

STATE OF MISSOURI

PUBLIC SERVICE COMMISSION

Jefferson City

April 14, 1981

CASE NO.S SM-81-170 and SM-81-171

Clyde H. Brinley, President  
Stalwart Enterprises, Inc.  
1150 W. Highway 76  
Branson, Missouri 65616

Patrick Boos, President  
P. C. B., Inc.  
721 Pine Haven  
Fenton, Missouri 63026

John W. Howald  
Attorney at Law  
One Thurman Court  
Hillsboro, Missouri 63050

Cara L. Detring  
Attorney at Law  
West First & South Jefferson  
Farmington, Missouri 63640

Gentlemen:

Enclosed find certified copy of ORDER in the above-numbered case.

Sincerely,



D. Michael Hearst  
Secretary

uncertified copy:

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

Case No. SM-81-170

In the matter of the application of Stalwart Enterprises, Inc., to sell and transfer its franchise, works or system to P.C.B., a Missouri corporation.

Case No. SM-81-171

In the matter of the application of Sesame, Inc., to sell and transfer its franchise, works or system to P.C.B., Inc., a Missouri corporation.

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Where the transferee has the financial and technical ability to render adequate sewer services, and the public convenience and necessity would be served by the transfers, sewer utilities will be authorized to transfer their franchises, works and systems.

APPEARANCES: John W. Howald, Attorney at Law, One Thurman Court, Hillsboro, Missouri 63050, for Stalwart Enterprises, Inc., and Sesame, Inc.

Cara L. Detring, Attorney at Law, West First and South Jefferson, Farmington, Missouri 63640, for P.C.B., Inc.

Eric Banks, Assistant General Counsel, P.O. Box 360, Jefferson City, Missouri 65102, for the Staff of the Missouri Public Service Commission.

REPORT AND ORDER

On December 5, 1980, Stalwart Enterprises, Inc. (Stalwart) filed its Application for authority to sell and transfer all of its franchise, works or system necessary and useful in the rendition of sewer treatment service, to P.C.B., Inc. On December 8, 1980, Sesame, Inc. (Sesame) filed its Application seeking authority to sell and transfer all of its franchise, works or system necessary and useful in the rendition of sewer treatment service, to P.C.B., Inc. By Orders dated December 9, 1980, both cases were set for hearing before the Public Service Commission on March 17, 1981 in Jefferson City, Missouri. At the hearing, Stalwart, Sesame, P.C.B. and the Staff of the Missouri Public Service Commission were represented by counsel. Counsel requested that the cases be consolidated for hearing, and that request was granted.

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Findings of Fact

Stalwart Enterprises, Inc. is a Missouri corporation with principal office and place of business at 1150 West Highway 76, Branson, Missouri 65616. Stalwart is a sewer corporation and public utility as defined in section 386.020, RSMo 1978, and is engaged in the collection, treatment and disposal of sewage in its certificated service area in Jefferson County, Missouri. Stalwart is subject to the jurisdiction, supervision and control of the Public Service Commission of Missouri under the provisions of chapters 386 and 393 of the revised statutes of Missouri. Stalwart has authority from this Commission to provide sewage collection, treatment and disposal services in its service area in Jefferson County, Missouri. A legal description of Stalwart's service area is attached to this Report and Order as Appendix A, and is hereby incorporated by reference herein.

Sesame, Inc. is a Missouri corporation with principal office and place of business at 1150 West Highway 76, Branson, Missouri 65616. Sesame is a sewer corporation and public utility as defined in section 386.020, RSMo 1978 and, as such, is subject to the jurisdiction, supervision and control of the Public Service Commission of Missouri. Sesame, Inc. has authority from this Commission to provide sewage collection, treatment and disposal services in its service area in Jefferson County, Missouri. A legal description of Sesame's service area is attached to this Report and Order as Appendix B, and is incorporated by reference herein.

