

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
Jefferson City

November 20, 1979

CASE NO. sa-79-14

Enclosed find certified copy of ORDER in the above-numbered case.

James R. Rowland, President
South County Sewer Company
411 Main Street
Fenton, Missouri 63026

William R. England III
Attorney at Law
P. O. Box 456
Jefferson City, Missouri 65102

Sincerely,

D. Michael Hearst
D. Michael Hearst
Secretary

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

CASE NO. GR-78-14

In the matter of the application of
SOUTH COUNTY SEWER COMPANY for per-
mission, approval, and a certificate
of convenience and necessity author-
izing it to construct, install,
own, operate, control, manage, and
maintain a sewer system for the public
located in an unincorporated area in
St. Louis County, Missouri.

Where the Commission finds the operation and maintenance of a sewer system is in
the public interest, authority to do so will be granted.

APPEARANCES: W. R. England, III, Attorney at Law, P. O. Box 456,
Jefferson City, Missouri 65102, for Applicant.

Ms. Holly Pack, Assistant General Counsel, and
Gary W. Duffy, Assistant General Counsel, Missouri
Public Service Commission, P. O. Box 360, Jefferson
City, Missouri 65102, for the Staff of the Commission.

REPORT AND ORDER

Introduction

On July 17, 1978, South County Sewer Company (Applicant) filed its
application with the Commission seeking an expansion of its existing service area
as set forth below. The matter was set for hearing on September 13, 1978, and
subsequently continued to a date to be fixed at Applicant's request. The matter
was heard on August 30, 1979, at the Commission's hearing facilities located in
the City of Jefferson, Missouri. No interested parties have sought to intervene
in this matter. Permission was granted at the conclusion of the hearing to
allow Applicant to submit a late-filed exhibit. The late-filed exhibit is the
construction permit from the Department of Natural Resources and it has not been
submitted. At the conclusion of the hearing, the parties waived oral argument,
briefs and the provisions of Section 536.060(2), RSMo 1978.

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:

South County Sewer Company (Applicant) is a Missouri corporation with its principal place of business located at 411 Main Street, Penton, Missouri 63026. It is a public utility rendering sewer service to the public under the jurisdiction of the Commission. A copy of its Certificate of Incorporation and Articles of Incorporation are on file with the Commission in Case No. 17,351.

Applicant requests permission, approval, and a certificate of public convenience and necessity to install, own, acquire, construct, operate, control, manage, and maintain a sewer system for the public in an unincorporated area in St. Louis County, Missouri. A complete legal description of the requested sewer service area is attached hereto and made a part hereof as Appendix A.

In general, the area to be annexed contains 37 lots on 11 acres of land. The proposed service area is part of a subdivision that Applicant presently serves. The annexed area presently has three homes under construction. The developer of the subdivision has orally agreed to donate the sewer lines to Applicant after the Commission's approval is received. The developer installed the sewer lines under the approval of the Department of Natural Resources. To make the system fully operational, Applicant installed a pumping station and force main at a cost of \$23,000. Such amount was paid from Applicant's general revenues. However, the Developer has paid \$33,600 in tap-on fees for the total subdivision. These tap-on fees have been used in part to pay for the pumping station and force mains. The rates for the annexed area will be the same as those presently charged. Such rate is \$5.50 per month.

At present, Metropolitan Sewer District (MSD) is operating and maintaining Applicant's system. MSD collects all revenues presently received. In the event such arrangement is terminated, Applicant maintains an office and phone to receive calls from its customers concerning both routine and emergency matters.

There is no other feasible method of providing sewer service to the proposed area. Applicant has complied with all franchise requirements of the St. Louis County Court. The sewage will be treated at Applicant's Sugar Creek treatment plant. The addition of this area will not place such plant at capacity.

The Staff is in support of the instant application. Staff recommends that if the authority is granted, that Applicant amend its legal description and map in their current tariff.

Conclusions

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

The Commission is of the opinion and concludes that the proposed sewer system is necessary and convenient for the public service and should be authorized on a conditional basis. Upon satisfactory proof to the Commission that the sewer lines have in fact been decided to Applicant and upon receipt of the construction permit regarding the pumping station from the Department of Natural Resources, the conditional certificate herein granted will be made permanent.

The Commission further concludes that the public convenience and necessity will be promoted by the granting of the requested authority since there is no other sanitary sewage disposal system available in the area to be developed.

It is, therefore,

ORDERED: 1. That South County Sewer Company, 411 Main Street, Fenton, Missouri 63026, be, and it is, granted a conditional certificate of convenience and necessity to construct, install, own, operate, control, manage and maintain a sanitary sewer system in an unincorporated area in St. Louis County, Missouri, more fully described in Appendix A attached hereto and made a part hereof.

ORDERED: 2. That South County Sewer Company be, and it is, hereby directed to maintain records in accordance with the Uniform System of Accounts for sewer companies of its size.

ORDERED: 3. That nothing herein contained shall be construed by the Commission as a finding of value for ratemaking purposes of the properties herein involved nor as an acquiescence in the value placed upon said properties by the parties.

ORDERED: 4. That upon satisfactory proof given to the Commission that all necessary operating permits have been obtained for the sewer system and that the sewer lines have been donated to South County Sewer Company, the Commission will issue a permanent certificate to South County Sewer Company authorizing it to operate and maintain a sewer system in the respective area.

ORDERED: 5. That this Report and Order shall become effective on the 30th day of November, 1979.

BY THE COMMISSION

D. Michael Hearst

**D. Michael Hearst
Secretary**

(S E A L) **Slavin, Chm., McCartney, Fraas, Darity and Bryant, CC., Concur.**
Witness at Jefferson City, Missouri, this 20th day of November, 1979.

CONCURRENCE

APPENDIX A

A tract of land in the Southeast quarter of Section 27, Township 43 North, Range 6 East in the county of St. Louis in the state of Missouri, said tract being more precisely described as follows, beginning at a point in the west line of a tract conveyed to Henry Martin by Deed recorded in Book 169, Page 601 of the St. Louis County Records at said point's intersection with the North line of a tract conveyed to Charles W. Struckmeyer and wife, by Deed recorded in Book 2078, Page 236 of the St. Louis County Records, thence North 0 degrees 21 Minutes East, a distance of 961.88 feet to an old stone in the East and West center line of said Section 27, thence South 89 Degrees 53 Minutes East along said center line a distance of 934.35 feet to the existing boundary line of South County Sewer Company's service area, thence South along the existing service area boundary, a distance of 956.11 feet to the Northeastern corner of said tract conveyed to Charles W. Struckmeyer, thence North 89 Degrees 53 Minutes West along Struckmeyer's North line, a distance of 936.28 feet to the point of beginning.

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 20th day of November 1979


D. Michael Hearst
Secretary