

**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
April, 2010.

In the Matter of RDG Development, L.L.C. for a Certificate)
of Convenience and Necessity Authorizing it to Own,) **File No. SA-2010-0096**
Operate, Maintain, Control and Manage a Sewer System)
in Callaway County, Missouri)

**ORDER ACKNOWLEDGING SATISFACTION AND MODIFICATIONS OF
CONDITIONS FOR THE GRANT OF A CERTIFICATE OF
CONVENIENCE AND NECESSITY**

Issue Date: April 7, 2010

Effective Date: April 19, 2010

On September 14, 2009, RDG Development, L.L.C. (“RDG”) filed an application requesting the Commission grant it authority to own, operate, maintain, control and manage an existing sewer system that it acquired in Callaway County, Missouri. The system serves approximately 33 residential customers in the Greenwood Hills Subdivision.

The Commission granted that certificate conditionally on December 9, 2010. The conditions imposed were requested by the Commission’s Staff. One of those conditions was to have RDG satisfy the Department of Natural Resources’ (“DNR”) requirement of retaining a certified operator. Another was to have RDG submit a map of the Greenwood Hills Subdivision that shows, at a minimum, the location of the manholes and sewer collection main lines.

On March 24, 2010, Staff requested the Commission find that the condition of retaining a certified operator had been satisfied because it had discovered that RDG’s DNR

permit currently does not require one. Staff also requests a finding that the condition requiring the submission of a map showing the location of the manholes and sewer collection main lines has been satisfied in that the required information has been provided.

On March 25, 2010, the Commission directed its Staff to file a recommendation as to whether the Commission should maintain the requirement for RDG to retain a certified operator even in the absence of a requirement by the DNR. Further, Staff was to explain the nature and purpose of having operators of sewer systems obtain certification and describe the entities providing certification.

On March 30, 2010, Staff filed its recommendation. Staff states:

DNR oversees both the certification of operating personnel, based upon operation experience, examination and continued education, and the determination of whether a wastewater treatment facility requires the services of certified personnel, and at what level of certification, based upon the number of customers served and the complexity of the treatment facility components. The purpose for the certification of operators, and the requirement that certain facilities must have certified personnel, is to ensure the waters of the state are protected from contamination from unsatisfactory wastewater treatment facility discharges.

Upon further review by Staff, it was determined that the DNR criteria requiring operation by certified personnel in Code of State Regulation 10 CSR 20-9.020 (2)(A) do not apply for this facility. Only those facilities serving population equivalents greater than two hundred (200) or with fifty (50) or more service connections are required by DNR to meet the requirement. The subject facility serves a population equivalent of fifty-nine (59) and currently has thirty-five (35) service connections. Although the Regulation does allow that DNR may determine certified personnel are necessary to protect the waters of the state and require such even in those situations normally exempt, DNR has not made such a determination in this case.

The operational, monitoring and reporting requirements outlined in the current DNR permit remain the same, and are not dependent upon whether a certified operator is required or not. Therefore it is reasonable to include compensation for the operation of the facility as proposed in Staff's original *Recommendation*, as the required duties have not changed.

Staff does not recommend that the Commission maintain the requirement of the subject facility to retain a certified operator. Staff feels that DNR's authority and requirements are sufficient to protect the waters of the state, and the customers of the utility are not being done a disservice by the Commission's withdrawal of the requirement.

Based upon Staff's recommendation and report, the Commission finds that it is reasonable to modify its December 9, 2009 order granting the conditional CCN. The Commission will acknowledge that the condition for submitting the map showing the location of the manholes and sewer collection main lines has been satisfied based upon Staff's assertions. The Commission will also eliminate the requirement for RDG to retain a certified operator at this time, finding that DNR regulations will ensure the provision of safe services even in the absence of a certified operator, under these specific conditions. The Commission may, in the future, require RDG to hire a certified operator and will expect its Staff to monitor RDG's service.

THE COMMISSION ORDERS THAT:

1. The Commission acknowledges that RDG Development, L.L.C.'s requirement to submit a map of the Greenwood Hills Subdivision showing the location of the manholes and sewer collection main lines to the Manager of the Commission's Staff's Water and Sewer Department has been satisfied.
2. The Commission nullifies the requirement that RDG Development, L.L.C. retain a certified operator.
3. This order shall become effective on April 19, 2010.

4. This file shall close on April 20, 2010.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'S. Reed', written in a cursive style.

Steven C. Reed
Secretary

(S E A L)

Clayton, Chm., Davis, Jarrett, Gunn,
and Kenney, CC., concur.

Stearley, Senior Regulatory Law Judge