

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-91-127
control, manage and maintain a water and sewer)
system for the public in a portion of Pulaski)
County, Missouri, known as High 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 and sewer service in an unincorporated area of Pulaski County, Missouri, known as High Point Estates.

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 approximately 1.5 miles north of the service area sought in this case. Applicant is not presently certificated to provide sewer service, but proposes to do so in this case. There are no water or sewer companies under the jurisdiction of this Commission rendering water or sewer 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 and sewer 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 and sewer services, that said services are 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 Commission also finds that the sewer rates jointly proposed by Staff and Applicant are reasonable and hereby approves same. The proposed water and sewer rates, shown below, are designed to produce gross annual revenues of \$5,648 (water) and \$8,275 (sewer).

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

Residential Sewer Service Rate

Flat rate, monthly	\$15.32
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The Applicant is qualified and financially able to operate the water system and sewer 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 and sewer 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 and sewer 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-91-127

**DESCRIPTION OF PROPOSED SERVICE AREA OF
HIGH POINT ESTATES**

A fractional part of the East Half of the Northeast Quarter of the Northwest Quarter, and, a fractional part of the Northwest Quarter of the Northeast Quarter of Section 11, Township 35 North, Range 12 West, Pulaski County, Missouri, more particularly described as follows: Beginning at the Northwest Corner of the East Half of the Northeast Quarter of the Northwest Quarter of said Section 11; thence easterly along the Section Line to a point 390.15 feet westerly along said Section Line from the northeast corner of said Northwest Quarter of the Northeast Quarter; thence South $3^{\circ}-37'-40''$ East, 202.36 feet; thence South $80^{\circ}-02'-40''$ West, 100.53 feet; thence South $18^{\circ}-40'-40''$ East, 253.74 feet to the northerly right-of-way of High Point Road; thence southwesterly along said northerly right-of-way to the South line of said East Half of the Northeast Quarter of the Northwest Quarter; thence westerly along said South line to the southwest corner of said East Half of the Northeast Quarter of the Northwest Quarter; thence northerly along the westerly line of said East Half of the Northeast Quarter of the Northwest Quarter to the point of beginning.