

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

Jefferson City
November 24, 1980

CASE NO. SA-80-230

Southwest Sewer Corporation
P. O. Box 31
Mount Vernon, Missouri 65712

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

Gentlemen:

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

Sincerely,



D. Michael Hearst
Secretary

uncertified copy:

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

CASE NO. SA-80-230

In the matter of the application of **SOUTHWEST SEWER CORPORATION** for permission, approval and a 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 within Jasper County, Missouri.

The Commission shall grant a certificate of convenience and necessity authorizing the construction and operation of a sewer system for the public where it finds that the same is necessary or convenient for the public service.

APPEARANCES: W. R. England, III, Attorney at Law, Post Office Box 456, Jefferson City, Missouri 65102, for Applicant, Southwest Sewer Corporation.

ERIC K. BANKS, Assistant General Counsel, Missouri Public Service Commission, Post Office Box 360, Jefferson City, Missouri 65102, for the Staff of the Missouri Public Service Commission.

REPORT AND ORDER

Southwest Sewer Corporation filed three applications for permission, approval and a certificate of convenience and necessity authorizing it to construct, install, own, operate, control, manage and maintain sewer systems for the public located in unincorporated areas within Stone, Jasper and Greene Counties, Missouri. By order dated August 19, 1980, these three applications were consolidated and set for hearing on October 24, 1980. At the hearing Applicant asked for dismissal of Case No. SA-81-2 because the developer involved therein no longer wanted Applicant's services. The hearing then proceeded as to Cases Nos. SA-80-230 and SA-81-36.

Findings of Fact

Applicant no longer has and will not have a contract with the developer for the area in SA-81-2; therefore, Applicant's request for dismissal will be granted.

At the time of hearing Applicant could not present a complete record on SA-81-36. Since there was no contract with the developer in that case as of yet, and no preliminary approval from the Department of Natural Resources, the Staff could not make a recommendation. Therefore, until such matters are filed as Late-filed Exhibits 5 and 6 no Report and Order can be made. Consequently, this report will concern only the application in Case No. SA-80-230.

Applicant is a Missouri corporation duly organized and existing under the laws of the State of Missouri, with its office and principal place of business located at Post Office Box 31, Mount Vernon, Missouri 65712. Applicant is a public utility proposing to render 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 this Commission in Case No. SA-80-13.

The area in which Applicant seeks authorization is designated as Twin Hills Estates Subdivision, located west of Joplin, Missouri. The Twin Hills Estates consist of 49 lots encompassing 32.53 acres located in the east 1,000 feet of the north half of Section 18, Township 27, Range 33, Jasper County, Missouri.

Waste water disposal shall consist of 1,200-gallon capacity extended aeration home type units that have the National Sanitation Foundation Seal of Acceptance, that will be installed on each lot of the subdivision except Lot No. 45 as each individual home is built. Each aeration unit will discharge into a four-inch diameter collection system that will extend throughout the subdivision. The collection system will discharge into a 7,000-gallon capacity holding tank. Waste water from the holding tank will be cyclically pumped with a 1,012 gallons-per-minute pump into a distribution box that will distribute flow to two sand filters that have dimensions of 58 feet by 58 feet each. Waste water will be collected in lines beneath the filters and will flow by gravity into an existing ditch. Applicant's agreement with the developer calls for the construction of the collection system, holding tank and sand filters after the completion and occupancy of 14 homes. The Department of Natural Resources has given preliminary approval of this plan.

Applicant testified at the hearing that a \$7.00 per month per customer tariff would be filed. Staff testified that the \$7.00 per month per customer tariff would result in a loss to the Applicant to be subsidized by a parent company for a year or two and that such a tariff would be reasonable and acceptable.

There are no other public utilities or governmental bodies rendering sewer service within the area proposed to be served. This area is rapidly being developed into residential homes, all of which will need safe and adequate sewer service.

Conclusions

The Applicant is a sewer corporation as defined by Section 386.020, R.S.Mo. 1978. Pursuant to the terms of Section 393.170, R.S.Mo. 1978, the Commission shall grant a certificate of convenience and necessity authorizing the construction and operation of a sewer system for the public where it finds that the same is necessary or convenient for the public service. Since it is the conclusion of the Commission that the Applicant is capable of providing the proposed service, and that the need for the proposed service has been demonstrated, the authority herein sought should be granted in Case No. SA-80-230.

It is, therefore,

ORDERED: 1. That Southwest Sewer Corporation, Post Office Box 31, Mount Vernon, Missouri 65712, be, and it is, hereby granted a certificate of public 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 described as Twin Hills Estates Subdivision as identified in Plat Book 12, page 30 of the records of the Recorder of Deeds, Jasper County, Missouri, with restrictive covenants filed in Book 1235, pages 139-161 of the same records.

ORDERED: 2. That within thirty (30) days of the effective date of this Report and Order, Southwest Sewer Corporation shall file, subject to the approval of the Commission, tariff sheets containing a map of the company's total authorized service area and prescribing a monthly service charge for sewage disposal service in the amount of \$7.00.

ORDERED: 3. That within thirty (30) days of the effective date of this Report and Order, Southwest Sewer Corporation shall furnish evidence to the Commission that it has filed applications for all necessary permits to implement all of the rules and regulations of the Missouri Department of Natural Resources.

ORDERED: 4. That the Southwest Sewer Corporation shall maintain records in accordance with the Uniform System of Accounts for sewer companies of its size.

ORDERED: 5. That upon completion of the agreement received in evidence as Exhibit No. 3, the Southwest Sewer Corporation shall file with the Commission an executed copy of the document conveying the involved property to it from the developer, Don VanHooser.

ORDERED: 6. That nothing contained herein shall be construed as a finding by the Commission of the value for ratemaking purposes of the properties herein involved, nor as an acquiescence in the value placed upon said properties by the Applicant.

ORDERED: 7. That the case styled SA-81-2 be dismissed.

ORDERED: 8. That the case styled SA-81-36 be determined by a separate Report and Order after Late-filed Exhibits 5 and 6 are filed and examined by the Staff of the Commission.

ORDERED: 9. That this Report and Order shall become effective on the 24th day of December, 1980.

BY THE COMMISSION

D. Michael Hearst

D. Michael Hearst
Secretary

(S E A L)

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

Dated at Jefferson City, Missouri,
on this 24th day of November, 1980.

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 24th day of November 1980

D. Michael Hearst
D. Michael Hearst
Secretary