

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the matter of the application of S. K. & M. Water     )  
and Sewer Co. for a certificate of convenience and     )  
necessity authorizing it to extend its present service     ) CASE NO. WA-91-255  
area to supply and render water services to the public     )  
located in an unincorporated area in Perry County,     )  
Missouri.     )

APPEARANCES: Kim R. Moore, Attorney at Law, 11 North Main Street,  
Perryville, Missouri 63775, for Applicant.

Hearing  
Examiner: C. Gene Fee

REPORT AND ORDER

On January 15, 1991, S. K. & M. Water and Sewer Co. (Company) filed an application with the Commission seeking an additional certificate of convenience and necessity to expand its territory to include property adjacent to its presently certificated service area just south of Perryville, Missouri, in Perry County.

Notice of the application was ordered by the Commission and a date for intervention was established. No person sought intervention, and neither the Public Counsel nor the Staff requested an oral hearing.

On May 2, 1991, the Commission Staff filed a report recommending that the requested certificate be granted subject to the Company complying with certain conditions.

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:

S. K. & M. Water and Sewer Co. is a public utility with its principal place of business at Rural Route 2, Perryville, Missouri. The area proposed to receive

water service by this application is a planned residential development adjacent to the Company's present service area known as Shakertown Estates. No municipalities or other water providers serve the area.

The Commission Staff has reviewed the application and the evidence filed in support of the proposal and has stated that the Company appears to be capable of rendering adequate service in the proposed service area.

The Commission has reviewed the application and the Staff's recommendation and is of the opinion that the certificate of convenience and necessity to expand the service area sought by this application should be granted. Since water service will be required by the residences to be constructed the proposed service is necessary and convenient for the public service.

#### Conclusions

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

S. K. & M. Water and Sewer Co. is a public utility subject to this Commission's jurisdiction pursuant to Section 386.250, RSMo 1986.

Section 393.170, RSMo 1986 states that no water or sewer corporation shall begin water or sewer systems without having first obtained permission and approval of the Commission.

Since the Commission has found that the water system proposed by the Company is in the public interest and is necessary for the public service the requested certificate should be granted.

The requirement for a hearing contained in Section 393.170 has been met when the opportunity for hearing is provided and no proper party requests the opportunity to present evidence. *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 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 may base its findings on the evidence submitted by verified statements.

IT IS THEREFORE ORDERED:

1. That S. K. & M. Water and Sewer Co. is hereby granted an extension of its certificate of public convenience and necessity to expand its service area in Perry County, Missouri, in an area depicted in the map attached to the application in this matter as Exhibit 1.

2. That within thirty (30) days from the effective date of this Report and Order S. K. & M. Water and Sewer Co. shall file, for Commission approval, an extension rule as a portion of its tariff.

3. That within thirty (30) days from the effective date of this Report and Order S. K. & M. Water and Sewer Co. shall file, for Commission approval, a revised map and metes and bounds description to reflect the additional service area authorized herein.

4. That this Report and Order shall become effective on May 20, 1991.

BY THE COMMISSION

*Brent Stewart*

Brent Stewart  
Executive Secretary

(S E A L)

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

Dated at Jefferson City, Missouri,  
on this 10th day of May, 1991.