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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 24th
day of September, 1997.

| | | |
|-------------------------------------|---|----------------------------------|
| Osage Water Company, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| vs. |) | |
| |) | |
| Ozark 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 GRANTING EXTENSION OF TIME AND DIRECTING
SUBMISSION OF STATUS REPORTS**

This docket was opened on October 16, 1996 as a result of a complaint filed by Osage Water Company (Osage) alleging that the respondents, Ozark Shores Water Company, Inc., et al. (collectively Ozark Shores), are unlawfully operating a public water system in the Osage certificated area.

On August 5, 1997, the Commission issued an order denying motion to dismiss and motion for summary judgment and, among other matters, ordered that parties file a suggested procedural schedule for the hearing of this case no later than September 2. On September 2 Osage, the complainant, filed a motion for an extension of time in which to file the suggested procedural schedule. In that motion Osage states that there is currently an action pending in the Missouri Court of Appeals, Southern District, cited as Case No. 21022, Osage Water Company, Appellant, vs.

Miller County Water Authority, Respondent, in which there is currently a pending motion by the respondent to transfer the case to the Supreme Court of the State of Missouri for rehearing. The final opinion of the Southern District Court of Appeals, handed down July 7, 1997 is, therefore, not final. Osage submits that a final decision in this pending case will materially limit the issues before the Commission and will also reduce or eliminate the need for discovery. Osage requests an extension of 60 days or until the pending matter becomes final, whichever first occurs.

The Commission has considered the motion of Osage in light of the fact that Osage is the complainant and therefore moving party in this matter and in light of the fact that no objections to the motion were filed. As there is no indication as to when the appellate case may reach a final decision, and as Osage is the moving party in this matter, the Commission will simply suspend this proceeding until further notice by any of the parties. The Commission will order Osage to file a memorandum every 60 days informing the Commission of the status of the pending appeal and any anticipated action in this case.

IT IS THEREFORE ORDERED:

1. That the motion of Osage Water Company for an extension of time in which to file a procedural schedule is hereby granted to the extent that this proceeding is suspended pending the outcome of Case No. 21022, Osage Water Company, Appellant, vs. Miller County Water Authority, Inc., Respondent.

2. That any party to this case may file a motion to resume the proceeding for good cause at any time.

3. That Osage Water Company is directed to file in this docket a status report of the pending appellate proceeding every 60 days, beginning 60 days from the effective date of this order.

4. That this order shall become effective on September 24,
1997.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read "Cecil I. Wright", with a stylized flourish at the end.

Cecil I. Wright
Executive Secretary

(S E A L)

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

ALJ: Derque