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BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of Osage)
Water Company for Permission, Approval, and a)
Certificate of Convenience and Necessity)
Authorizing It to Construct, Install, Own,)
Operate, Control, Manage and Maintain a Water)
and Sewer System for the Public Located in an)
Unincorporated Portion of Camden County,)
Missouri, Known as Eagle Woods.)

Case No. WA-99-437

ORDER DENYING MOTION TO CONSOLIDATE,
GRANTING INTERVENTION AND SETTING PREHEARING

On April 5, 1999, Osage Water Company (Osage) filed an application with the Commission pursuant to Section 393.170, RSMo 1994, requesting that the Commission grant it a certificate of convenience and necessity to construct, install, own, operate, control, manage and maintain a water and sewer system for the public located in an unincorporated portion of Camden County known as Eagle Woods. Company stated that there are no municipalities located within the proposed service area.

On April 28, 1999, the City of Osage Beach (City) filed a timely application to intervene. On May 3, 1999, Company filed a response to the application to intervene by the City that asked for the Commission to deny the City's application to intervene. The Commission has reviewed the application and finds that it is in substantial compliance with Commission rules regarding intervention and that the City is allowed intervention pursuant to 4 CSR 240-2.075(4)(B) because

it is a municipality. The City's request for intervention will be granted and Company's request to deny intervention will be denied.

On April 28, 1999, City also filed a motion to consolidate Case Nos. SA-99-268 and WA-99-437, motion to cancel procedural schedule in Case No. SA-99-268, motion to set prehearing conference to establish new procedural schedule in the consolidated cases, and motion for expedited treatment.

4 CSR 240-2.110(5) states in part:

When actions . . . involve related questions of law or fact, the commission may order a joint hearing of any or all the matters in issue, and may make other orders concerning proceedings before it to avoid unnecessary costs or delay.

City states that it wants the cases consolidated because Company "is . . . proposing to operate a joint sewage treatment facility for . . . adjoining subdivisions" This statement by the City does not appear to be correct since there are no pleadings to that effect on file with the Commission. In addition, the two cases involve separate (although adjoining) pieces of real estate. Thus there are no related questions of law and fact. The Commission will deny the motion to consolidate and all the concomitant motions filed with it.

An early prehearing conference should be scheduled to afford the parties the opportunity to discuss, define, and possibly resolve the issues presented in this case, or at least to agree on a procedural schedule. The Commission will also set a date for the filing of a proposed procedural schedule in order to ensure that this case progresses.

IT IS THEREFORE ORDERED:

1. That the application to intervene filed on April 28, 1999, by the City of Osage Beach, is granted.

2. That the request to deny the City of Osage Beach's application to intervene filed on May 3, 1999, by Osage Water Company, is denied.

3. That the motion to consolidate Case Nos. SA-99-268 and WA-99-437, motion to cancel procedural schedule in Case No. SA-99-268, motion to set prehearing conference to establish new procedural schedule in the consolidated cases, and motion for expedited treatment, all filed on April 28, 1999, by the City of Osage Beach, are denied.

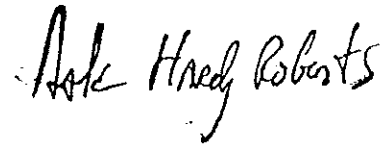
4. That a prehearing conference will be held on June 11, 1999, at 10:00 a.m. at the Commission's offices on the fifth floor of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri.

5. That anyone with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days before the prehearing or hearing at one of the following numbers: Consumer Services Hotline - 1-800-392-4211 or TDD Hotline - 1-800-829-7541.

6. That the parties shall file a proposed procedural schedule no later than June 21, 1999.

7. That this order shall become effective on May 21, 1999.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Bill Hopkins, Senior Regulatory Law Judge,
by delegation of authority pursuant
to 4 CSR 240-2.120(1) (November 30,
1995) and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 11th day of May, 1999.

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION