

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
February 7, 2002**

CASE NO: WA-2002-65

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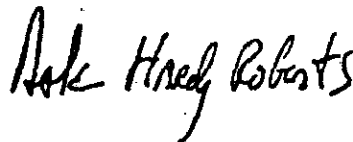
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Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service
Commission held at its office in
Jefferson City on the 7th day of
February, 2002.

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)	<u>Case No. WA-2002-65</u>
a Water System for the Public Located in Unincorporated)	
Portions of Camden County, Missouri (Golden Glade)	
Subdivision))	

ORDER DENYING MOTION TO ESTABLISH LOCAL PUBLIC HEARING

This order denies a non-party's motion to establish a local public hearing.

On January 15, 2002, the Homeowners Associations of Harbour Ridge and Eagle Woods subdivisions filed a motion asking the Commission to hold a local public hearing. The motion indicates that the residents of those subdivisions would like to have an opportunity to express their views about Environmental Utilities, LLC's application to serve the Golden Glade subdivision, which adjoins the Harbour Ridge and Eagle Woods subdivisions.

On January 23, 2002, Environmental Utilities filed a response to the motion to establish a local public hearing. Environmental Utilities is opposed to the proposed local public hearing, arguing that the homeowners associations for these subdivisions do not have an interest in this case since they are not within the proposed service area of the company. Furthermore, it argues that if the homeowners associations wanted to become involved in this case they should have filed a timely motion to intervene and appeared for

the evidentiary hearing rather than trying to insert testimony into the record through a local public hearing.

The Staff of the Commission and the Office of the Public Counsel have also filed responses to the request for a local public hearing. Public Counsel indicates that it does not oppose the request for hearing. Staff also indicates that it does not oppose the request, but asks that the parties be allowed the opportunity to file further testimony regarding any information that might be raised in the local public hearing. Staff also suggests that the local public hearing be limited to issues already raised in the evidentiary hearing.

Environmental Utilities filed its application to serve the Golden Glade subdivision on August 6, 2001. The Commission promptly provided notice of the application to appropriate governmental bodies and to the newspapers in Camden County, the county in which Golden Glade is located. The Commission established September 4, 2001, as the date by which interested parties should apply to intervene. No party requested permission to intervene within the time set by the Commission. Nevertheless, Hancock Construction Company was subsequently permitted to intervene out of time. A procedural schedule was established and the parties' pre-filed testimony. The evidentiary hearing concerning Environmental Utilities' application began on January 7, 2002, but was not completed on that day. The hearing is currently scheduled to resume on March 4, 2002.

The Harbour Ridge and Eagle Woods homeowners associations are not parties to this case and they have not sought permission to intervene. Environmental Utilities does not propose to provide service to either subdivision. Eagle Woods is currently served by

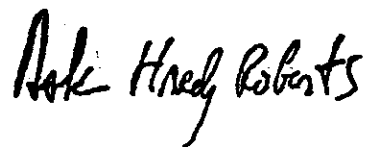
another regulated utility, Osage Water Company. However, Environmental Utilities plans to indirectly supply water to Eagle Woods by selling it wholesale to Osage Water.

The motion to establish local public hearings does not indicate any reason why the homeowners associations did not earlier file a motion to intervene so that they could participate in the evidentiary hearing. Attempting to schedule a local public hearing at this time would be disruptive to the established procedural schedule, and would further delay the Commission's consideration of Environmental Utilities' application. If the homeowners associations, or individual homeowners, have information that they wish to convey to the Commission regarding Environmental Utilities' application, they may submit that information to the Commission in writing to the Secretary of the Commission at P.O. Box 360, Jefferson City, Missouri 65102.

IT IS THEREFORE ORDERED:

1. That the Motion to Establish Local Public Hearing filed by the Homeowners Associations of Harbour Ridge and Eagle Woods is denied.
2. That this order shall become effective on February 17, 2002.

BY THE COMMISSION



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

(S E A L)

Simmons, Ch., Lumpe, and Forbis, CC., concur
Gaw, C., not participating
Murray, C., absent

Woodruff, Senior Regulatory Law Judge

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 7th day of Feb. 2002 .

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

