missouri Public Service Commission and other parties intend to introduce additional evidence if this Petition is granted, to wit:

- a) The contract and agreement described in paragraph 2, (a) and (b) above;
- b) Evidence that this contract and agreement best serve the public convenience and necessity; and
- c) Revised proposed interim rate schedules reflecting the changed circumstances described herein;

4. That the additional evidence described in paragraph 3 above was not previously adduced because it was not available at the conclusion of the hearing in this matter in that the negotiations developed subsequent to said hearing.

WHEREFORE, the Staff requests that the Commission, in accordance with 4 CSR 240-2.110(24), set aside the submission in these proceedings and reopen the proceedings for the taking of additional evidence.

Respectfully submitted,

William C. Harrelson
William C. Harrelson
Assistant General Counsel

Attorney for the Staff of the
Missouri Public Service Commission
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CERTIFICATE OF SERVICE

I hereby certify that
copies of the foregoing
have been mailed or hand-
delivered to all parties of
record on this 29th day of

October 19 80.

William C. Harrelson