

B  
A:  
Ro

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a session of the Public Service  
Commission held at its office  
in Jefferson City on the 30th  
day of April, 1998.

In the Matter of the Application of )  
Timber Creek Sewer Company, for )  
Permission, Approval, and a Certificate )  
of Convenience and Necessity Authorizing )  
It to Construct, Install, Own, Operate, ) Case No. SA-98-471  
Control, Manage and Maintain a Sewer )  
System for the Public, Located in an )  
Unincorporated Area in Platte County, )  
Missouri. )

In the Matter of the Application of )  
Timber Creek Sewer Company, for )  
Permission, Approval, and a Certificate )  
of Convenience and Necessity Authorizing )  
It to Construct, Install, Own, Operate, ) Case No. SA-98-419  
Control, Manage and Maintain a Sewer )  
System for the Public, Located in an )  
Unincorporated Area in Platte County, )  
Missouri. )

ORDER CONSOLIDATING CASES, GIVING NOTICE AND DIRECTING  
SUPPLEMENTATION OF APPLICATIONS

On April 2, 1998, Timber Creek Sewer Company (Applicant or Timber  
Creek) filed an application with the Commission requesting a certificate  
of convenience and necessity authorizing it to install, acquire, build,  
construct, own, operate, control, manage and maintain sewer facilities and  
to render sewer service for the public in unincorporated portions of Platte  
County, Missouri. The application was assigned Case No. TA-98-419. Timber  
Creek stated in its application that it currently holds a certificate of  
convenience and necessity for two areas in unincorporated Platte County,  
but seeks to expand its service territory. The new certificate would cover  
an area that connects the two existing service areas. The Commission  
issued Order and Notice on April 17 that established a deadline of May 18

for Timber Creek to file a feasibility study pursuant to 4 CSR 240-2.060(2)(F)5 and for interested persons to apply for intervention.

On April 17, 1998, Timber Creek initiated Case No. TA-98-471 by filing a second application with the Commission requesting a certificate of convenience and necessity authorizing it to install, acquire, build, construct, own, operate, control, manage and maintain sewer facilities and to render sewer service for the public in unincorporated portions of Platte County, Missouri. This application concerns Timber Creek's request to extend its service territory to include an area that is adjacent to the western and southern boundaries of Timber Creek's westernmost current service area. Timber Creek did not include a feasibility study with its application, as required by 4 CSR 240-2.060(2)(F)5.

The Commission finds that Case Nos. TA-98-419 and TA-98-471 should be consolidated, with Case No. TA-98-471 as the lead case. Timber Creek's applications involve common issues of law and fact, and the feasibility study for each application will be affected by the other application. Moreover, consolidation will prevent unnecessary duplication in filings.

The Commission further finds that Timber Creek should submit one feasibility study to address both applications. The feasibility study should address the impact of each application individually, as well as the cumulative impact of both applications. Timber Creek incorporated by reference into its applications a letter dated May 18, 1994, from the county counselor of Platte County which stated that Platte County does not have a franchise requirement for privately owned sewer companies. The Commission finds that Timber Creek should be required to provide the Commission with current information about Platte County's requirements, pursuant to 4 CSR 240-2.060(2)(H)1. Timber Creek is directed to file the missing documents and information as set out below.

The Commission has determined that proper parties should be given notice and an opportunity to intervene in this matter. The Records Department of the Commission shall send a copy of this order to: (1) the county commissioners of Platte County; and (2) the entities and persons listed in Exhibit 4 of the application which provides names and addresses of residents and landowners in the proposed service area. In addition, the Information Office of the Commission shall send notice of this application to the members of the General Assembly who represent Platte County and to the newspapers located in Platte County, as listed in the newspaper directory of the current *Official Manual of the State of Missouri*.

Anyone wishing to intervene must submit an application to intervene to the Secretary of the Missouri Public Service Commission, Post Office Box 360, Jefferson City, Missouri 65102 by the date set forth below. Copies of the application to intervene should be sent to:

Jeremiah D. Finnegan, Esq.  
Finnegan, Conrad & Peterson, L.C.  
1209 Penntower Office Center  
3100 Broadway  
Kansas City, Missouri 64111

The requirement of a hearing has been fulfilled when all those having a desire to be heard are offered an opportunity to be heard. If no proper party is granted intervention and neither the Commission's Staff nor the Office of the Public Counsel requests a hearing, the Commission may determine that a hearing is not necessary and that the Applicant may submit its evidence in support of the application by verified statement. State ex rel. Deffenderfer Enterprises, Inc. v. P.S.C., 776 S.W.2d 494, 496 (Mo. App. 1989).

**IT IS THEREFORE ORDERED:**

1. That Case No. TA-98-419 is consolidated with and into Case No. TA-98-471, and Case No. TA-98-471 is designated as the lead case.
2. That the Information Office and the Records Department of the Missouri Public Service Commission shall provide notice as set out herein.
3. That any interested party wishing to intervene in this case shall file an application to do so no later than June 1, 1998. Such applications shall be filed with the Secretary of the Missouri Public Service Commission, Post Office Box 360, Jefferson City, Missouri, 65102, and copies shall be served upon the Applicant's representative as set forth herein.
4. That Timber Creek Sewer Company shall file the information and documents required by 4 CSR 240-2.060(2)(F)5 and 4 CSR 240-2.060(H)1 no later than June 1, 1998, as described in this order.
5. That this order shall become effective on April 30, 1998.

**BY THE COMMISSION**



**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

( S E A L )

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

Randles, Regulatory Law Judge