

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the matter of the application of Lakewood Hills)
Water Company, Inc., for authority to extend the) CASE NO. WA-91-241
boundaries of its current certificated service area.)

APPEARANCES: William M. Barvick, Attorney at Law, 231 Madison Street,
 Jefferson City, Missouri 65102, for Lakewood Hills
 Water Company, Inc.

Hearing
Examiner: C. Gene Fee

REPORT AND ORDER

On January 3, 1991, Lakewood Hills Water Company, Inc., (Company) filed an application with the Commission seeking a certificate of public convenience and necessity authorizing an expansion of its service territory to include eight additional subdivision lots adjoining its present service area.

Notice of the application was sent to interested persons. Since no party has requested intervention or sought an oral hearing by the date specified in the notice the Commission will dispose of the application on the basis of the verified application, the exhibits attached thereto, and the recommendation of its Staff.

Findings of Fact

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

The Company is a Missouri corporation with its principal place of business at 2929 Central Street, Evanston, Illinois 60201. Company presently has a certificate of public convenience and necessity authorizing it to render water service to the public in an area in Jefferson County, Missouri. The proposed service area covered by the instant application is a part of the Whispering Pines Addition of

the Lakewood Hills Subdivision in Jefferson County. The Company has not asked to include in its service area the plots in Whispering Pines which have wells or those lots to which extending a main is impractical due to the terrain.

On February 11, 1991, the Commission Staff filed its recommendation for approval of the instant expansion of the Company's water service area. Staff's recommendation states that the Company intends to apply its present rates and rules to the customers in the new area. Since there are no other options for service in the proposed service area the Commission finds that the proposed service is convenient and necessary for the public and should be authorized.

Conclusions

The Missouri Public Service Commission has arrived at the following conclusions of law:

The Company is a public utility subject to the jurisdiction of this Commission pursuant to Sections 386.019 and 386.029, RSMo 1986.

The instant application was filed pursuant to Section 393.170, RSMo 1986, which prohibits a water or sewer corporation from beginning construction of a water or sewer system without having first obtained permission and approval of this Commission.

The requirement of a hearing pursuant to Section 393.170, RSMo 1986 has been met when the opportunity for a hearing is provided and no proper party requests the opportunity to present evidence. *State ex rel. Rex Deffenderfer Enterprises, Inc. v. PSC*, 776 S.W.2d 494, 496 (Mo. App. 1989). Since notice was given in this matter and no person sought intervention or hearing, the Commission concludes that no oral hearing is necessary and based its findings and conclusions on the evidence submitted by verified statements.

IT IS THEREFORE ORDERED:

1. That Lakewood Hills Water Company, Inc. be granted an extension of its certificate of convenience and necessity to expand its service area in Jefferson County, Missouri, as described in Attachment A hereto.

2. That within thirty (30) days from the effective date of this Report and Order Lakewood Hills Water Company, Inc. shall file for Commission approval revised tariff sheets showing the additional metes and bounds description of the added portion of its service area, and a revised map to reflect the authority granted herein.

3. That this Report and Order shall become effective on March 11, 1991.

BY THE COMMISSION

Brent Stewart

Brent Stewart
Executive Secretary

(S E A L)

Steinmeier, Chm., Mueller, Rauch,
McClure and Letsch-Roderique, CC.,
Concur.

Dated at Jefferson City, Missouri,
on this 1st day of March, 1991.

