

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
Jefferson City

June 14, 1979

CASE NO. SA-79-89

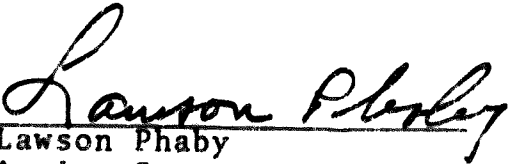
Gentlemen:

Enclosed find certified copy of Report and/or Order in the
above numbered case.

Sunrise Sanitation Systems, Inc.
27 Southern Drive
Columbia, Missouri 65201

Cullen Cline
Attorney at Law
32 North Eighth Street
Columbia, Missouri 65201

Sincerely,


Lawson Phaby
Acting Secretary

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

CASE NO. SA-79-89

In regard to the matter of: The application of Sunrise Sanitation Systems, Inc. for permission, approval and certificate of convenience 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.

Where the Commission finds the operation and maintenance of a sewer system is necessary to meet the public need, authority to provide the service will be granted.

APPEARANCES: Cullen Cline, Attorney at Law, 32 North Eighth Street, Columbia, Missouri 65201, for Applicant.

Gary W. Duffy, Assistant General Counsel, P. O. Box 360, Jefferson City, Missouri 65102, for the Staff of the Commission.

REPORT AND ORDER

On September 28, 1978, Sunrise Sanitation Systems, Inc. (Applicant) filed an application with the Missouri Public Service Commission requesting that it be authorized to operate and maintain a sewer system in a certain unincorporated area in Boone County, Missouri. After due notice to all interested parties, the matter was heard on the 19th day of March, 1979, in the Commission's hearing room on the tenth floor of the Jefferson State Office Building, Jefferson City, Missouri. The only participants in the hearing were Applicant and the Staff of the Commission. At the conclusion of the hearing, the parties waived reading of the transcript, briefing and oral argument.

Findings of Fact

The Missouri Public Service Commission, having considered all of the competent and substantial evidence upon the whole record, makes the following findings of fact:

Applicant is a Missouri corporation organized in June of 1978. A copy of the Articles of Incorporation are on file with the Commission. Mr. Robert Basset is president of Applicant and its business address is 27 Southern Drive, Columbia, Missouri 65201.

The authority sought is to serve an unincorporated area in Boone County known as Sunrise Estates Subdivision, which is located approximately three miles east of the City of Columbia on the south side of Interstate Highway 70. At the time of the hearing there were about 225 homes in the subdivision and 30 to 40 new homes are being constructed each year with 220 lots still undeveloped.

The current sewer system is owned and operated by Basset Construction Company, the developer of the subdivision. Mr. Robert Basset is also president of this company. All sewer lines are in place and treatment facilities consist of four lagoons. Basset Construction Company makes no charges for the sewer service it provides. It has been providing this service for over two years. If the application is approved the treatment facilities will be transferred to Applicant which has been dormant since its formation pending action by this Commission.

The Applicant had an engineering feasibility study performed for the purpose of planning future sewer needs. The study showed that aeration systems or mechanical plants would be needed to upgrade the treatment facilities. Applicant proposes to adopt these recommendations. It has applied for a construction permit to install a mechanical package plant. Basset Construction Company will finance the project through a bank for the benefit of Sunrise Sanitation Systems, Inc.

The lagoons are currently operated under a permit issued by the Clean Water Commission and authorized by the Department of Natural Resources. At the present time the system is meeting the standards of the Department of Natural Resources and Applicant will continue to meet or exceed these standards.

The area of proposed service is not located in any municipality and it does not overlap into any existing sewer service area. No one else has been interested in providing sewer service to this area. The lots are not large enough to accommodate septic tanks and it is not feasible for individual homeowners to provide for their own sewage disposal. Boone County does not provide sewer service to the proposed area of service; furthermore, Boone County does not grant franchises for the operation of private sewer companies within the County, so there is no franchise requirement to be met.

The Applicant will have an office in the subdivision and will provide for a 24-hour phone answering service. Arrangements have been made to have independent plumbers maintain the system. Applicant will comply with Commission

accounting requirements and is aware that Commission approval is needed for certain future actions it may take, e.g., obtaining long-term financing, adjusting rates and charges, pledging assets, etc.

There will be no hook-up charges for customers. The cost of adding new homes to the sewer system will be reflected in the total cost of the homes the developer builds and recouped by the developer in the sales price of the home.

