

**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 January, 2015.

In the Matter of the Application of Missouri-American)
Water Company for a Certificate of Convenience and)
Necessity Authorizing it to Install, Own, Acquire,)
Construct, Operate, Control, Manage and Maintain)
A Sewer System in Benton County, Missouri)

File No. SA-2015-0065

**ORDER REGARDING
MOTION FOR RECONSIDERATION OF ORDER DENYING
APPLICATION TO INTERVENE OUT OF TIME**

Issue Date: January 7, 2015

Effective Date: January 7, 2015

On December 17, 2014, the Commission issued an order denying George M. Hall's application to intervene out of time. The Commission based its ruling on a finding that Mr. Hall did not demonstrate that his interests differ from that of the general public and that he did not demonstrate that his stated interests could be adversely affected by a final order arising from this case. On December 26, Mr. Hall filed a motion asking the Commission to reconsider its order denying his application to intervene.

Mr. Hall's motion asserts that his interest in Missouri-American's application for a certificate of convenience and necessity differs from that of the general public in three particulars:

1. He does not want to be forced to become a customer of Missouri-American and wishes to be free to operate his own on-site residential septic system, as he did before Benton County Sewer District #1 was created;

2. He asserts that allowing the assets of the Benton County Sewer District #1 to be sold will disregard the vote of the people to dissolve that body; and
3. He asserts that Missouri-American's purchase of the Sewer District's assets is a part of a conspiracy to enable the United States Department of Agriculture to collect on a fraudulent loan purportedly made to the Sewer District.

As explained in the Commission's December 17 order, Mr. Hall's second and third concerns are not interests different than those of the general public. Furthermore, those concerns are not relevant to the application before the Commission in that the Commission has no authority to determine the propriety of the dissolution of the Sewer District, nor can it determine whether a loan made to the Sewer District was fraudulent or whether it should be repaid by the Sewer District with the proceeds of the sale of its assets to Missouri-American.

Mr. Hall's interest in operating his own, on-site residential septic system may not be shared with all members of the general public. The testimony offered at the local public hearing revealed that many prospective customers want to hook up to the sewer system. However, Mr. Hall's interest in operating his own private system cannot be affected by any final order the Commission could issue.

On December 30, the Commission ordered its Staff to explain whether there is any provision in Missouri-American's tariff, local ordinance, state regulation, or federal regulation that would require Mr. Hall to become a customer of a sewer system operated by Missouri-American. That order also invited other parties to respond to that

question if they wished to do so. Staff, Public Counsel, the Department of Natural Resources, and Mr. Hall filed separate responses to that question.

Staff, Public Counsel, and the Department of Natural Resources indicate there is nothing in Missouri-American's tariff or Commission regulation that would require Mr. Hall to take sewer service from Missouri-American. The question of whether Mr. Hall will be able to operate an on-site residential septic system is outside the authority granted to this Commission and must instead be addressed by the Benton County Health Department, the Missouri Department of Natural Resources, and the Missouri Department of Health.

Mr. Hall's response concedes that he is unaware of any local ordinance, state regulation, or federal regulation that would require him to take service from a sewer system operated by Missouri-American. However, he alleges the existence of a "concerted and unwritten" practice involving the Benton County Health Department, the Department of Natural Resources, the Missouri Attorney General's Office, the United States Attorney's Office and Missouri-American to force all residents of the dissolved sewer district to take service from Missouri-American.

The Commission's authority in this case is limited to determining whether Missouri-American should be authorized to purchase and operate a particular sewer system. The Commission has no authority to compel Mr. Hall to become a customer of a sewer system operated by Missouri-American. Nor does the Commission have authority to order any other person or governmental body to grant him authority to operate his own sewer system. Thus Mr. Hall's interest in operating his own on-site residential septic system cannot be affected by the Commission's order regarding

Missouri-American's application and does not provide a basis for his intervention in this case.

To the extent Mr. Hall has shown that his interests differ from the interest of the general public, those interests cannot be affected by the Commission's final order in this case. Therefore, the Commission's order denying his request to intervene out of time was correct and his motion for reconsideration will be denied.

THE COMMISSION ORDERS THAT:

1. George M. Hall's Motion for Reconsideration, or in the Alternative, Correction of Order *Nunc Pro Tunc* is denied.
2. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris L. Woodruff
Secretary

R. Kenney, Chm., Stoll, W. Kenney,
Hall, and Rupp, CC., concur.

Woodruff, Chief Regulatory
Law Judge