AMENDED EXHIBIT C
Description of Service Area Including the Proposed Addition

All that part of the South 1/2 of Section 28, part of the North 1/2, and the Northwest 1/4 of the Southwest 1/4 in Section 33, and part of the South 1/2, and part of the Southeast 1/4 of Section 32 all in Township 43 North, Range 3 East described as follows: Beginning at an old stone marking the center of Section 32; thence North 89 degrees 29 minutes West with the quarter section line 675 feet; thence South 0 degrees 01 minute East 675.20 feet; thence South 89 degrees 30 minutes East 330.00 feet; thence South 0 degrees 01 minute East 330.00 feet; thence South 89 degrees 30 minutes East 1342.40 feet to a point; thence continuing South 89 degrees 30 minutes East to the intersection with the center line of Labarque Creek; thence with the center line of Labarque Creek in a Northeasterly direction to its intersection with the East-West quarter section line of Section 33; thence North 89 degrees 44 minutes West with said quarter section line to its intersection with the center line of Wade County Road; thence with the center of said County Road as follows: North 41 degrees 24 minutes East 52.93 feet, North 30 degrees 41 minutes East 320.73 feet, North 0 degrees 14 minutes East 24.4 feet, North 77 degrees 48 minutes East 217.39 feet, South 88 degrees 00 minutes East 175.76 feet, North 71 degrees 56 minutes East 108.45 feet, North 58 degrees 08 minutes East 209.50 feet, North 66 degrees 50 minutes East 170.89 feet, North 65 degrees 56 minutes East 298.37 feet, North 74 degrees 58 minutes East 184.68 feet and North 70 degrees 49 minutes East 113.60 feet; thence departing from said County Road North 18 degrees 53 minutes West 526.85 feet; thence North 44 degrees 46 minutes East 119.00 feet; thence North 14 degrees 43 minutes West 572.00 feet; thence South 70 degrees 00 minutes East 77.00 feet; thence South 41 degrees 20 minutes East 341.05 feet; thence South 47 degrees 00 minutes East 432.0 feet; thence South 15 degrees East 479.55 feet to the center of the Wade County Road; thence with said County Road as follows: South 56 degrees 56 minutes East 105.04 feet; South 75 degrees 09 minutes East 210.15 feet; South 80 degrees 24 minutes East 261.00 feet; South 88 degrees 03 minutes East 131.09 feet; North 61 degrees 05 minutes East 194.66 feet; North 80 degrees 56 minutes East 131.98 feet; North 73 degrees 58 minutes East 168.20 feet; and North 84 degrees 38 minutes East 67.21 feet; thence departing from said County Road North 508.60 feet; thence North 89 degrees 58 minutes West 115.00 feet; thence North 18 degrees 15 minutes East 713.77 feet to the approximate center line of State Highway "F"; thence Westward with the approximate center of said State Highway 4,024.58 feet to the Northward extension of the center of the "Doc Sargent" County Road, from which point the Northwest corner of Section 33, Township 43 North, Range 3 East, bears South 74 degrees 25 minutes West 1,153.60 feet distant; thence departing from the center of said State Highway "F" and running with the center of

said County Road as follows: South 4 degrees 35 minutes West 135.33 feet, South 21 degrees 28 minutes West 121.95 feet; and South 11 degrees 45 minutes West 61.06 feet to the North line of Section 33; thence South 89 degrees 54 minutes West with the North line of said Section 376.88 feet to an old stone marking the Northwest corner of East 1/2 of West 1/2 of the Northwest 1/4 of said section; thence South 0 degrees 06 minutes West with the West line of said East 1/2 of the West 1/2 of the Northwest 1/4 2716.00 feet to the East-West quarter section line; thence North 89 degrees 44 minutes West with said quarter section line 679.20 feet to a point in the West line of said Section 33; thence North 89 degrees 39 minutes West with the East-West quarter section line of Section 32 1344.40 feet to an old stone; thence North 0 degrees 31 minutes East 1366.40 feet to a stone pile; thence North 89 degrees 39 minutes West 1355.70 feet to an old stone in North-South quarter section line of Section 32; thence South 0 degrees 37 1/2 minutes West 1361.00 feet to the place of beginning.

Included within the above description are portions of Lakewood Hills Gem Lake Addition as shown upon plat filed for record in the recorder's office of Jefferson County in plat book 27 at page 11, Lakewood Hills Crystal Lake Addition recorded in plat book 34 at page 17 and Lakewood Hills Whispering Pines Addition recorded in plat book 34 at page 19.

Also added to the above description, Lakewood Hills, Whispering Pines Addition Lots 6, 7, 8 and 9 and all of Lots 24, 25, 26, 27 and 28 in Lakewood Hills, Whispering Pines Addition Plat Three of the Lakewood Hills subdivision, Jefferson County, Missouri