

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
November 15, 2001**

CASE NO: WO-2002-226

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Charles Brent Stewart
John Doe Miller
Stewart & Keevil, L.L.C.
1001 Cherry Street, Suite 302
Columbia, MO 65201

Gene Scott
Presiding Commissioner
Franklin County Courthouse
PO Box 311
Union, MO 63084

Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

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

In the Matter of the Application of the City of Pacific,)
Missouri, and Public Water Supply District No. 3 of)
Franklin County, Missouri, for Approval of a Territorial)
Agreement Concerning Territory Encompassing Part)
of Franklin County, Missouri)

Case No. WO-2002-226

ORDER DIRECTING NOTICE

On November 9, 2001, the City of Pacific, Missouri, and Public Water Supply District No. 3 of Franklin County, Missouri, filed with the Missouri Public Service Commission their joint application under Section 247.172, RSMo 2000, for approval of a territorial agreement setting out the boundaries of their respective water service areas. The City is located in Franklin County, Missouri, and provides water service to its residents. The District is located in Franklin County, Missouri, and provides water service to persons residing in Franklin County, Missouri.

The Commission is required to determine this matter no later than 120 days following the filing of the application. Therefore, the Commission will move expeditiously to resolve this matter.

The Commission finds that proper persons should be allowed 21 days from the effective date of this order to file a motion for leave to intervene. The Commission determines that notice of this Application should be given by the Commission's Data Center to the County Commission of Franklin County, Missouri. The Commission further determines that the Information Officer of the Commission should provide notice of this

Application to the members of the General Assembly representing the residents of Franklin County and to the newspapers and other media which serve that county.

The Commission is required to determine this matter after hearing.¹ However, the *Deffenderfer* case held that the requirement of a hearing is met when an opportunity to be heard has been provided and no proper party has requested the opportunity to present evidence.² If there are no requests for a hearing, relief may be granted based on the petition.

IT IS THEREFORE ORDERED:

1. That the Data Center of the Commission must send notice of this Application to the County Commission of Franklin County, Missouri, no later than November 26, 2001.

2. That the Information Officer of the Commission must provide notice of this Application to the members of the General Assembly representing persons residing within Franklin County, Missouri, and to the newspapers and other media which serve that county, no later than November 26, 2001.

3. That any party wishing to intervene or request a hearing in this matter must file an application no later than December 17, 2001, with:

Dale Hardy Roberts, Secretary
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102-0360

¹ Section 247.172.4, RSMo 2000.

² *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d, 494, 496 (Mo. App., W.D. 1989).

and send copies to:

Charles Brent Stewart, Esq.
Stewart & Keevil, L.L.C.
1001 Cherry Street, Suite 302
Columbia, Missouri 65201

and:

Mark C. Piontek, Esq.
Lewis, Rice & Fingersh, L.C.
216 West Main Street
Post Office Box 1040
Washington, Missouri 63090-1040

and:

Jonathan L. Downard, Esq.
Hansen, Stierberger, Downard, Melenbrink & Schroeder
800 North Oak Street
Union, Missouri 63084

and:

Office of the Public Counsel
Post Office Box 7800
Jefferson City, Missouri 65102-7800

4. That this order will become effective on November 25, 2001.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Bill Hopkins, Senior Law Judge,
by delegation of authority under
Section 386.240, RSMo 2000.

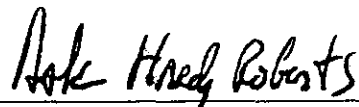
Dated at Jefferson City, Missouri,
on this 15th day of November, 2001.

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,
Missouri, this 15th day of Nov. 2001.



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

