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**Missouri Public Service Commission**

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**January 21, 1998**

**CECIL I. WRIGHT**  
Executive Secretary

**WESS A. HENDERSON**  
Director, Utility Operations

**GORDON L. PERSINGER**  
Director, Advisory & Public Affairs

**ROBERT SCHALLENBERG**  
Director, Utility Services

**DONNA M. KOLILIS**  
Director, Administration

**DALE HARDY ROBERTS**  
Chief Administrative Law Judge

**DANA K. JOYCE**  
General Counsel

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

**RE: Case Nos. WA-97-110, WA-98-36, WC-98-211, WA-98-236**  
**Osage Water Company**

Dear Mr. Roberts:

Enclosed for filing in the above-captioned cases are an original and fourteen (14) conformed copies of **STAFF'S RESPONSE TO APPLICATION TO INTERVENE AND TO MOTION TO CONSOLIDATE**.

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

*William K. Haas*

**William K. Haas**  
Senior Counsel  
(573) 751-7510  
(573) 751-9285 (Fax)

**WKH/wf**  
Enclosure

cc: Counsel of Record

**FILED**  
**JAN 21 1998**  
**MISSOURI**  
**PUBLIC SERVICE COMMISSION**

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

**FILED**  
**JAN 21 1998**  
**MISSOURI**  
**PUBLIC SERVICE COMMISSION**

In the matter of the application of Osage )  
Water Company for permission, approval and )  
a certificate of convenience and necessity )  
authorizing it to construct, install, own, )  
operate, control, manage and maintain a water )  
and sewer system for the public located in )  
unincorporated portions of Camden County, )  
Missouri. )

Case No. WA-97-110

In the matter of the application of Osage )  
Water Company for permission, approval and )  
a certificate of convenience and necessity )  
authorizing it to construct, install, own, )  
operate, control, manage and maintain a water )  
and sewer system for the public located in an )  
unincorporated portion of Camden County, )  
Missouri. )

Case No. WA-98-36

Osage Beach Fire Protection District, )  
Complainant, )  
v. )  
Osage Water Company, )  
Respondent. )

Case No. WC-98-211

In the matter of the application of Osage )  
Water Company for permission, approval, )  
and a certificate of convenience and necessity )  
authorizing it to construct, install, own, )  
operate, control, manage and maintain a water )  
system for the public located in Parkview Bay )  
Subdivision, Osage Beach, Missouri )

Case No. WA-98-236

**STAFF'S RESPONSE TO APPLICATION TO INTERVENE AND TO MOTION TO CONSOLIDATE**

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its

response states:

1. On September 17, 1996, Osage Water Company (Company) filed with the Missouri Public Service Commission (Commission) an Application requesting certificates of convenience and necessity to provide sewer service in Chelsea Rose Subdivision and to provide water and sewer service in Cimarron Bay Subdivision. Both subdivisions are located in unincorporated areas of Camden County, Missouri. The Application was docketed as Case No. WA-97-110.

2. On July 28, 1997, the Company filed with the Commission an Application requesting a certificate of convenience and necessity to provide water and sewer service in an unincorporated area of Camden County, Missouri, known as the Cedar Glen Condominiums. This Application was docketed as Case No. WA-98-36.

3. On November 19, 1997, the Osage Beach Fire Protection District (District) filed with the Commission a Complaint which states that the Company is supplying water to the Passover Road Expansion without a certificate of convenience and necessity. The Complaint states that the Passover Road Expansion is located within the city limits of the City of Osage Beach, Missouri, and within the political subdivision limits of the District. The Complaint was docketed as Case No. WC-98-211.

4. On December 10, 1997, the Company filed with the Commission an Application requesting a certificate of convenience and necessity to provide water service in the Parkview Bay Subdivision in Osage Beach, Camden County, Missouri. This Application was docketed as Case No. WA-98-236.

5. On December 12, 1997, the District filed a motion to consolidate Case Nos. WC-98-211, WA-97-110, and WA-98-36.

6. On December 19, 1997, the Staff filed a response in opposition to the District's motion to consolidate. The Staff opined that the District's motion to consolidate was in essence an untimely motion to intervene in Case Nos. WA-97-110 and WA-98-36; that the District's motion to consolidate did not show good cause for late intervention in Case Nos. WA-97-110 and WA-98-36; that Chelsea Rose Subdivision, Cimarron Bay Subdivision and Cedar Glen Condominiums are not located within the political subdivision limits of the District; and that therefore the District does not have an interest in those certificate cases which is different from that of the general public.

7. On January 6, 1998, the Commission issued an order which denied the motion to consolidate filed by the District on December 12, 1997.

8. On January 13, 1998, the District filed both an application to intervene in Case No. WA-98-236 and a motion to consolidate Case Nos. WC-97-110, WA-98-36, WC-98-211 and WA-98-236.

9. For reasons stated in its December 19 response, the Staff opposes the District's motion to consolidate Case Nos. WA-97-110 and WA-98-36 with Case Nos. WC-98-211 and WA-98-236. However, because the Parkview Bay Condominiums which are the subject matter of Case No. WA-98-236 are located within the Passover Road Expansion which is the subject matter of Case No. WC-98-211, the Staff does not object to (1) the District's intervention in Case No. WA-98-236 or (2) the consolidation of Case Nos. WC-98-211 and WA-98-236.

Respectfully submitted,

*William K Haas*

William K. Haas  
Senior Counsel  
Missouri Bar No. 28701

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### **CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 21st day of January, 1998.

*William K Haas*

**Service List for Case Nos. WA-97-110,  
WA-98-36, WC-98-211 and WA-98-236  
Revised: January 21, 1998**

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