Applicant will charge customers a monthly rate of \$6.05 for a period of 18 months. If this rate is determined to be excessive, customers will receive a refund if the Commission so orders. The Staff concurs in this matter and recommends that the application be approved.

Conclusions

The Missouri Public Service Commission has arrived at the following conclusions:

The management of Sunrise Sanitation Systems, Inc. has the financial and technical ability to serve the requested service area. The Commission further concludes that public convenience and necessity will be promoted by the granting of the authority requested in the instant application since there is no other sanitary sewage disposal system in the area.

It is, therefore,

ORDERED: 1. That Sunrise Sanitation Systems, Inc., 27 Southern Drive, Columbia, Missouri 65201, be, and is, hereby granted a certificate of convenience and necessity to construct, operate and maintain a sanitary sewage system in an unincorporated area in Boone County, Missouri, described in Appendix A attached hereto.

ORDERED: 2. That for an interim period of 18 months, an amount of \$6.05 may be charged to customers; but, if at the end of said period if the Commission determines the above rate to be excessive the Commission may order a refund to customers of the amount in excess of what is determined to be reasonable.

ORDERED: 3. That Sunrise Sanitation Systems, Inc., shall, before commencing operation, furnish the Commission its rules and regulations for the Commission's approval, in accordance with 4 CSR 240-60.

ORDERED: 4. That, for ratemaking purposes, nothing herein contained shall be construed by the Commission as a finding of value for the properties herein involved nor as an acquiescence in the value placed on said properties by the parties.

ORDERED: 5. That this Report and Order shall become effective on the 26th day of June, 1979.

BY THE COMMISSION

Lawson Phaby

Lawson Phaby
Acting Secretary

(S E A L)

Fraas, Chm., McCartney and
Dority, CC., Concur.
Slavin, C., Absent.

Dated at Jefferson City, Missouri,
this 14th day of June, 1979.

APPENDIX A

A tract of land located in Section 12, Township 48 North, Range 12 West, in Boone County, Missouri, described as follows: Beginning at an iron in the quarter corner on the West (W) line of the said Section 12; thence with the mid-section line South (S) 89° 53' E, 1323 feet to an iron corner post set in concrete, the one quarter-one quarter ($\frac{1}{4}$) corner; thence South (S) 0° 10' W, 1359.2 feet to an iron in the one quarter-one quarter ($\frac{1}{4}$) corner; thence South (S) 89° 15' E, 1982.9 feet to an iron; thence North (N) 0° 18' E, 2485.8 feet to an iron on the right-of-way of Interstate Highway 70; thence along the said right-of-way line North (N) 76° 3' W, 4 feet to a point; thence North (N) 81° 28' W, 1228.2 feet to a point; thence North (N) 75° 45' W, 100.5 feet to a point; thence North (N) 81° 28' W, 453.7 feet to a point; thence with a 0° 30' curve left, 1553.7 feet to an iron on the West (W) line of Section 12; thence with the said West (W) line South (S), 1498.9 feet to the point of beginning and containing 163.68 acres, more or less.

The same lands as set out in the Plat of Sunrise Estates Subdivision as shown in Plat Book 7, Page 10 and later re-platted in Plat Book 7, Page 46, the same land being re-platted again at Plat Book 9, Page 27 and Plat Book 9, Page 40.

AND, a tract of land located in the West (W) one quarter ($\frac{1}{4}$) section of Section 12, Township 48 North, Range 12 West, and more particularly described as follows: Beginning at the West (W) one quarter ($\frac{1}{4}$) section corner of Section 12-48-12, also being the Southwest (SW) corner of Lot 9 of the Re-Plat of Sunrise Estates Subdivision; thence South (S) 89° 53' E along the center section line and the South (S) line of the Re-Plat of Sunrise Estates Subdivision 1005.1 feet to the Northwest (NW) corner of a survey recorded in Book 392, Page 782; thence following the said survey South 0° 7' West 135 feet; thence South 89° 53' East (E) 240 feet; thence North (N) 0° 7' E 135 feet to the Northeast (NE) corner thereof, and being on the center section line; thence along the said line South (S) 89° 53' E, 75.0 feet to the West (W) line of the Re-Plat of Sunrise Estates Subdivision and being the East (E) line of the West (W) one half ($\frac{1}{2}$) of the Southwest (SW) quarter ($\frac{1}{4}$) of the said Section 12-48-12; thence along the said line South (S) 0° 7' W, 185 feet; thence North (N) 89° 53' W along the North (N) line of a survey recorded in Book 383, Page 879, 255.0 feet to the Northwest (NW) corner

Exhibit No. 3
Date 3/17/77 Case No. SA 77-87
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EX3

EX3

thereof; thence South (S) 0° 7' West along the said survey 165 feet; thence North 89° 53' West 1067.0 feet to the West (W) line of Section 12-48-12; thence North (N) 0° 24' East along the said section line 350 feet to the beginning and containing 8.90 acres.

