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Case No. SM-2000-608

AND DIRECTING FILING OF PROCEDURAL SCHEDULE

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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

A handwritten signature in cursive script that reads "Dale Hardy Roberts".

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

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.