

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 Village Sewer System to Triple C Development, LLC)
)
) **Case No. SO-2009-0174**
)

ORDER RELIEVING STAFF OF OBLIGATION TO FILE A RECOMMENDATION BY PREVIOUSLY ESTABLISHED DATE AND DIRECTING STAFF TO FILE A PROGRESS REPORT

Issue Date: December 8, 2008

Effective Date: December 8, 2008

On November 17, 2008, KMB Utility Corporation and Triple C Development, LLC, filed a joint application asking the Commission to approve the transfer of the assets of Cape Rock Village Sewer System from KMB Utility to Triple C. Along with their application, KMB Utility and Triple C filed a motion asking the Commission to act on their application by December 15, so that the proposed transaction could be closed by December 31.

In response to the joint application and the motion for expedited treatment, the Commission provided notice to the public of the filing of the application, established an intervention deadline of December 5, and directed its Staff to file a recommendation regarding the application by December 9. On December 8, Staff filed a motion requesting more time to file its recommendation.

Staff's motion indicates the applicants need to submit additional information before Staff can proceed with its analysis of the proposed transaction. Since Staff's analysis is dependent upon the submission of additional information by the applicants, Staff does not

propose a definite date by which it can file a recommendation. Instead, Staff requests 30 days after the applicants supply the missing information in which to file its recommendation.

The Commission will endeavor to consider the proposed transfer of sewer system assets in an expedited fashion as requested by the applicants. However, the Commission cannot act until it has a recommendation from its Staff, and the Commission is not willing to push its Staff into a hasty recommendation without all the information Staff believes it needs to make that recommendation. Therefore, the Commission will relieve Staff of its obligation to file a recommendation by December 9. Since Staff's ability to file its recommendation is dependent upon its receipt of additional information from the applicants, the Commission will not establish a new date for Staff to file its recommendation at this time. Instead, the Commission will order Staff to file a progress report indicating whether the applicants have provided the additional information needed to complete Staff's recommendation.

THE COMMISSION ORDERS THAT:

1. The Commission's Staff is relieved of its obligation to file a recommendation by December 9, 2008.
2. The Commission's Staff shall file a progress report no later than December 29, 2008, indicating whether it has received the information it needs from KMB Utility Corporation and Triple C Development, LLC.

3. This order shall become effective immediately upon issuance.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Morris L. Woodruff, Deputy Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 8th day of December, 2008.