P.C.B., Inc. is a private corporation of the State of Missouri, established and existing under the provisions of chapter 351, RSMo 1978. P.C.B., Inc. is presently managing the existing sewer facilities of Stalwart Enterprises, Inc. and Sesame, Inc. in Jefferson County, Missouri, including all of the service areas of those two firms. P.C.B., Inc. is also a public utility as defined in section 386.020, RSMo 1978. P.C.B., Inc. was formed to construct, own, operate and manage sewer plants and districts.

By the instant applications, Stalwart and Sesame propose to sell and transfer all of their franchise, works or systems necessary and useful in the rendition of sewer treatment service to the customers in their certified service areas to P.C.B., Inc. P.C.B. presently has an option with the owner of Stalwart and Sesame to purchase both systems for a total of \$5,000.

Mr. Patrick C. Boos, President and managing officer of P.C.B., Inc., is a licensed waste treatment plant operator in the State of Missouri (No. B-2516). He is employed by the Metropolitan St. Louis Sewer District as a treatment plant operator at the Missouri River Treatment Plant. He has approximately seven years of experience with two sewer utilities. Mr. Boos has also been associated with R.E.K. Associates since 1975, assisting in the building of three treatment plants.

P.C.B. has managed the facilities of Stalwart and Sesame since May, 1980. The discharge permits from the Missouri Department of Natural Resources are current on both Sesame and Stalwart.

P.C.B. promises to abide by all of the rules and regulations of this Commission governing the standards of service by sewer utilities, and to make all required reports to the Public Service Commission.

P.C.B. proposes to operate under the present tariffs of Sesame, Inc. and Stalwart Enterprises, Inc.

As of October 31, 1980, P.C.B., Inc. had current assets of \$2,914.04 and total assets of \$4,144.40. The firm also had total liabilities of \$1,332.00, and owners' equity of \$2,812.40. From June 1, 1980 to October 31, 1980, P.C.B., Inc. experienced \$2,293.70 in revenues and \$1,447.57 in expenses, for a net income of \$846.13. Also at October 31, 1980, Mr. and Mrs. Patrick Boos had total personal assets of \$65,550 and total liabilities of \$28,900, with an excess of assets over liabilities (net worth) of \$36,650.00.

P.C.B. agrees to provide its customers with current telephone numbers where the customers can reach company personnel in case they experience trouble with the sewer system. P.C.B. has a twenty-four hour a day arrangement with a plumbing company to do emergency work when needed. P.C.B. will file the 1980 annual reports on behalf of Sesame and Stalwart.

The authorized service area of Sesame, Inc. is generally known as Sandia Heights Subdivision and Carrie Lynn Subdivision. The authorized service area of Stalwart Enterprises is generally known as Bel Air Estates. Mr. Clyde Brinley, President and Manager of both Sesame and Stalwart, is moving away from the service areas of the companies, which will render impractical his continued operation of the two sewer systems. The Staff of the Public Service Commission performed a field investigation, and determined that the two sewer systems in question were being operated satisfactorily by P.C.B.

## Conclusions

The Missouri Public Service Commission has arrived at the following conclusions, based upon the competent and substantial evidence upon the whole record:

The Public Service Commission has jurisdiction over this matter by virtue of Section 393.190, RSMo 1978. Under the provisions of that section, no sewer corporation shall sell, assign, lease, transfer, mortgage or otherwise dispose of the whole or any part of its franchise, works or system, necessary or useful in the performance of its duties to the public, without having first secured from the Commission an order authorizing it so to do.

The Commission concludes that P.C.B., Inc. has the financial and technical ability to render adequate sewer services in the service areas of Sesame, Inc. and Stalwart Enterprises, Inc. The Commission concludes that the public convenience and necessity will be promoted by granting the authority sought by the applications in this case.

