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

In the matter of the application of Riverside Utility Company for authority (1) to sell and transfer its franchise, works or system relating to the Short Creek Sewer System in Taney County, Missouri, to the Taney County Regional Sewer District; (2) authorizing Riverside Utility company to discontinue providing service in that area; and (3) canceling its certificate and tariff for that area.)
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) **Case No. SM-95-308**
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ORDER AND NOTICE OF APPLICATION TO SELL SEWER SYSTEM

On April 11, 1995, Riverside Utility Company (hereinafter "Riverside"), applied for authorization to sell and transfer to the Taney County Regional Sewer District ("District") and the Taney County Commission that part of Riverside's franchise, facilities and system used in providing sewer service to customers located in the Short Creek Improvement District in Taney County, Missouri. A description of the franchise, facilities and system proposed to be transferred and the terms and conditions of the proposed transfer are set forth in the agreement to purchase assets attached to the application and labeled Exhibit 1.

Riverside states that the proposed transaction is not detrimental to the public interest because Riverside's treatment facility is operating at capacity at present. Riverside further states that the sale of Riverside's waste water treatment and collection system which lies within this district to the District should result in economies of scale and more efficient service to the residents of the area. Riverside further states that it is anticipated that sewer rates will not increase as a result of the proposed sale.

The Commission is of the opinion that notice of this proposed sale should be given, either by direct mail or by billing insert, to those customers presently receiving sewer service. The direct mailing or billing insert should

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provide, at a minimum, the following information: (1) identity of the parties to the contract, and the date of the execution of the contract; (2) a general statement of what property is being sold; (3) a general statement of the anticipated impact on rates; and (4) a statement referring any questions or concerns to the Office of the Public Counsel, Post Office Box 7800, Jefferson City, Missouri 65102.

The Commission is of the opinion that proper parties should be given an opportunity to intervene in this case. Applications to intervene should be submitted to the Executive Secretary of the Missouri Public Service Commission, Post Office Box 360, Jefferson City, Missouri 65102, on or before May 22, 1995. Copies of the application to intervene should be sent to:

W.R. England, III
Brydon, Swearngen & England, P.C.
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102

Milton E. Leeds
Riverside Utility company
312 Lafayette Street
P.O. Box 7017
Jefferson City, Missouri 65102

The Records Department of the Commission shall mail a copy of this order to the County Commission of Taney County, Missouri. In addition, the Information Officer of the Commission shall send a notice of this application to each newspaper located in Taney County, Missouri, as listed in the newspaper directory of the current *Official Manual of the State of Missouri*, and to all members of the General Assembly representing Taney County, Missouri.

The requirement of a hearing has been fulfilled when all those having a desire to be heard are offered such an opportunity. If no proper party or governmental entity files an application to intervene and either 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

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:

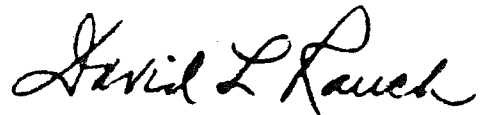
1. That the Records Department of the Missouri Public Service Commission is ordered to provide notice as set out herein.

2. That the Information Officer of the Missouri Public Service Commission is ordered to provide notice as set out herein.

3. That any proper party wishing to intervene in this matter shall file an application to do so no later than May 22, 1995. Such applications shall be filed with the Executive Secretary of the Missouri Public Service Commission, Post Office Box 360, Jefferson City, Missouri 65102.

4 That this order shall become effective on the date hereof.

BY THE COMMISSION



**David L. Rauch
Executive Secretary**

(S E A L)

Thomas H. Luckenbill, Deputy Chief
Hearing Examiner, by delegation of
authority under Commission Directive
of January 3, 1995, pursuant to
Section 386.240, R.S.Mo. 1994.

Dated at Jefferson City, Missouri,
on this 24th day of April, 1995.