The same being Sunrise Estates Subdivision, Block 2, as recorded in Plat Book 10, Page 1.

AND, Tracts A and B of a survey recorded in Book 392, Page 782 of the Boone County Records,

AND, a tract as shown in a survey recorded in Book ³⁸³ 288, Page 879 of the Boone County Records.

AND, a tract of land located in the Southwest (SW) quarter (¼) of Section 12, Township 48 North, Range 12 West described as follows: Starting in the Northwest (NW) corner of Section 12-48-12 as shown by Sunrise Estates Subdivision, Block 2; thence South (S) 0° 24' W along the Section line 350 feet to the Southwest (SW) corner of the said Subdivision, the point of beginning. From the point of beginning South (S) 89° 53' East along the South (S) line of Sunrise Estates Subdivision, Block 2 1067.0 feet to the West (W) line of a survey recorded in Book 383, Page 879; thence following the said survey South (S) 0° 7' West, 15 feet; thence South (S) 89° 53' E, 205 feet to the East (E) line of a quit-claim deed recorded in Book 425, Page 948; thence North (N) 0° 7' E, 180 feet to the Northeast (NE) corner thereof and being the line of Sunrise Estates Subdivision, Block 2; thence South (S) 89° 53' East, 50 feet to the West (W) line of the Re-Plat of Sunrise Estates Subdivision and being the East (E) line of the West (W) one half (½) of the Southwest (SW) quarter (¼) of Section 12-48-12; thence 0° 7' West along the said line 715.3 feet to the Northwest (NW) corner of Lot 35, Re-Plat of Sunrise Estates Subdivision; thence South (S) 89° 53' East along the North (N) line of Lot 35 and 34 of the said Subdivision 310 feet to the Northeast (NE) corner of the said lot 34; thence South (S) 0° 7' West 262.4 feet to the South (S) line of Southern Drive; thence North (N) 89° 18' West along the said line 7.8 feet to the Northeast (NE) corner of Lot 37; thence South (S) 0° 42' West, 200 feet to the Southeast (SE) corner thereof; thence North (N) 89° 18' West along the South (S) line of the Re-Plat of Sunrise Estates Subdivision 300 feet to

the Southwest (SW) corner thereof; thence North (N) 0° 7' East along the West (W) line of the Subdivision 135.0 feet; thence North (N) 89° 53' West, 148.55 feet; thence along a curve to the left, having 150.0 foot radius, the cord being South (S) 4° 8' W, 20 feet to the P.T. thereof; thence North (N) 89° 53' West, 50.0 feet; thence along a curve to the right, having a 200.0' radius, the cord being North (N) 14° .04 E 96.15 feet; thence North (N) 74° 24' West, 139.6 feet; thence North (N) 59° 54' West, 315 feet; thence South (S) 69° 20' West, 98.1 feet; thence South (S) 30° 6' West, 210.0 feet; thence North (N) 59° 12' West, 139.1 feet; thence North (N) 75° 3' West 56.0 feet; thence North (N) 49° 29' West, 154.5 feet; thence North 30° 6' East, 200.0 feet; thence North (N) 71° 37' West, 370.7 feet to the Section line; thence North (N) 0° 24' East, along the section line 348.3 feet to the point of beginning, containing 23.69 acres, all in Boone County.

The same tract being Block 3 of Sunrise Estates Subdivision as recorded in Plat Book 11, Page 253,

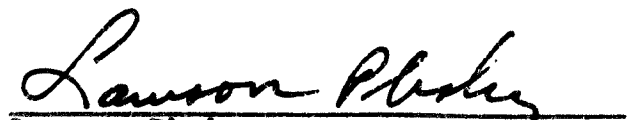
AND, a tract of ground described as Tract 2 shown in a survey recorded at Book 388, Page 253 and located in the Southeast (SE) quarter (¼) of the Southwest (SW) quarter (¼) of Section 12, Township 48 North, Range 12 West, Boone County, Missouri.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission,
at Jefferson City, this 14th day of June 1979.


Lawson Phaby
Acting Secretary