

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of KMB Utility)
Corporation to Transfer the Assets of Cape Rock) **Case No. SO-2009-0174**
Village Sewer System to Triple C Development,)
LLC)

NOTICE OF NONCOMPLIANCE

Issue Date: November 10, 2008

On November 7, 2008, KMB Utility Corporation filed several documents relating to KMB Utility's plan to transfer its Cape Rock Village Sewer System to Triple C Development, LLC. Among the documents filed was a cover letter signed by attorney Stephen R. Southard on behalf of KMB Utility. KMB Utility also filed an affidavit from Ann Rudy, President of KMB Utility, which purports to supply some of the information required by Commission Rules 4 CSR 240-2.060 and 4 CSR 240-3.605.¹ However, KMB Utility's application fails to comply with the requirements of Commission Rule 4 CSR 2.080, which requires every pleading to be signed by at least one attorney of record. Attorney Southard signed the cover letter, but he did not sign the application.

What the Commission requires, in addition to the documents that have already been filed, is a single pleading, signed by an attorney, that explains the nature of the company's application, while providing all the information required by 4 CSR 240-2.060 and 4 CSR 240-3.310. For the convenience of the applicant, the Commission is attaching a sample copy of an application that the Commission found to be suitable in a previous case.

¹ Commission Rule 4 CSR 240-3.605 actually relates to the sale of water system assets. The appropriate regulation relating to the proposed sale of sewer system assets is 4 CSR 240-3.310.

The Commission also informs KMB Utility that if it wants the Commission to consider the application by a certain date, it will need to file a separate pleading requesting expedited consideration pursuant to Commission Rule 4 CSR 240-2.080(16).

Furthermore, the Commission notes that KMB Utility designated each document it filed in the Commission's electronic filing system as highly confidential. The definition of proprietary and highly confidential information in documents filed with the Commission is found in Commission Rule 4 CSR 240-2.135(1). All information not meeting the definition of either proprietary or highly confidential must be filed as public information. If KMB Utility has questions about changing the designation of the documents it has filed, it should contact the Commission's data center at (573) 751-7496.

Because of the noncompliance described in this notice, the Commission will be unable to take any further action on KMB Utility's application until the noncompliance is corrected.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', is positioned above the printed name and title.

Colleen M. Dale
Secretary

(S E A L)

Dated at Jefferson City, Missouri,
on this 10th day of November, 2008.

Morris L. Woodruff, Deputy Chief Regulatory Law Judge