

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 16th day of December, 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 DENYING MOTION FOR WITHDRAWAL OF ORDER
GRANTING CERTIFICATE OF CONVENIENCE AND NECESSITY AND
DENYING MOTION FOR REHEARING**

Issue Date: December 16, 2015

Effective Date: December 16, 2015

On November 12, 2015, the Commission issued an order granting a certificate of convenience and necessity to Missouri-American Water Company to purchase and operate a sewer system in a rural portion of Benton County, Missouri. The Commission's order became effective on December 12.

On December 11, George M. Hall, an individual whose application to intervene out of time was denied by the Commission, filed two pleadings. The first was entitled Motion for Withdrawal of Order Granting Certificate of Convenience and Necessity, and asks the Commission to withdraw its order pending resolution of litigation involving the Benton County Sewer District No. 1. The second was entitled Motion for Rehearing and asks the Commission to rehear these matters for various reasons, including the pendency of other litigation involving the Sewer District. Functionally, both motions are

requests for rehearing of the Commission's November 12 order, and the Commission will treat them as such.¹

Section 386.500.1, RSMo 2000 provides that the Commission may grant a request for rehearing, "if in its judgment sufficient reason therefor be made to appear". In the judgment of the Commission, Mr. Hall has not shown sufficient reason to rehear the order granting a certificate of convenience and necessity, and his motions will be denied.

THE COMMISSION ORDERS THAT:

1. George M. Hall's Motion for Withdrawal of Order Granting Certificate of Convenience and Necessity is denied.
2. George M. Hall's Motion for Rehearing is denied.

¹ On December 14, Staff filed a motion asking the Commission to strike Mr. Hall's Motion for Withdrawal of Order Granting Certificate of Convenience and Necessity, contending that Mr. Hall has no standing to bring such a motion because he is not a party to this case, and that the Commission has no authority to withdraw a certificate of convenience and necessity once it has been issued. The Missouri Department of Natural Resources subsequently filed a pleading in support of Staff's motion to strike. Although Mr. Hall is not a party, and cannot file a motion requesting relief in the case, he may be able to request rehearing pursuant to section 386.500.1, RSMo 2000 as a person interested in the Commission's order or decision. Further, the Commission could decide not to issue the certificate of convenience and necessity to Missouri-American if it chose to grant rehearing. Therefore, it is appropriate for the Commission to rule on both motions as requests for rehearing of the November 12 order.

3. This order shall be effective when issued.



BY THE COMMISSION

Morris L. Woodruff

Morris L. Woodruff
Secretary

Hall, Chm., Stoll, Kenney, Rupp, and
Coleman, CC., concur.

Woodruff, Chief Regulatory
Law Judge