



Commissioners  
KELVIN L. SIMMONS  
Chair  
CONNIE MURRAY  
SHEILA LUMPE  
STEVE GAW  
BRYAN FORBIS

## Missouri Public Service Commission

POST OFFICE BOX 360  
JEFFERSON CITY, MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
<http://www.psc.state.mo.us>  
December 12, 2001

ROBERT J. QUINN, JR.  
Executive Director  
WESS A. HENDERSON  
Director, Utility Operations  
ROBERT SCHALLENBERG  
Director, Utility Services  
DONNA M. PRENGER  
Director, Administration  
DALE HARDY ROBERTS  
Secretary/Chief Regulatory Law Judge  
DANA K. JOYCE  
General Counsel

FILED<sup>3</sup>

DEC 12 2001

Missouri Public  
Service Commission

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

**RE: Case No. WA-2002-65-In the Matter of the Application of Environmental Utilities, LLC, for Permission, Approval, and 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 Unincorporated Portions of Camden County, Missouri (Golden Glade Subdivision).**

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and eight (8) conformed copies of a **PROPOSED LIST OF ISSUES, ORDER OF WITNESSES AND ORDER OF CROSS-EXAMINATION.**

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

Victoria L. Kizito  
(573) 751-6726 (Telephone)  
(573) 751-9285 (Fax)

Enclosure  
cc: Counsel of Record

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

**FILED<sup>3</sup>**

DEC 12 2001

Missouri Public  
Service Commission

In the Matter of the Application of )  
Environmental Utilities, LLC, for )  
Permission, Approval, and 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 )  
Unincorporated Portions of Camden )  
County, Missouri (Golden Glade )  
Subdivision) )  
)

Case No. WA-2002-65

**PROPOSED LIST OF ISSUES, ORDER OF WITNESSES AND ORDER OF**

**CROSS EXAMINATION**

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and on behalf of the Office of Public Counsel and Environmental Utilities, LLC, and Hancock Construction Company, and for its Proposed List of Issues, Order of Witnesses and Order of Cross Examination, states:

1. On October 14, 2001, the Missouri Public Service Commission (Commission) issued an Order directing Staff to file a list of issues to be heard, the witnesses to appear on each day of the hearing and the order in which they shall be called, and the order of cross-examination for each witness.

2. The parties have identified the following issues to be determined herein by the Commission:

A. Is the Applicant qualified to provide public water utility service within the proposed service area?

22

B. Is there a public need for public water utility service within the proposed service area?

C. Is the Applicant's proposal to provide public water utility within the proposed service area economically feasible?

D. Is the Applicant financially able to provide the proposed public water utility service?

E. Is the granting the certificate of convenience and necessity requested by the Applicant in the public interest?

F. What is the amount of the investment in the water plant and certificate costs that will be included in the Applicant's rate base if the certificate is granted?

G. If a certificate is granted, should conditions be imposed on the Applicant?

H. Should any of the proposed tariffs filed by the Applicant be withdrawn or modified?

4. The Intervenor asked Staff to file its Proposed Additional List of Issued Submitted by Intervenor as Attachment #1.

5. The Staff anticipates that its testimony of witnesses will only require one day of hearing.

6. The parties propose the following order of witnesses:

**Company Witness**

Debra J. Williams

**Office of Public Counsel Witness**

Kimberly Bolin

**Staff Witnesses**

James Russo

James Merciel

Dale Johansen

Martin Hummel

**Intervenor Witnesses**

David Hancock

William Cochran

7. The parties propose the following order of cross-examination:

**Applicant Witness**

Staff, OPC, Intervenor

**OPC Witness**

Staff, Intervenor, Applicant

**Staff Witnesses**

OPC, Intervenor, Applicant

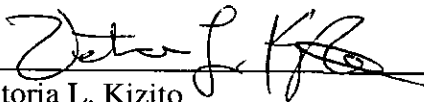
**Intervenor**

Staff, OPC, Applicant

**WHEREFORE**, on behalf of all parties the Staff respectfully submits this proposed list of issues, order of witnesses and order of cross-examination.

