

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY**

October 29, 1997

CASE NO: WA-97-110

**Office of the Public Counsel, P.O. Box 7800, Jefferson City, MO 65102
Gregory D. Williams, President and General Counsel, Osage Water Company,
Highway 5 at 5033, P.O. Box 431, Sunrise Beach, MO 65079-0431**

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

Sincerely,



**Cecil I. Wright
Executive Secretary**

Uncertified Copy:

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 29th
day of October, 1997.

In the Matter of the Application of)
Osage Water Company for a Certificate of)
Convenience and Necessity Authorizing it)
to Construct, Install, Own, Operate,)
Control, Manage and Maintain a Water)
System for the Public Located in Unincor-)
porated Portions of Camden County,)
Missouri.)

Case No. WA-97-110

ORDER DENYING MOTION AND ORDERING STAFF RECOMMENDATION

This matter was originally filed on September 17, 1996, by Osage Water Company (Osage) and subsequently amended on May 22, 1997, by the addition of various exhibits. In its application, Osage is requesting issuance of a certificate of convenience and necessity to provide water service to an unincorporated area of Camden County, Missouri, known as Cimarron Bay, and sewer service to an area, also a part of an unincorporated area of Camden County, known as Chelsea Rose.

On September 20, 1996, the Commission issued an order and notice, providing for public notice and an intervention period. No requests for intervention were made. On October 1, 1997, Osage filed a motion to submit this matter for Commission determination on the facts as set out in the verified application and attachments. Osage states that a substantial period of time has elapsed since the filing of its original application as amended. Osage further states that it has engaged in extensive discussions with the Staff of the Commission (Staff) concerning the proposed sewer tariff and has acceded to the request of Staff and

amended its proposed sewer tariff. Osage alleges that this case is ready for submission to the Commission.

On October 14 Staff filed a response to the Osage motion in which it states that it has concerns regarding Osage's financial ability, based on alleged inadequacy of annual reports furnished by Osage. As a prerequisite for granting a certificate is a finding that the applicant has the financial ability to provide the requested service, Staff proposes to conduct a thorough on-site audit of Osage's records and file a recommendation no later than December 12, 1997.

The Commission finds that there are material issues which remain unresolved. Given the current status of this case, it would be inappropriate for the Commission to decide the matter solely on the basis of the filed papers. Therefore, the Commission will allow Staff the requested time to complete its investigation.

The Osage motion to submit the case on the verified application and attachments is denied and the Staff is instructed to file its recommendation and, if appropriate, a suggested procedural schedule no later than December 12, 1997. By denying Osage's motion the Commission is not suggesting that this case must be heard. Under State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989), if no party requests a hearing the Commission may grant the requested relief based on the verified application.

IT IS THEREFORE ORDERED:

1. That the motion of Osage Water Company to submit this matter on the application and attachments is denied.
2. That the Staff of the Commission is ordered to complete its audit and file its recommendation and, if appropriate, a suggested procedural schedule, no later than December 12, 1997.

3. That this order shall become effective on October 29,
1997.

BY THE COMMISSION



**Cecil I. Wright
Executive Secretary**

(S E A L)

Lumpe, Ch., Crumpton, Murray,
and Drainer, CC., concur.

Derque, Regulatory Law Judge

ALJ/Sec'y: Dergue/Boyce

10-16
Date Circulated

WA-97-110
CASE NO.

[Signature]
Zobrist, Chairman

[Signature]
Crumpton, Commissioner

CM 1+2
Murray, Commissioner

[Signature]
Lumpe, Commissioner

[Signature]
Drainer, Vice-Chair

10-29
Agenda Date

Action taken: 4-OAS

Must Vote Not Later Than _____

**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 29th day of OCTOBER, 1997.

Cecil I. Wright
Cecil I. Wright
Executive Secretary