It is, therefore,

ORDERED: 1. That the sale and transfer of all of the franchise, works and system of Stalwart Enterprises, Inc. to P.C.B., Inc. be, and is hereby, authorized, and the Certificate of Public Convenience and Necessity of Stalwart Enterprises, Inc. is hereby ordered transferred to P.C.B., Inc.

ORDERED: 2. That the sale and transfer of all of the franchise, works and system of Sesame, Inc. to P.C.B., Inc. be, and is hereby, authorized, and the Certificate of Public Convenience and Necessity of Sesame, Inc. is hereby ordered transferred to P.C.B., Inc.

ORDERED: 3. That Stalwart Enterprises, Inc. be, and is hereby, authorized to discontinue providing sewer service in its certified service areas as of the date of sale and transfer of its franchise, works and system to P.C.B., Inc.

ORDERED: 4. That Sesame, Inc. be, and is hereby, authorized to discontinue providing sewer service to its certified service area as of the date of sale and transfer of its franchise, works and system to P.C.B., Inc.

ORDERED: 5. That P.C.B., Inc. be, and is hereby, directed to file satisfactory proof with the Commission that the sales and transfers authorized by ORDERED: 1 and ORDERED: 2 above have been completed, within ninety (90)

days of the effective date of this Report and Order, unless otherwise ordered by the Commission.

ORDERED: 6. That P.C.B., Inc. shall establish and continue to keep its books and records in accordance with the uniform system of accounts.

ORDERED: 7. That nothing herein contained shall be construed by the Commission as a finding of value for ratemaking purposes of the properties herein involved, nor as an acquiescence in the value placed upon said properties by the parties.

ORDERED: 8. That this Report and Order shall become effective on 24th day of April, 1981.

BY THE COMMISSION

*D. Michael Hearst*  
uT

D. Michael Hearst  
Secretary

(S E A L)

Fraas, Chm., McCartney, Dority,  
Bryant and Shapleigh, CC., Concur.

Dated at Jefferson City, Missouri,  
on this 14th day of April, 1981.

MISSOURI COMMISSION  
ON PUBLIC UTILITIES

SESAME, INC.  
Name of Issuing Corporation

For SANDIA HEIGHTS  
Community, Town or City  
JEFFERSON COUNTY

LEGAL DESCRIPTION OF EXHIBIT 1  
CERTIFICATED AREA

Thirty-nine and Eighty-four Hundredths (39.84 ) acres being part of the Southeast quarter of Fractional Section Twenty ( 20 ) and part of the Northeast quarter of Section Twenty-nine ( 29 ), in Township Forty-one ( 41 ) North, Range Five ( 5 ) East, described as follows: Beginning at the southeast corner of said Fractional Section 20 and running thence with the eastern boundary line thereof North 28 minutes West 1227.5 feet to a point in the southern boundary line of U.S. Survey No. 2025; thence with the southern boundary line of said U.S. Survey No. 2025, North 89 degrees 58 minutes West 1239.26 feet; thence South 32 minutes West 1236.14 feet to a point in the center of the County Road; thence with the center of said County Road South 77 degrees 54 minutes East 368.84 feet; thence South 75 degrees 23 minutes East 750.13 feet; thence South 64 degrees 8 minutes East 45.24 feet to a point; thence departing from the center of said County Road and running South 75 degrees 20 minutes East 138.4 feet to a point in the eastern boundary line of said Section 29; thence with said boundary line North 330 feet to the place of beginning.

Said tract being subject to the easements of the County Roads and easements of record.

FILED  
JUL 1 1974  
Public Service Commission

\*Indicates new rate or text  
+Indicates change

DATE OF ISSUE May 15, 1974  
month day year

DATE EFFECTIVE JUL 1 1974  
month day year

ISSUED BY Clyde B. ... President  
name of officer

P. O. Box 7, Cedar Hill, Mo.  
title address

APPENDIX B

STATE OF MISSOURI  
OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission,  
at Jefferson City, this 14th day of April 1981

D. Michael Hearst  
D. Michael Hearst  
Secretary