

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
January 5, 2001**

CASE NO: WO-2001-326

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

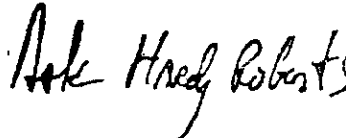
General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Joel D. Brett
Barklage, Barklage, Brett,
Martin & Wibbenmeyer, P.C.
211 North Third Street
St. Charles, MO 63301

Robert A. Zick
Zick & Voss
First Bank Building, Suite 209
Washington, MO 63090

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

Sincerely,



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

Uncertified Copies:
To County Commission of Franklin County

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Joint Application of)
the Public Water Supply District No. 3 of)
Franklin County, Missouri, and the City of)
Washington, Missouri, for Approval of a)
Territorial Agreement Concerning Territory)
Encompassing Part of Franklin County,)
Missouri.)

Case No. WO-2001-326

ORDER AND NOTICE

On November 27, 2000, the Public Water Supply District No. 3 of Franklin County (the District) filed an application for approval of a territorial agreement between the District and the City of Washington, Missouri (City). A copy of the agreement executed and verified by the president of the District and the Mayor of the City of Washington was submitted with the application.

On December 7, 2000, the Commission issued an Order Directing Filing to obtain certain additional information and to afford the parties to the agreement an opportunity to comply with current rules and requirements related to applications. On January 3, 2001, the District and the City (collectively the "Applicants") filed their Amended Joint Application for Approval of a Territorial Agreement (joint application) pursuant to Section 247.172, RSMo 1994, requesting that the Commission determine that their proposed territorial agreement, designating the service territory of each of the Applicants, is not detrimental to the public interest.

Applicants state that they have mutually agreed to displace competition between themselves as allowed by law and have set out the terms of their agreement in a document entitled Territorial Agreement, which is attached to the joint application and referred to as Appendix A. The Applicants also filed a map showing the proposed boundaries according to the application. The Applicants stated that their engineers have not yet completed a legal description of the boundaries and request a temporary waiver to allow for late filing of the legal description of the proposed boundaries.

The Applicants state that the Territorial Agreement does not affect any existing customers of the District or of the City, but that Applicants acknowledge that the recent annexation of the Stone Crest Subdivision to the City gave rise to the necessity for the agreement and that there was no water service to the subdivision at the time of the Territorial Agreement.

Upon review of the joint application, the Commission finds that notice of the joint application should be sent to interested persons and an intervention date set. In accordance with Section 247.172.4, RSMo 1994, the Commission must rule on the application within 120 days from the date filed unless otherwise ordered by the Commission for good cause shown. The Applicants, Staff, and the Office of the Public Counsel shall file a proposed expedited procedural schedule that allows reasonable time for the Commission to resolve any disputed matters and approve or disapprove the application prior to March 27, 2001.

The Commission determines that notice of this application should be given by the Commission's Records Department sending a copy of this order to the County Commission of Franklin County, Missouri. The Commission further determines that the Information Officer of the Commission should provide notice to the members of the General Assembly representing the Applicants' service areas and to the newspapers which serve the Applicants' service areas as listed in the newspaper directory of the current Official Manual of the State of Missouri.

The Commission finds that proper persons wishing to intervene shall have 15 days from the date of this order to file an application to intervene with the Secretary of the Commission and shall send a copy of the application to intervene to all parties as directed below. The Commission further finds that the Applicants may be granted a temporary waiver of the requirement to file a legal description.

IT IS THEREFORE ORDERED:

1. That the Records Department shall send a copy of this order to the County Commission of Franklin County, Missouri.

2. That the Information Officer of the Missouri Public Service Commission be directed hereby to send notice the members of the General Assembly representing the Applicants' service areas and to the newspapers which serve Applicants' service areas as listed in the newspaper directory of the current Official Manual of the State of Missouri.

3. That any interested person wishing to intervene in this case shall file an application to intervene on or before January 22, 2001, with:

Dale Hardy Roberts, Secretary
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102

and serve a copy on:

Joel D. Brett
Barklage, Barklage, Brett, Martin
& Wibbenmeyer
211 North Third Street
St. Charles, Missouri 63301-2812
Attorneys for Franklin County
Public Water Supply District No. 3

Robert A. Zick
Zick & Voss
First Bank Building, Suite 209
Post Office Box 209
Washington, Missouri 63090
Attorneys for the City of
Washington, Missouri

and

Office of the Public Counsel
Post Office Box 7800
Jefferson City, Missouri 65102

4. That the Applicants, Staff, and Public Counsel shall file a proposed procedural schedule on or before January 25, 2001, and such procedural schedule shall provide for a hearing to take place on or before March 9, 2001.

5. That the Applicants are granted an temporary waiver to file a legal description of the proposed service boundaries but shall file such a legal description not later than ten days prior to the hearing of this matter.

6. That this order shall become effective on January 15, 2001.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Keith Thornburg, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 5th day of January, 2001.

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 5th day of Jan. 2001.

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

