

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the matter of the application of West Elm)
Place Corporation for permission, approval, and a)
certificate of convenience and necessity)
authorizing it to construct, install, own,) Case No. SA-90-74
operate, control, manage and maintain a sewer)
system for the public in Jefferson County,)
Missouri, by expanding its existing certificated)
area.)

APPEARANCES: Gary W. Duffy, Brydon, Swearngen & England, P.O. Box 456,
Jefferson City, Missouri 65102, for West Elm Place Corporation.

HEARING

EXAMINER: Michael F. Pfaff

REPORT AND ORDER

Procedural History

On September 29, 1989, West Elm Place Corporation (Applicant or WEPC) applied under Section 393.170 RSMo 1986 for a certificate of public convenience and necessity to provide regulated sewer service in Jefferson County, Missouri. Applicant previously received certificates in Cases 16,489 and 17,456 and now requests authority to provide sewer service in a 1080 acre tract adjacent to Applicant's previously certificated area.

On October 17, 1989, the Commission issued an Order and Notice which (a) notified elected and appointed officials of Applicant's proposal; (b) required notice of said application to be published in area newspapers; (c) provided notice to ten individuals who were then receiving sewer service, and (d) established an intervention deadline of November 16, 1989. A request for hearing filed on November 8, 1989 by Carole A. Matt was subsequently withdrawn.

On December 11, 1990, the Commission, noting the long pendency of the application, ordered a hearing in this matter. On November 11, 1991, the Commission granted a motion by the Applicant to suspend the hearing, stating that Applicant was

in the process of providing Staff with additional information. Applicant filed a revised feasibility study on February 8, 1991, after which the Commission granted a Motion by Staff to further amend the procedural schedule, permitting the Staff to file its recommendation on or before May 11, 1991. On April 12, 1991, Staff filed its recommendation in this case, discussed infra.

Findings of Fact

Having considered all the competent and substantial evidence upon the whole record, the Missouri Public Service Commission makes the following findings of fact:

Applicant West Elm Place Corporation is a Missouri corporation duly organized and existing under the laws of the State of Missouri with its principal office and place of business at P.O. Box 456, Arnold, Missouri. Applicant has been under the Commission's jurisdiction since 1969, and holds certificates of convenience and necessity to operate a sewer system granted in Case Nos. 16,489 and 17,456.

On April 12, 1991, the Commission Staff filed a memorandum recommending the approval, subject to conditions, of this Application. Staff states, and the Commission finds, that a need for sewer service in the 1080 acre tract adjacent to Applicant's presently certificated area exists, and that it is in the public interest to grant WEPC a certificate. The 1080 acre tract is in the process of being developed for residential housing. The Staff also recommends, and the Commission finds, that Applicant is qualified to serve the area and may undertake service on the following conditions:

- (1) That all service under this certificate be provided under Applicant's existing rates, rules and regulations.
- (2) That within 30 days of the effective date of this order, WEPC amend its tariff by filing a revised map and metes and bounds description to reflect those changes in its proposed service area which are contained in Applicant's revised feasibility study.

The Commission finds that Staff's recommendations are reasonable and hereby adopts same; the Commission also finds that it is reasonable to apply the rates, charges and conditions in Applicant's present tariff to service in Applicant's newly certificated area herein granted.

The Commission also finds that Applicant is qualified and financially able to operate the sewer system described in its Application and further concludes that there is a present and future need for sewer service in the proposed service area and that providing same is necessary and convenient to the public.

Conclusions of Law

The Missouri Public Service Commission has arrived at the following conclusions of law:

The Commission has jurisdiction over this application by virtue of Sections 393.170 and 393.150, RSMo 1986.

The Commission concludes that the proposed rates are reasonable and that a hearing is not required in this matter. *State ex rel. Deffenderfer Enterprises, Inc. v. PSC*, 776 S.W.2d 494, 496 (Mo. App. 1989).

IT IS THEREFORE ORDERED:

1. That West Elm Place Corporation, P.O. Box 456, Arnold, Missouri, is hereby granted a certificate of public convenience and necessity to construct, install, own, operate, control, manage and maintain a sewer system for the public in an unincorporated area of Jefferson County, Missouri, as described more fully by Applicant's revised feasibility study and this order.

2. That the rates for service shall be the same rates as are now contained in West Elm Place Corporation's existing tariffs.

3. That within 30 days of the effective date of this order, West Elm Place Corporation amend its tariff by filing a revised map and metes and bounds description to reflect those changes in its proposed service area which are contained in Applicant's revised feasibility study.

4. That West Elm Place Corporation shall keep its books and records in accordance with the Uniform System of Accounts.

5. That this Report And Order shall become effective on the 3rd day of May, 1991.

BY THE COMMISSION

Brent Stewart

Brent Stewart
Executive Secretary

(S E A L)

Mueller, Rauch, McClure
and Perkins, CC.,
Concur.
Steinmeier, Chm., Absent.

Dated at Jefferson City, Missouri,
on this 23rd day of April, 1991.