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December 11, 1997

SENT VIA FEDERAL EXPRESS

Mr. Cecil I. Wright, Executive Secretary
Missouri Public Service Commission
301 West High Street, Suite 530
Jefferson City, MO 65101

RE: OBFDP's Motion to Consolidate
Case Nos.: WA-98-36, WA-97-110, and WC-98-211

Dear Mr. Wright:

You will find enclosed for filing in the above-referenced matter the original and fourteen (14) copies of Osage Beach Fire Protection District's Motion to Consolidate.

Thank you for your assistance in this matter.

Very truly yours,

THOMAS E. LORAIN, P.C.

Thomas E. Loraine (ma)
Thomas E. Loraine

TEL/maa

Enclosures

cc: Ms. Carol Keith
Mr. John Coffman
Mr. Gregory D. Williams
Mr. Norman Gaar
Mr. Charles McElyea

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FILED
DEC 12 1997
MISSOURI
PUBLIC SERVICE COMMISSION

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED
DEC 12 1997
MISSOURI
PUBLIC SERVICE COMMISSION

In the Matter of the Application of)
Osage Water Company for Permission,)
Approval, and a Certificate of)
Convenience and Necessity Authorizing)
it to Construct, Install, Own, Operate,)
Control, Manage and Maintain a Water)
and Sewer System for the Public Located)
in an Unincorporated Portion of Camden)
County, Missouri.)

Case No.: WA-98-36
WA-97-110

OSAGE BEACH FIRE PROTECTION DISTRICT)
Complainant)
v.)
OSAGE WATER COMPANY)
Respondent)

Case No. WC-98-211

MOTION TO CONSOLIDATE

Comes the OSAGE BEACH FIRE PROTECTION DISTRICT (DISTRICT) pursuant to 4 CSR 240-2.080 and in support of its Motion to Consolidate Cases WC-98-211, WA-97-110 and WA-98-36, all concerning the Osage Water Company (OWC), respectfully states the following:

1. The DISTRICT is a person within the meaning of 4 CSR 240-2.010.
2. The DISTRICT is a political subdivision of the State of Missouri duly organized and existing under the laws of the State of Missouri with its principle office and place of business located at 1170 Bluff Drive, Osage Beach, Missouri 65065, Telephone number (573) 348-1221.
3. The OWC is a corporation duly organized and existing under laws of the State of Missouri with its principle office and place of business located on Highway 54 West, Osage Beach, Missouri 65065.
4. OWC filed an Application (Case No. WA-97-110) on September 16, 1996 and subsequently amended said Application on May 22, 1997, requesting the issuance of a Certificate of Convenience and Necessity to construct, own, operate, manage and maintain a water service system in the unincorporated area of Camden County known as Cimarron Bay and a sewer system in the unincorporated area of Camden County known as Chelsea Rose.
5. OWC file an Application (Case No. WA-98-36) on July 28, 1997 requesting the issuance of a Certificate of Convenience and necessity to construct, own, operate, manage and maintain

water service and sewer systems for the Cedar Glen Condominiums in Camden County.

6. On October 1, 1997, OWC filed applications for submitting the matters of both cases, WA-97-110 and WA-98-36, for Commission determination on the facts as set out in the verified applications and attachments.

7. On October 29, 1997, the Commission denied both WA-97-110 and WA-98-36 applications for determination of the facts as set out in the verified applications and attachments because OWC had not fulfilled requirements of Rule 4 CSR 240-030(5) and the unresolved material issues concerning OWC's financial ability to provide the requested service.

8. On November 6, 1997, the District filed a formal complaint because of unresolved material issues from Docket WA-97-332.

Both Staff and the District filed rebuttal testimony in Case WC-97-332 indicating significant reservations about Water's ability to report on, construct, own, operate, manage and maintain adequate water service and sewer systems. Both Staff and the District's testimony revealed Osage's inability to demonstrate capability for producing adequate financial plans and reports required by Rule 4 CSR-240-060(2)9A)8.B.& 9 and 4 CSR 240-50.030(5) as well as inadequate financial resources to design, install, maintain and operate water service and sewer systems consistent with MoPSC standards and requirements and City of Osage Beach Ordinances. However when the Commission dismissed OWC's application on the grounds that OWC had failed to meet filing requirements set out in Section 393.170, RSMo. 1994 and 4 CSR 240-2.060(2) and because OWC had not shown that it had obtained proper consent and/or franchise from the City, the Staff and District were unable to present the positions concerning OWC's lack of ability to finance, design, install, maintain and operate water service and sewer systems.

9. The District believes that combining WC-98-211 with WA-97-110 and WA-98-36 will facilitate Staff's efforts to: 1) provide a viable procedural schedule; 2) clear up material issues that remain unresolved by supplementing the on site audit results of Staff with the discoveries resulting from ongoing District investigations. In addition, the Data Requests filed will be essential to all three cases. The result of this unification will be to conserve the review time of Staff and Commission, therefore, conserving energy and expediting justice by allowing discovery of common facts as to the financial inability of OWC for the cases set forth above.

WHEREFORE, the DISTRICT respectfully requests that Dockets WC-98-211, WA-97-110 and WA-98-36 be consolidated.

OSAGE BEACH FIRE PROTECTION DISTRICT

Russell C. Clark Pres
Russell C. Clark, President

George W. Major, Treas.
George Major, Treasurer

John Kahrs by Chief Kevin Rucker
John Kahrs, Secretary

Respectfully submitted,

THOMAS E. LORAINE, P.C.

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ATTORNEYS FOR OSAGE BEACH FIRE
PROTECTION DISTRICT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing was on this 11th day of December, 1997, mailed, postage prepaid, to the following:

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