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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 26th
day of May, 1998.

Osage Water Company,)	
)	
Complainant,)	
)	
vs.)	
)	
Osage Shores Water Company, Inc.,)	<u>Case No. WC-97-152</u>
Vernon Stump, Joe Butts, Marlen)	
Frank, John Ferrante, Leon Swope,)	
Richard Brown, The Miller County)	
Water Authority, Inc., and)	
Centrust Capital Corporation,)	
)	
Respondents.)	

ORDER DENYING MOTION TO DISMISS AND SETTING
EARLY PREHEARING CONFERENCE

On October 16, 1996, Osage Water Company filed a complaint alleging that the Respondents, jointly and severally, have been and continue to be unlawfully constructing, installing, owning, operating, controlling, managing and maintaining water systems in the petitioner's certificated water service areas. Respondents have on two occasions (June 26, 1997 and January 16, 1998) moved to dismiss this case on the grounds that they no longer own the water system that is the subject of the complaint. Complainant replies that, pursuant to Section 393.190.1 RSMo 1994, any purported sale of assets by a water corporation subject to the Commission's jurisdiction is void if the sale was made without prior Commission approval. The Commission, on August 5, 1997, denied the earlier motion to

dismiss and will deny the later motion as well since questions of law and fact remain.

On January 7, 1998 Complainant filed a Motion to Establish Procedural Schedule. Complainant's proposed schedule contains dates for the taking of depositions, serving discovery requests, and other matters not normally scheduled by the Commission. The proposed schedule concludes with a hearing in January 1999. The Commission does not believe that it is necessary to schedule dates for such matters as depositions, nor does it believe that the hearing in this matter (which was filed October 16, 1996) should be postponed until 1999.

An early prehearing conference should be scheduled to afford the parties the opportunity to discuss, define, and possibly resolve the issues presented in this case, or at least to agree on a procedural schedule. The Commission will also set a date for the filing of a proposed procedural schedule or a stipulation and agreement in order to ensure that this case progresses.

IT IS THEREFORE ORDERED:

1. That Respondent's Motion to Dismiss filed on January 16, 1998 is denied.
2. That Complainant's proposed procedural schedule is rejected.
3. That a prehearing conference will be held on June 12, 1998, at 10:00 a.m. at the Commission's offices on the fifth floor of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri.
4. That anyone with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission

(at least ten (10) days before the prehearing or hearing at one of the following numbers: Consumer Services Hotline - 1-800-392-4211 or TDD Hotline - 1-800-829-7541.

5. That the parties shall file a proposed procedural schedule no later than June 24, 1998.

6. That this order shall become effective on June 5, 1998.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

(Lumpe, Ch., Murray and Drainer, CC., concur.
Crumpton and Schemenauer, CC., absent.

Mills, Deputy Chief Regulatory Law Judge