

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

In the Matter of the Application of Portico Properties,	)	
LLC., for a Certificate of Convenience and Necessity	)	Case No. WA-2008-0400
to Provide Water Service.	)	

**MOTION TO DISMISS APPLICATION FOR GOOD CAUSE**

**COMES NOW** the Staff of the Missouri Public Service Commission (Staff), through Counsel, and moves pursuant to Section 386.410 RSMo (2000) and 4 CSR 240-2.116, the Missouri Public Service Commission (Commission) to dismiss for good cause Portico Properties, L.L.C.’s (Portico) Application for Certificate of Convenience and Necessity to Provide Water Service. For this Motion, Staff respectfully states to the Commission the following:

1. On June 16, 2008, Counsel for Portico filed an Application for Certificate of Convenience and Necessity to Provide Water Service (Application).
2. Staff has conducted an investigation of Portico’s operations and determined that Portico is a customer of Missouri-American Water Company (MAWC), and because of the nature of the current relationship, a Certificate of Convenience and Necessity is unnecessary at this time.
3. Additionally, on July 8, 2008, the Commission issued its Order advising Portico of deficiencies in its Application. The Order directed Portico to supplement its Application no later than September 5, 2008, which was later extended to October 3, 2008.
4. To date, Portico has neither supplemented nor withdrawn its Application.
5. Pursuant to Section 386.410 RSMo (2000) and 4 CSR 240-2.116 (4), “[a] case may be dismissed for good cause found by the commission after a minimum of ten (10) days notice to all parties involved.” 4 CSR 240-2.116 (4).

**WHEREFORE**, after proper notice to all parties, the Staff prays the Missouri Public Service Commission will dismiss for good cause Portico Properties, L.L.C.'s Application for Certificate of Convenience and Necessity to Provide Water Service.

Respectfully submitted,

**/s/ Jennifer Hernandez**

Jennifer Hernandez

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Missouri Public Service Commission

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#### **CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing was served via US mail or electronic mail to counsel for all parties to this action on this 17<sup>th</sup> day of October, 2008.

**/s/ Jennifer Hernandez**