Respectfully submitted,

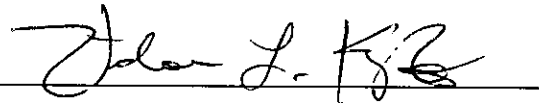
DANA K. JOYCE  
General Counsel

  
\_\_\_\_\_  
Victoria L. Kizito  
Associate General Counsel  
Missouri Bar No. 46244

Attorney for the Staff of the  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 751-6726 (Telephone)  
(573) 751-9285 (Fax)  
[vkizito@mail.state.mo.us](mailto:vkizito@mail.state.mo.us)

### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 12th day of December 2001.

  
\_\_\_\_\_

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the matter of the application of Environmental Utilities, LLC     )  
for permission, approval, and a certificate of convenience and     )  
necessity authorizing it to construct, install, own, operate     ) Case No. WA2002-65  
control, manage and maintain a water system for the public     )  
located in unincorporated portions of Camden County, Missouri     )  
(Golden Glade Subdivision).

**PROPOSED ADDITIONAL LIST OF ISSUES SUBMITTED  
BY INTEVENOR**

COMES NOW the Intervenor in the above captioned matter and pursuant to the Order of the Commission herein on October 4, 2001, submits in addition to the five "Tartan" issues set forth by Public Counsel and staff, the additional three issues as follows:

1. Whether the Applicant is qualified to provide public water utility service within the proposed service area.
2. Whether there is a public need for public water utility service within the proposed service area.
3. Whether the Applicant's proposal to provide public water utility within the proposed service area is economically feasible.
4. Whether the Applicant is financially able to provide the proposed public water utility service.
5. Whether granting the certificate of convenience and necessity requested by the Applicant herein is in the public interest.
6. Whether there has been a transfer of equipment and systems from Osage Water Company to Environmental Utilities.
7. Whether Environmental Utilities and it's principals by seeking a Certificate of

Convenience and Necessity as requested in it's Application will contribute to the non-profitability of Osage Water Company, hereby causing Osage Water Company to be less culpable of paying its valid debts (Hancock Debenture) as authorized in prior rate base cases.

8. Whether Osage Water Company as a regulated utility has a public interest that is being harmed by allowing its assets to be used by a competing utility company.

9. Whether the customers of Osage Water Company are being properly served by allowing its assets to be used by a competing utility serving an adjacent area.

WHEREFORE, the parties pray that the Commission approve the foregoing list of additional issues as submitted by Intervenor.

LORAINÉ & ASSOCIATES

BY: Thomas E. Loraine by TJK.  
Thomas E. Loraine #22206  
4075 Highway 54, Suite 300  
Osage Beach, MO. 65065  
(573) 348-8909

ATTORNEY FOR INTEVENOR

CERTIFICATE OF SERVICE

I, Thomas E. Loraine, attorney for Intervenor, hereby certifies that the above has been sent by E-Mail and facsimile to the following:

Office of the Public Counsel  
Post Office Box 7800  
Jefferson City, Missouri 65102  
(573) 751-5562 (fax)

General Counsel  
Missouri Public Service Commission  
Post Office Box 360  
Jefferson City, Missouri 65102  
(573) 751-9285 (fax)

Gregory D. Williams  
Highway 5 at Lake Road 5-33  
Post Office Box 431  
Sunrise Beach, Missouri 65079  
(573) 374-4432 (fax)

Presiding Commissioner  
Camden County Courthouse  
1 Court Circle  
Post Office Box 960  
Camdenton, Missouri 65020

Missouri Department of Natural Resources  
205 Jefferson Street  
Jefferson City, Missouri 65101



**Service List for**

**WA-2002-65**

**Revised: November 21, 2001, (cgo)**

**Office of the Public Counsel**

**P.O. Box 7800**

**Jefferson City, MO 65102**

**Missouri Department of Natural Resources**

**205 Jefferson Street**

**Jefferson City, MO 65101**

**Presiding Commissioner**

**Camden County Courthouse**

**1 Court Circle, PO Box 960**

**Camdenton, MO 65020**

**Gregory D. Williams**

**Attorney at Law**

**Highway 5 at Lake Road 5-33**

**PO Box 431**

**Sunrise Beach, MO 65079**

**Loraine & Associates**

**Thomas E. Loraine**

**4075 Highway 54, Suite 300**

**Osage Beach, MO 65065**