

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
April 11, 2000**

CASE NO: SA-2000-295

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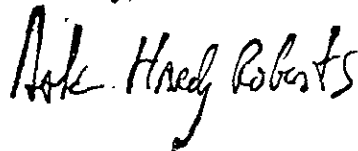
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Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

Uncertified copy:

David L. Duenkel
The Willows Condo Owners' Assoc., Inc.
P. O. Box 520
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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Lake Region)
Water & Sewer Company for a Certificate of)
Public Convenience and Necessity Authorizing It)
to Construct, Install, Own, Operate, Control,)
Manage, and Maintain a Centralized Sewage Col-) **Case No. SA-2000-295**
lection and Treatment System in an Area in an)
Unincorporated Area in Camden County, Missouri,)
as an Expansion of Its Existing Certificated)
Area.)

ORDER REGARDING ADDITIONAL APPLICATIONS
TO INTERVENE OUT OF TIME

On October 22, 1999, Lake Region Water & Sewer Company (LRWS) filed an application requesting a certificate of convenience and necessity authorizing it to construct, install, own, operate, control, manage, and maintain a centralized sewage collection and treatment system in an area in an unincorporated area of Camden County, Missouri, as an expansion of its existing certificated area. The Commission issued an Order and Notice on October 26, 1999, directing interested parties who wished to intervene to do so by November 27, 1999. Although no timely applications to intervene were filed, the Commission received two late-filed applications to intervene in February 2000. The Association Intervenors, consisting of Bristol Bay Condominium Owners Association, Inc., The Falls Condominium Owners' Association, Inc., and Regatta Bay Owner's Condominium Association, Inc., filed an application to intervene on February 4, 2000, and Southwood Shores Condo Owners Association, Inc. (Southwood), filed an

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application to intervene on February 7, 2000. LRWS filed a response in opposition to the requests for late intervention on February 14, 2000. The Commission issued an order granting intervention out of time to both the Association Intervenors and to Southwood on February 17, 2000.

On March 6, 2000, The Willows Condo Owners' Association, Inc. (Willows Condo), filed an Application to Intervene and Request for Leave to File Same Out of Time. Willows Condo is a not-for-profit corporation which serves the facility needs of fifty-eight (58) condominium owners located within LRWS's proposed service area. Willows Condo indicates that LRWS's proposal "will allow for the elimination of a number of on-site treatment facilities and a number of state approved treatment plants that discharge into the Lake of the Ozarks." Willows Condo notes that it cannot state at this time whether it supports or opposes the proposed service because LRWS' application does not clearly state how existing treatment facilities, including those owned and operated by Willows Condo, would be treated in respect to mandatory participation or assessments irrespective of participation. According to Willows Condo, mandatory participation and/or elimination of its treatment facilities would be a substantial waste of capital investments by Willows Condo, and that assessments irrespective of participation would constitute gross inequity.

Willows Condo states that it first learned of LRWS's application on or about March 1, 2000, and that it promptly retained counsel and is now seeking intervention. No evidence has been heard in the case, and to the best of Willows Condo's knowledge, no

discovery has been commenced by any party. In addition, Willows Condo states that it will not seek a continuance based on its late involvement in the case. Willows Condo alleges that its interest in this case is different than that of the general public and that such interest cannot be adequately represented by the present parties to the case. Willows Condo believes that allowing its intervention out of time will not prejudice LRWS, the Commission, or any other party, but will instead allow for a more complete analysis of the application and its effect on the public and on other interested parties.

On March 30, 2000, Four Seasons Lakesites, Inc. (Four Seasons), also filed an Application to Intervene Out of Time. Four Seasons is a Missouri corporation engaged in developing commercial and residential property that is within the existing certificated area of LRWS. Four Seasons alleges that its interests are different from that of the general public in that it relies upon LRWS to provide essential sewer service in the area it is developing. However, Four Seasons alleges that in several instances LRWS has been unable to provide the sewer system required by Four Seasons and its developments, even though the developments are within LRWS's existing certificated area. Four Seasons states that as a result, LRWS has not been providing safe and adequate sewer service in its existing service area.

Four Seasons argues that the expansion of LRWS's certificated area may deplete the financial resources of LRWS and further exacerbate LRWS's apparent inability to provide safe and adequate sewer service in its existing service area, including the area being

developed by Four Seasons. Therefore, Four Seasons is initially opposed to LRWS's application. However, Four Seasons states that if LRWS demonstrates that it will fulfill its obligations to serve customers in its existing service area, then Four Seasons may modify its position of opposition to the pending application.

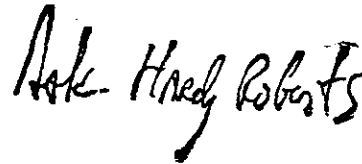
Four Seasons also states that it was unaware of this proceeding until very recently, but that the granting of its motion to intervene will not prejudice any party since Four Seasons will not seek to delay the proceeding.

The Commission has reviewed the late applications to intervene filed by Willows Condo and Four Seasons, and finds that both should be granted. 4 CSR 240-2.075(4) provides that a late application to intervene may be granted by the Commission upon a showing of good cause. Willows Condo's application to intervene out of time indicates that it did not learn of LRWS's proposal until about March 1, 2000, and that it promptly retained counsel and is now seeking intervention. Four Seasons also learned of the proceeding only recently. The Commission notes that this case has not yet progressed to a stage at which any party would be prejudiced by the addition of either Willows Condo or Four Seasons as parties. The Commission concludes that good cause exists for granting Willows Condo's application to intervene out of time, and for granting Four Seasons' application to intervene out of time.

IT IS THEREFORE ORDERED:

1. That the Application to Intervene and Request for Leave to File Same Out of Time, filed on March 6, 2000, by Willows Condo Owners' Assoc., Inc., is granted.
2. That the Application to Intervene Out of Time filed on March 10, 2000, by Four Seasons Lakesites, Inc., is granted.
3. That this order shall become effective on April 21, 2000.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Vicky Ruth, 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 April, 2000.

FYI: To Be Issued By Delegation

Alt/Sec'y: Ruth Pope

4-10

Date Circulated

4-13

Return by ~~3pm~~

10am

CASE NO. SA-2000-295

JS
Lunpe, Chair

Advent
Crumpton, Commissioner

CM
Murray, Commissioner

DS
Schermerhauer, Commissioner

add
Drainer, Vice-Chair

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 11th day of April 2000.

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

