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April 19, 2001

**FILED**<sup>3</sup>

APR 19 2001

Missouri Public  
Service Commission

Mr. Dale Hardy Roberts  
Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

RE: **Foxfire Utility Company** ~~Case No. WA-2001-53~~ *OK 2/11*

Dear Mr. Roberts:

*WA-2001-53*

Enclosed for filing in the above-referenced proceeding please find an original and eight copies of a Motion for Expedited Treatment and Effective Date of Fewer Than Thirty Days. Please stamp the enclosed extra copy "filed" and return same to me.

If you have any questions concerning this matter, then please do not hesitate to contact me. Thank you very much for your attention to this matter.

Sincerely,

BRYDON, SWEARENGEN & ENGLAND P.C.

By:

*[Signature]*  
Dean L. Cooper

DLC/rhg

Enclosures

cc: Office of the Public Counsel  
Mr. Cliff Snodgrass  
Ms. Ruth O'Neill

**200101076**

*200101076*

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

**FILED<sup>3</sup>**  
APR 19 2001  
Missouri Public  
Service Commission

In the Matter of the Application of )  
Foxfire Utility Company for a )  
certificate of convenience and necessity )  
authorizing it to construct, install, own, )  
operate, control, manage and maintain a )  
water system for the public in )  
an unincorporated area of Benton )  
County, Missouri. )

Case No. WA-2001-53

**MOTION FOR EXPEDITED TREATMENT  
AND EFFECTIVE DATE OF FEWER THAN THIRTY DAYS**

COMES NOW Foxfire Utility Company ("Foxfire" or "Company"), and in accordance with Commission Rules 4 CSR 240-2.065(2) and 4 CSR 240-2.080(17), states to the Missouri Public Service Commission ("Commission") as follows:

1. On April 17, 2001, the Commission issued its Order Granting Certificate of Public Convenience and Necessity (the "Order"). The Order, among other things, granted Foxfire a certificate to construct, install, own, etc. a water system for the public in an unincorporated area of Benton County, Missouri (to be known as Foxfire's Spring Branch water service area). As a part of the Order, the Commission ordered that Foxfire file new tariff sheets for its existing tariff, including a map, a written description of the Spring Branch water service area, and the approved customer rates for the service area.

2. Simultaneously with the filing of this Motion, and in compliance with the Order, Foxfire has filed:

P.S.C. Mo. No. 1, 1<sup>st</sup> Revised Sheet No. W 1;  
P.S.C. Mo. No. 1, 1<sup>st</sup> Revised Sheet No. W 2;  
P.S.C. Mo. No. 1, Original Sheet No. WM 2;  
P.S.C. Mo. No. 1, Original Sheet No. WL 3;

P.S.C. Mo. No. 1, Original Sheet No. WR 2;  
P.S.C. Mo. No. 1, 1<sup>st</sup> Revised Sheet No. WSC 1; and,  
P.S.C. Mo. No. 1, Original Sheet No. WRR A.

A copy of the subject tariff sheets are marked Appendix 1 and attached hereto.

3. As stated in the Order, the Spring Branch water system is an existing water system that was constructed by a developer. The system has not previously been regulated by the Commission and has not been monitored by the Missouri Department of Natural Resources.

4. Because of the existing situation, Foxfire has no ability to charge the Spring Branch customers and will have no resulting revenue stream until the subject tariff sheets become effective. It is important that this change as quickly as possible so that Foxfire has the ability to provide appropriate service to the Spring Branch system.

5. Foxfire therefore requests that the tariff sheets attached hereto as Appendix 1 become effective on April 27, 2001, or as soon thereafter as the Commission shall order, a date less than thirty days from the issuance of the tariff sheets. Such action will allow Foxfire to move forward with its operation of the Spring Branch system. Accordingly, Foxfire also moves the Commission to expedite its processing of these tariff sheets.

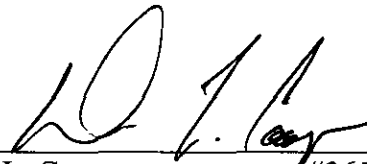
6. There is a potential benefit to the Spring Branch customers from the expediting of the effective dates. Granting the requested effective date for the tariffs will bring the Spring Branch water system within the regulation of the Commission that much sooner and lead the way to improved monitoring of water quality and customer service.

7. This pleading has been filed with the Commission within a week of the receipt of the Commission's Order. Foxfire believes this is as soon as such pleading could have been filed and that there has been no delay in filing.

WHEREFORE, Foxfire requests a Commission order:

- a) granting its motion for expedited treatment;
- b) approving Foxfire's tariff sheets attached hereto as Appendix 1, and allowing them to become effective on April 27, 2001, or as soon thereafter as the Commission will allow; and,
- c) granting such further relief as may be necessary which is consistent with the relief requested herein.

Respectfully submitted,



Dean L. Cooper #36592  
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ATTORNEYS FOR FOXFIRE  
UTILITY COMPANY

#### CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing was either hand-delivered or mailed, U.S. Mail, postage prepaid, on the 19th day of April, 2001, to the following:

Mr. Cliff Snodgrass  
Public Service Commission  
Governor Office Building  
200 Madison Street  
Jefferson City, MO 65101

Ms. Ruth O'Neill  
Office of the Public Counsel  
Governor Office Building  
200 Madison Street  
Jefferson City, MO 65101

