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BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of West)
Elm Place Corporation for Permission to)
Sell Certain Assets Used and Useful by it)
in the Provision of Sewer Services to the)
public to Rock Creek Public Sewer District)
and to Cancel its Certificates of Public)
Convenience and Necessity.)
Case No. SM-99-193

ORDER DENYING REQUEST FOR ADDITIONAL NOTICE

West Elm Place Corporation (West Elm) filed an application with the Commission on November 2, 1998, requesting an order authorizing the sale of certain assets to Rock Creek Public Sewer District (Rock Creek) and canceling its certificates of public convenience and necessity. West Elm also filed a Motion for Expedited Treatment and requested that the Commission issue its decision on or before December 31. The Commission issued an Order and Notice on November 13, which gave notice to the various governmental bodies in Jefferson County as well as to the newspapers that serve Jefferson County. Applications to Intervene were to be filed by November 27. No applications were filed.

On January 8, 1999, the Office of the Public Counsel (Public Counsel) filed a motion requesting that the Public Service Commission order West Elm to inform each of its customers individually of the proposed sale and its impact on their sewer rates by means of a notice mailed to each customer. On January 11, the Staff of the Commission

(Staff) filed its Suggestions in Support of Public Counsel's request. The Commission also issued a notice setting the time for filing of responses to Public Counsel's motion.

Timely responses were filed by Staff and by West Elm. Staff's response supports the request of Public Counsel. West Elm's response denies that there is a need for additional notice to customers. West Elm alleged that Rock Creek's intention to buy West Elm's system and other systems in the area has already been well publicized in the local area because of the original notice issued by the Commission. In addition, the proposed sale of this system was widely discussed during the bond issue election in November 1998 in which the citizens voted to issue the necessary bonds to finance the Rock Creek's purchase of this and other sewer systems. West Elm also stated that if the sale is not approved, the rates paid by its customers will increase far beyond the rates to be charged by Rock Creek because of substantial capital improvements needed to comply with environmental requirements. West Elm also stated that mailing notices to each of its customers would impose a significant cost and burden on it. As a compromise, West Elm indicated that it is willing to take out a modest advertisement in the local weekly newspaper if the Commission believes that additional notice is required. The Commission has reviewed Public Counsel's request for additional notice and the responses of West Elm and the Staff. The Commission finds that the additional notice requested by Public Counsel is unnecessary. Because of all the previous publicity regarding the bond issue which was widely publicized during the election in which voters passed the measure, and

because of the notice that was given on November 13, 1998, the Commission also finds that further notice by newspaper advertisement is unnecessary.

IT IS THEREFORE ORDERED:

1. That the Office of the Public Counsel's request for additional notice is denied.
2. That this order shall become effective on February 6, 1999.

BY THE COMMISSION

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, flowing style.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Shelly A. Register, Regulatory
Law Judge, by delegation of
authority pursuant to 4 CSR
240-2.120(1) (November 30, 1995)
and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 27th day of January, 1999.