

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 23rd
day of June, 1992.

Application of the Tri-States Utility)
Company for authority to transfer its) CASE NO. WO-92-257
assets to Tri States Utility, Inc.)

ORDER APPROVING TRANSFER OF ASSETS

On April 10, 1992, Tri-States Utility Company (Applicant or Mr. Epps) applied under Section 393.190 RSMo, 1986 and 4 CSR 240-2.060(1)(3) for authority to transfer its assets to Tri States Utility, Inc. (Corporation). Applicant, a sole proprietorship owned and operated by Harold Epps, also seeks Commission approval or authorization for: (a) Corporation to distribute 2000 shares of its common stock to Applicant, (b) Applicant to distribute its common stock to Mr. Epps and (c) Applicant's discontinuance of its presently certified water service.

Paragraph 5 of said application also requests authority to "transfer" its Certificate of Public Convenience and Necessity to Corporation. The prayer in said application does not seek such a transfer.

Exhibit A, attached to Applicant's verified application, indicates that Harold Epps, the sole proprietor of Applicant, is the President of Tri States Utility, Inc.

In pertinent part, the balance of said application recites that Mr. Epps provides certificated water service in an area in Taney County, Missouri. Although neither the application nor Staff's recommendation reveal same, the Commission is advised that Mr. Epps' system presently serves 909 residential and 79 commercial customers.

In Case Number WM-92-91, the Commission authorized Applicant to sell a portion of its then certificated water system to the City of Branson, Missouri (City). Applicant now advises that said sale has been consummated and that Mr.

Epps wishes to transfer "all of (its) remaining assets and certificate" to Corporation. These "remaining assets," per Applicant, include all its equipment, franchises, customer contracts, supplies and its Certificate of Public Convenience and Necessity.

On June 8, the Commission Staff filed its recommendation. Staff recommends approving the transfer of assets on the condition that: (a) Corporation file a new tariff with the same rates and service rules as Applicant, (b) Corporation be granted a Certificate of Convenience and Necessity to serve the same area and same customers now served by Applicant, (c) Applicant's Certificate of Convenience and Necessity be cancelled and (d) Corporation notify the Commission within 5 days of the transfer of assets.

Having considered Mr. Epps' application, and Staff's favorable recommendation, the Commission finds that said application should be approved subject to the four conditions or recommended by Staff. The transfer will not change the provision of service to customers and said proposed transfer is not detrimental to the public interest.

IT IS THEREFORE ORDERED:

1. That the application to transfer assets by the Tri-States Utility Company, solely owned by Harold Epps, to Tri State Utility, Inc. is hereby granted.

2. That the Certificate of Convenience and Necessity originally granted to Tri-States Utility Company, a sole proprietorship, in Case No. 16057, on July 25, 1966, and as amended by subsequent cases, is hereby cancelled.

3. That Tri States Utility, Inc., a Missouri corporation with its principal place of business at Highway 165, Branson, Missouri, is hereby granted a Certificate of Convenience and Necessity to own, operate, and maintain the water system transferred by Tri-States Utility Company, and to provide tariffed

water service to the same customers and within the same area previously certificated to Tri-States Utility Company.

4. That Tri States Utility, Inc. file tariffs with the same rates and services as the existing tariffs of Tri-States Utility Company on or before the effective date of this order.

5. That Tri States Utility, Inc., shall, within five days of the transfer of assets herein authorized, provide written notice to the Commission Staff and the Executive Secretary of the Commission of said transfer.

6. That this order shall be effective on July 23, 1992.

BY THE COMMISSION

Brent Stewart

Brent Stewart
Executive Secretary

(S E A L)

McClure, Chm., Rauch
Perkins and Kincheloe, CC., Concur.
Mueller, C., Absent.