

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the matter of the application of Highway H)
Utilities, Inc. for permission, approval, and a)
certificate of convenience and necessity)
authorizing it to construct, install, own, operate,) Case No. WA-91-128
control, manage and maintain a water system for)
the public in a portion of Pulaski County,)
Missouri, known as Hunter's Point Estates.)

APPEARANCES: Gary W. Duffy, Attorney at Law, Brydon, Swearngen & England, P.C.,
312 East Capitol, P.O. Box 456, Jefferson City, Missouri 65102, for
Highway H Utilities, Inc.

HEARING
EXAMINER: Michael F. Pfaff.

REPORT AND ORDER

On September 21, 1990, Highway H Utilities, Inc. (Applicant or Company)
filed a verified Application seeking a certificate of public convenience and
necessity authorizing it to provide water service in an unincorporated area of
Pulaski County, Missouri, known as Hunter's Point.

On October 2, 1990, the Commission gave Notice of Company's Application and
set November 1, 1990, as the intervention deadline. None sought to intervene nor
requested a hearing. This matter comes to the Commission on the verified petition
filed herein.

Findings of Fact

Having considered all the competent and substantial evidence upon the whole
record, the Missouri Public Service Commission makes the following findings of fact.

Applicant is a Missouri Corporation organized and existing under the laws
of the State of Missouri. Applicant's principal place of business and offices are
located at Post Office Box 308, H Highway East Outer Road, Waynesville, Missouri

65583. The metes and bounds description of the proposed service area is attached as Appendix A.

Applicant is an existing water utility, having previously been certificated by this Commission in Case Number WA-90-26 to provide water service in an area immediately adjacent to the service area sought in this case. There are no water companies under the jurisdiction of this Commission rendering water service in the proposed area; nor are there incorporated cities within said area.

On May 3, 1991, the Commission Staff (Staff) filed its recommendation that Company's Application for water authority be approved. Staff states, and the Commission finds, that the area in question is under residential development and in need of both water and sewer service. Having reviewed Company's verified Application and Staff's recommendation, the Commission finds that Applicant is qualified to provide water service, that said service is needed, and that authorizing Applicant to provide same will promote the public interest.

Applicant and Staff have proposed that Applicant's current water rate tariff should also apply to the service area under consideration in this case. The Commission finds that said existing water rate is reasonable and hereby approves same for use in the service area proposed. The proposed water rate, shown below, is designed to produce gross annual revenues of \$5,679 at Hunter's Point.

Residential Water Service Rate

Minimum (incl. 2000 gal. per mo.)	\$5.46
Usage per 1000 gal. (above 2000)	1.00
Estimated average bill for water use of 7000 gal. per month	\$10.46

The Applicant is qualified and financially able to operate the water system described in the Application. The Commission has also determined that there is now and will be a future need for adequate water service in the proposed service area and that it is in the public interest to grant the authority requested by the Applicant. The Commission further determines the rates described herein are reasonable and

should be adopted. As a result, the Commission finds that Applicant should be granted a certificate of public convenience and necessity.

Conclusions of Law

The Missouri Public Service Commission has arrived at the following conclusions.

The Commission has jurisdiction over this Application by virtue of Sections 393.170 and 393.150, RSMo 1986. Section 393.170 empowers the Commission to grant certificates of public convenience and necessity when it has found that such a grant will be in the public interest. Section 393.150 authorizes the Commission to set just and reasonable rates.

The Commission has determined that a hearing is not necessary in the instant case. The requirements of a hearing have been met when all those having a desire to be heard are given such an opportunity. *State ex rel. Deffenderfer Enterprises, Inc. v. PSC*, 776 S.W.2d 494, 496 (Mo. App. 1989). Although notice was given, no interventions or motions for hearing were filed. Applicant submitted its evidence by verified statement. Since there has been no objection to the evidence, the Commission has concluded that pursuant to Section 536.070(12) the affidavits are sufficient foundation to grant the requested authority.

IT IS THEREFORE ORDERED:

1. That Highway H Utilities, Inc. is hereby granted a certificate of public convenience and necessity to construct, install, own, operate, control, manage and maintain a water system for the public in an unincorporated area of Pulaski County, Missouri, as described in Appendix A, attached hereto and made a part of this Report and Order by reference.

2. That the rates prescribed by this Report and Order are hereby approved for water service in the area described, and shall be subject to a Staff review within 18 months of the effective date of this Order.

3. That Highway H Utilities, Inc. shall, within thirty (30) days of the effective date of this Report and Order, file tariffs reflecting the rates and charges as authorized in this Order. Said tariffs shall also contain the rules and regulations concerning the utility's operation and service, which shall comply with the Commission's rules.

4. That Highway H Utilities, Inc. shall keep its books and records in accordance with the Uniform System of Accounts.

5. That this Report and Order shall become effective on the 4th day of June, 1991.

BY THE COMMISSION

Brent Stewart

Brent Stewart
Executive Secretary

(S E A L)

Steinmeier, Chm., Mueller,
Rauch, McClure and Perkins, CC.,
Concur.

Dated at Jefferson City, Missouri,
on this 24th day of May, 1991.

Case No. WA-91-128

DESCRIPTION OF LANDS TO BE ADDED TO
THE SERVICE AREA OF HIGHWAY H UTILITIES, INC.

All of the North Half of the Northwest Quarter of Section 36, and also, all of the Northeast Quarter of Section 36, and also, a fractional part of the South Half of Section 25, more particularly described as follows: Beginning at the Southeast Corner of said Section 25; thence along the northerly line of a parcel described in Pulaski County Deed Records at Book 404, Page 609; thence North $78^{\circ}-50'-50''$ West, 221.66 feet; thence North $78^{\circ}-36'-20''$ West, 1329.86 feet; thence North $35^{\circ}-54'$ West, 658.00 feet; thence North $40^{\circ}-17'-10''$ West, 768.14 feet; thence North $27^{\circ}-58'-10''$ West, 426.01 feet to the southerly right-of-way of U.S. Interstate 44; thence southwesterly along said right-of-way to the South line of said Section 25; thence easterly along said Section Line to the point of beginning, all in Township 36 North, Range 12 West, Pulaski County, Missouri.