

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
February 26, 1998**

CASE NOS: WA-98-36, WA-97-110, WC-98-211, WA-98-236

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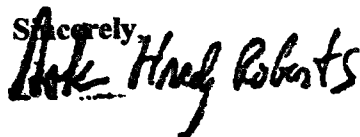
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Osage Beach, MO 65065**

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

Sincerely,



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

Uncertified Copy:

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 26th
day of February, 1998.

In the Matter of the Application of)
Osage Water Company for Permission,)
Approval, and a Certificate of)
Convenience and Necessity Authorizing)
it to Construct, Install, Own,)
Operate, Control, Manage and Maintain)
a Water and Sewer System for the)
Public Located in an Unincorporated)
Portion of Camden County, Missouri.)

Case No. WA-98-36

ORDER GRANTING IN PART AND DENYING IN PART
MOTION TO STRIKE PLEADINGS

On January 21, 1998, Osage Water Company (OWC or Company) filed a Motion to Strike Pleadings of Osage Beach Fire Protection District (District). OWC states that the District is not a party to this case and has neither filed an application to intervene herein nor been granted leave to intervene as a party in this case. The Company notes that on January 6 the Commission denied the District's Motion to Consolidate this case with Case Nos. WA-97-110 and WC-98-211. The Company requests that all pleadings of the District should be stricken, including the following: (1) The Response filed on January 13 to Staff Recommendation; (2) The Motion to Consolidate this case with Case Nos. WA-97-110, WC-98-211, and WA-98-236 filed on January 13; and (3) The Motion to Reconsider filed on January 16. The Company argues that the above described "pleadings," along with any other pleadings or documents which the District has filed or may hereafter file in this case, should be stricken.

On January 29 the Commission issued an order denying the Motion to Reconsider which was filed by the District on January 16. On February 11 the Commission issued an order denying the Motion to Consolidate which was filed by the District on January 13.

The Commission has reviewed the Motion to Strike Pleadings filed by OWC. The Commission determines that OWC's motion is moot as related to the Motion to Consolidate and Motion to Reconsider of the District which have already been denied. The Commission determines that OWC's motion to strike should be granted with respect to the response filed by the District on January 13 because the District has not been granted leave to intervene in this case. Therefore, the response filed by the District shall be deemed stricken and shall not be considered in the Commission's deliberations concerning the certificate of public convenience and necessity requested in this case.

The Commission determines that the request to strike other pleadings and documents is too vague to be addressed. The Commission concludes that the request to strike pleadings which may hereafter be filed is premature. The Commission cannot strike pleadings or documents which have not been filed.

IT IS THEREFORE ORDERED:

1. That the Motion to Strike Pleadings of Osage Beach Fire Protection District filed on January 21, 1998, by the Osage Water Company, is granted in part and denied in part as provided herein.

2. That this order shall become effective on March 10, 1998.

BY THE COMMISSION

Dale Hardy Roberts

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

(S E A L)

Lumpe, Ch., Murray, and Drainer, CC., concur.
Crumpton, C., absent.

G. George, Regulatory Law Judge

ALJ/Sec'y:

George/Boye

2-23
Date Circulated

WA-98-36
CASE NO.

Sol pz
Lumpe, Chair

Crumpton, Commissioner

Cm
Murray, Commissioner

Commissioner

ndp
Drainer, Vice-Chair

2-26
Agenda Date

Action taken:

3-0 A5

Must Vote Not Later Than

**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 26th day of February, 1998.

Dale Hardy Roberts

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