

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 6th
day December, 1985.

Case No. SM-86-72

In the matter of the application of
Richard Fogelsong and William H. Hill,
last officers and director of Virginia
Properties, Inc., as statutory trustees
for Virginia Properties, Inc., formerly
a Missouri Corporation, to sell and
transfer its franchise, works or system
to M.P.B. Inc.

ORDER

On November 5, 1985, Richard Fogelsong and William H. Hill, last officers and directors of Virginia Properties, Inc. (Applicant), as statutory trustees for Virginia Properties, Inc., formerly a Missouri corporation, filed an application to sell and transfer its sewer franchise, works or system to M.P.B., Inc. (MPB) of Fenton, Missouri. The Commission issued an order on November 15, 1985, directing the statutory trustees for Virginia Properties, Inc. to send notice of the sale to its affected customers on or before November 25, 1985. Interested persons or entities were ordered to file an application to intervene or motion to schedule a hearing on or before December 5, 1985. No applications to intervene in this case were filed. On November 20, 1985 and November 27, 1985, the Commission Staff filed their recommendations. Notice was given by the Secretary of the Commission pursuant to Section 393.190, RSMo Supp. 1984.

Virginia Properties, Inc. was a Missouri corporation with its principal office and place of business located at P.O. Box 663, Festus, Missouri. Virginia Properties, Inc. provided sewer service pursuant to Chapters 386 and 393, RSMo 1978.

Its certificated area is described as follows:

A parcel of land lying, being and situate in the County of Jefferson and State of Missouri, to-wit: All that part of the southeast fractional quarter of Section Eight (8), and all that part of the southwest fractional quarter of Section Nine (9), and all that part of the southwest corner of United States Survey No. Four Hundred and Twenty Three (423), all being in Township Forty (40), Range Five (5) East, and being described as follows: Beginning in the center of the Zion and Hematite County Road at the intersection thereof with the North line of the southeast quarter of Section 8; thence West with the North line of the Southeast quarter of Section Eight (8) to the center of said Section 8; thence due South to the northeast line of United States Survey No. 2978, thence South 50 degrees East along the northeast line of said Survey 2978 a distance of 2350 feet to a point; thence South 67 degrees 30' East a distance of 1880 feet to a point; thence Northeastwardly 260 feet more or less to a point in the southern boundary line of Lot 23 of LAKE VIRGINIA, said point being located South 83 degrees 4' East 15.60' distant from the Southwest corner of said Lot 23; thence South 82° 24' East 618 feet to center of Hematite and Zion and Festus County Road, (now Hwy. 21A); thence Northwestwardly with the center of State Hwy. 21A to the point of intersection thereof with the centerline of said County Road to the place of beginning.

MPB is a private corporation of the State of Missouri established and existing pursuant to Chapter 351, RSMo 1978. It will be subject to the jurisdiction of the Public Service Commission pursuant to Chapters 386 and 393, RSMo 1978 upon approval of this application. MPB's principal office and place of business is 761 Pine Haven, Fenton, Missouri.

The Applicant proposes to sell and transfer all of its sewer franchise, works or system necessary and useful in the rendition of sewer treatment service in its certificated area to MPB pursuant to the Agreement Regarding the Sewer System in Lake Virginia Subdivision. A copy of the resolutions authorizing the proposed transaction were filed as Exhibits to the application. A financial statement was filed by MPB.

The Applicant states that the proposed transaction is not detrimental to the public interest in that MPB is presently operating the facility and can

continue the service, the managing officers and shareholders of MPB, Patrick Boos and Melvin Pfeffer have considerable experience in sewage treatment, Virginia Properties Inc. desires to sell its interest and no longer operate its facilities in its service area and MPB is financially stable and can continue operations of the treatment plant and facilities. MPB has stated it agreed to bring the facility up to standards of the Department of Natural Resources and apply for transfer of Discharge Permits for the facility.

The Commission's Accounting Department submitted its recommendation on November 20, 1985. It stated that upon review of the application and discussions with the Manager of the Water and Sewer Department that it recommended the Commission approve the application.

The Commission's Water and Sewer Department submitted its recommendation on November 27, 1985. It stated that MPB is owned and operated by two (2) very capable operators of small sewer companies. Staff recommended that the application be approved and stated that such approval is in the public interest.

Having given consideration to the verified application and attached exhibits and the recommendations of its Staff, the Commission concludes that the proposed sale and transfer of the sewer franchise, works and system of Virginia Properties, Inc. to M.P.B., Inc. of Fenton, Missouri will not be detrimental to the public interest pursuant to Section 393.190, RSMo Supp. 1984 and should be granted.

It is, therefore,

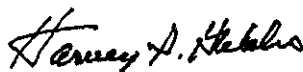
ORDERED: 1. That Richard Fogelson and William H. Hill, last officers and directors of Virginia Properties, Inc. as statutory trustees for Virginia Properties, Inc. formerly a Missouri corporation be, and hereby are, authorized to sell and transfer Virginia Properties, Inc.'s sewer franchise,

works and system to M.P.B., Inc. of Fenton, Missouri pursuant to their agreement.

ORDERED: 2. That the certificate of public convenience and necessity heretofore granted to Virginia Properties, Inc. to provide sewer service to an area in Jefferson County, Missouri as described herein be, and hereby is, transferred to M.P.B., Inc.

ORDERED: 3. That this Order shall become effective on the 17th day of December, 1985.

BY THE COMMISSION



Harvey G. Hubbs
Secretary

(S E A L)

Steinmeier, Chm., Musgrave and
Mueller, CC., Concur.
Hendren and Fischer, CC., Absent.

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 6th day of December 1985.



Harvey G. Hubbs
Secretary