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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 3rd
day of November, 1998.

In the Matter of the Application)
of Ozark Shores Water Company for)
Permission, Approval, and a Certificate)
of Public Convenience and Necessity)
Authorizing It to Construct, Install,)
Own, Operate, Control, Manage and) Case No. WA-99-99
Maintain a Water and Sewer System for)
the Public at Summerhaven Condominiums)
in Miller County and a Water System)
for the Public in the Perdue Development)
in Camden County.)

ORDER DENYING INTERVENTION

On September 9, 1998, Ozark Shores Water Company (Ozark) filed an application with the Commission pursuant to Section 393.170, RSMo 1994 and 4 CSR-240-2.060 requesting the Commission grant it a certificate of convenience and necessity to provide (a) regulated metered water service in an area adjacent to its currently certificated area on Horseshoe Bend in Camden County and (b) regulated flat rate water service to a condominium complex known as Summerhaven Condominiums in Miller County.

On October 20, Summerhaven Condominium Owners Association (the Association) filed a Motion to Intervene. The Association states that it is a not-for-profit corporation, presently being served by the water and sewer facilities for which Ozark has applied for a certificate of convenience and necessity in this case. The Association also asserts that it has an order issued in Case No. WC-99-34.

The Commission's rules regarding intervention at 4 CSR 240-2.075(2) require applications to intervene to state the applicant's interest in the proceeding and reasons for seeking intervention, and whether the applicant supports or opposes the relief sought. The Association's motion to intervene does not comply with this rule.

The Commission's rules regarding intervention at 4 CSR 240-2.075(3) require an association filing to intervene on behalf of its members to list the members of the association in an appendix to the application to intervene. The Association's motion to intervene does not comply with this rule.

The Commission's rules at 4 CSR 240-2.075(4) permit the Commission to grant applications to intervene on a showing that: (A) the applicant has an interest in the proceeding which is different from that of the general public; (B) the applicant is a municipality or other political subdivision; or (C) granting the proposed intervention would serve the public interest. Applicant makes no showing that it meets any of these three criteria.

The Commission could infer Applicant's interest in the proceeding from the fact that it alleges it is presently being served by some of the facilities that Ozark intends to acquire if its application is granted, and could surmise that that interest is different from that of the general public. However, because the Association failed to follow the Commission's rules, the Commission cannot determine the Association's reasons for seeking intervention, or whether it supports or opposes the application.

Because of the numerous material violations of the Commission's rules, the Commission is unable to grant the motion to intervene.

Nonetheless, if the Association files an amended application to intervene that remedies these deficiencies, the Commission will consider it.

IT IS THEREFORE ORDERED:

1. That the application to intervene of Summerhaven Condominium Owners Association is denied.
2. That Summerhaven Condominium Owners Association may file an amended application to intervene no later than November 13, 1998.
3. That this order shall become effective on November 13, 1998.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

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

Mills, Deputy Chief Regulatory Law Judge

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION