

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of)
Timber Creek Sewer Company, for)
Permission, Approval and a)
Certificate of Convenience and Necessity)
Authorizing it to Construct, Install, Own,)
Operate, Control, Manage and Maintain a)
Sewer System for the Public, Located in an)
Unincorporated Area in Clinton County, Missouri)

File No. SA-2010-0100

ORDER ACKNOWLEDGING DISMISSAL AND RESCINDING CERTIFICATE OF CONVENIENCE AND NECESSITY

Issue Date: February 2, 2010

Effective Date: February 2, 2010

The Missouri Public Service Commission is granting the Motion for Dismissal of Application and for Rescission of Conditional Grant of Certificate of Convenience and Necessity ("motion") that Timber Creek Sewer Company, ("the company") filed on January 29, 2010.

In the motion, Timber Creek cites the Commission's order issued on December 2, 2009. In that order, the Commission granted the application described in the name of this action, and ordered the issuance of a certificate of convenience and necessity ("certificate"), subject to certain conditions, including the following ("the conditions"):

2. . . .

a. The contract to transfer the collection system and wastewater treatment plant, now owned by Timber Springs Homes Association ("the association"), to the company shall be finalized.

* * *

e. The company shall file the finalized contract transferring the collection system and wastewater treatment plant, now owned by [the association], to the company.

f. The company shall file proof that it holds clear title to the wastewater treatment facility and the land on which such facility is located, and easements for access to and maintenance of the collection system, now owned by [the association.]

To meet the conditions, the company reached an agreement with the association's governing body.

But the association's membership did not approve the agreement, so the company will not be able to meet the conditions. For that reason, the company seeks rescission of the certificate, and the Commission will grant that relief. The company also seeks dismissal of this action. The Commission's regulations provide:

An applicant . . . may voluntarily dismiss an application . . . without an order of the commission at any time before prepared testimony has been filed or oral evidence has been offered, by filing a notice of dismissal with the commission and serving a copy on all parties. [¹]

No party has filed prepared testimony or offered oral evidence, so the dismissal was effective on January 29, 2010.

THE COMMISSION ORDERS THAT:

1. The certificate of convenience and necessity granted by the Commission's order dated December 2, 2009, is rescinded.
2. This action is dismissed.
3. This order shall become effective immediately upon issuance.

¹ 4 CSR 240-2.116(1).

4. This file shall close on February 3, 2010.

(S E A L)

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'S. C. Reed', written over a horizontal line.

Steven C. Reed
Secretary

Daniel Jordan, Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 2nd day of February 2010.