

W.H.

Case No. WA-99-137

## ORDER AND NOTICE

On October 5, 1998, Hotel Associates, Inc. (HAI or Applicant) filed an application with the Commission requesting an order granting a certificate of convenience and necessity authorizing it to construct, install, operate and maintain a water system to the public located in and around Kimberling City, Stone County, Missouri.

The Applicant stated that HAI is a corporation duly organized and existing under the laws of the State of Arkansas with its principal place of business located at 9883 Highway 62 East, Henderson, Arkansas 72544. The Applicant stated that the corporation is in the business of hotel management and services and any other business enterprise not contrary to law. The Applicant seeks a Certificate of Public Convenience and Necessity to build, construct, operate and maintain a water system and all other facilities, including acquisition of easements, rights of way, and land, necessary for the purpose of furnishing water services to the public in the area described in its application.

The Applicant stated that there are no water companies under jurisdiction of the Commission being operated or rendering the same or

similar service within the area proposed to be served. Further, the Applicant stated that there is no municipality located within the proposed area providing water to customers, no city or county ordinances that apply and, specifically, no ordinance requiring a franchise for water companies. The Applicant stated that the area proposed to be served is rapidly being developed for commercial and residential uses all of which will need adequate water service. The Applicant stated that there is and will be a public need for water service within the area proposed to be served and that the public convenience and necessity will be served by the granting of the authority herein requested.

Proper parties should be given notice and an opportunity to intervene in this matter. The Records Department of the Commission shall send a copy of this order to the county commission of Stone County, as this entity is listed in the current *Official Manual of the State of Missouri*. In addition, the Information Office of the Commission shall send notice of this application to the members of the General Assembly who represent customers in Stone County, and to the newspapers located in Stone County, as listed in the newspaper directory of the current *Official Manual of the State of Missouri*.

The requirement of a hearing has been fulfilled when all those having a desire to be heard are offered an opportunity to be heard. If no proper party is granted intervention and neither the Commission's Staff nor the Office of the Public Counsel requests a hearing, the Commission may determine that a hearing is not necessary and that the Applicant may submit its evidence in support of the application by

verified statement. State ex rel. Deffenderfer Enterprises, Inc. v. P.S.C., 776 S.W.2d 494, 496 (Mo. App. 1989).

**IT IS THEREFORE ORDERED:**

1. That the Information Office and the Records Department of the Missouri Public Service Commission shall provide notice as set out herein.

2. That any interested party wishing to intervene in this case shall file an application to do so no later than December 9, 1998, with:

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

and send copies to:

David N. Appleby  
Attorney at Law  
119 North Second Street  
Post Office Box 158  
Ozark, Missouri 65721

and

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

3. That this order shall become effective on November 19, 1998.

BY THE COMMISSION



**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

(S E A L)

Shelly A. Register, 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 9th day of November, 1998.

RECEIVED

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COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION