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BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of)
Capital Utilities, Inc., for a Certificate)
of Convenience and Necessity Authorizing it)
to Construct, Install, Own, Operate,)
Control, Manage and Maintain Water and)
Sewer Utility Properties for the Public in)
an Unincorporated Area of Callaway County,)
Missouri, known as Ryan's Lake.)

Case No. WA-98-165

ORDER AND NOTICE

On October 6, 1997, Capital Utilities, Inc. (Capital) filed an application with the Commission requesting a certificate of convenience and necessity authorizing it to construct, own, and operate water and sewer systems for the public in an unincorporated area of Callaway County, Missouri, known as Ryan's Lake, and as set out in a plat map and metes and bounds description attached to the application. In addition to the plat map and metes and bounds description of the proposed area, Capital filed a feasibility study and stated in its application that no other utility, regulated or unregulated, currently operates a sewer or water system in the proposed area.

The Commission finds that notice of this application should be made to the general public and interested parties and that a date for intervention of proper parties be set.

The Commission finds that notice of this application should be given by the Records Department of the Commission by transmitting a copy of this order to the County Commission of Callaway County. In addition, the Information Officer of the Commission shall provide notice to the members of the General Assembly representing Callaway County and to all

publications of general circulation in Callaway County as set out in the ***Official Manual of the State of Missouri.***

The Commission has also determined that Capital will provide notice, by mail, to all current residents in the proposed service area. The notice shall contain information as to the proposed service area, the final date for intervention of proper parties, and the anticipated rates for service proposed by Capital.

The Commission also determines that proper persons shall be given the opportunity to intervene in this case. Applications to intervene shall be filed with the Executive Secretary of the Missouri Public Service Commission, Post Office Box 360, Jefferson City, Missouri 65102, by the close of business, November 21. Copies of applications to intervene should also be sent to W.R. England, III, Brydon, Swearngen & England, P.C., 312 East Capitol Avenue, P.O. Box 456, Jefferson City, Missouri 65102.

If no proper person requests a hearing, the Commission may determine that an oral hearing is not necessary and allow the parties to submit evidence in support of their positions by verified statement. 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 Records Department and Information Officer of the Commission and Capital Utilities, Inc. are directed to send notice as indicated in this order.

2. That any interested party wishing to intervene in this matter shall file an application with the Commission requesting intervention no later than the close of business on November 21, 1997.

3. That this order shall become effective on October 21, 1997.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read "Cecil I. Wright", with a stylized flourish at the end.

**Cecil I. Wright
Executive Secretary**

(S E A L)

Joseph A. Derque III, 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 21st day of October, 1997.