BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of Ozark)	
Water and Wastewater Management Co., Inc. to)	
Sell and Transfer its Franchise, Treatment)	
Plant and Substantially All its Assets to)	Case No. SM-2000-608
Northern Christian County Regional Wastewater)	
Facility, Inc. (a Non-Profit Sewer Corporation)	
under 393.825, RSMo))	

ORDER GRANTING INTERVENTION, SETTING A PREHEARING CONFERENCE AND DIRECTING FILING OF PROCEDURAL SCHEDULE

Ozark Water and Wastewater Management Co., Inc. (OWWM) filed an application on March 29, 2000, seeking Commission approval for a plan to sell its franchise, treatment plant and substantially all its assets to Northern Christian County Regional Wastewater Facility, Inc., a non-profit sewer corporation. On April 3, the Commission issued an order and notice, directing interested parties to file applications to intervene no later than April 24. No application to intervene was filed by the April 24 deadline. However, on May 31, the Missouri Department of Natural Resources (MDNR) filed a Request to Intervene after the Intervention Date.

MDNR's Request indicates that it did not request to intervene until after the intervention deadline because it did not become aware of that deadline until after it had passed. MDNR states that its intervention is appropriate because it has a direct interest in the

Commission's decision regarding OWWM's application. MDNR is responsible for enforcing Missouri's environmental laws and OWWM is currently subject to a Consent Judgment and Injunction entered by the Circuit Court of Christian County regarding OWWM's compliance with those environmental laws. MDNR states that its interest in enforcing the Consent Judgment and Injunction and the Missouri Clean Water Law is different from that of the general public. MDNR further states that its intervention is in the public interest in that it will be reviewing the proposed sale of assets to assess its impact on the remediation of the violations of the Missouri Clean Water Act that are currently occurring at the wastewater treatment facility owned by OWWM. No other party has filed a response to MDNR's request to intervene.

The Commission has reviewed MDNR's request to intervene and finds that it is in substantial compliance with Commission rules regarding intervention, that MDNR has an interest in this matter that is different from that of the general public, and that granting the requested intervention would serve the public interest. The Commission also finds that MDNR has shown good cause to permit the intervention after the previously established intervention date. The Commission concludes that the request for intervention should be granted.

So that the Commission may expeditiously consider OWWM's application, the parties will be directed to file a proposed procedural schedule. In order to assist in the development of the procedural schedule and to clarify the issues in dispute, an early prehearing

conference will be scheduled. The procedural schedule shall include dates for the filing of testimony and for a hearing. However, if no party requests a hearing, the Commission may grant the relief requested by OWWM without a hearing. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989).

IT IS THEREFORE ORDERED:

- 1. That the Missouri Department of Natural Resources is granted intervention in this case in accordance with 4 CSR 240-2.075.
- 2. That an early prehearing conference shall be held on July 25, 2000, beginning at 10:00 a.m. The prehearing conference shall be held at the Commission's offices in Jefferson City, Missouri. The Commission is in the process of moving its office so the parties should contact the Commission prior to the conference to ascertain the precise location of the conference. This conference will be held in a building that meets accessibility standards required by the Americans with Disabilities Act. If you need additional accommodations to participate in this conference, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or 1-800-829-7541 (TDD) prior to the conference.
- 3. That the parties shall file a proposed procedural schedule no later than August 1, 2000.

4. That this order shall become effective on June 30, 2000.

BY THE COMMISSION

Lok Hard Roberts

Dale Hardy Koberts

Secretary/Chief Regulatory Law Judge

(SEAL)

Morris L. Woodruff, Regulatory Law Judge, by delegation of Authority pursuant to Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri, on this 20th day of June, 2000.