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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the matter of the application of Timber Creek)
Sewer Company for permission, approval, and a)
certificate of convenience and necessity)
authorizing it to construct, install, own,)
operate, control, manage, and maintain a sewer)
system for the public, located in an)
unincorporated area in Platte County, Missouri.)

Case No. SA-98-419

ORDER AND NOTICE

On April 2, 1998, Timber Creek Sewer Company (Applicant) filed an application with the Commission requesting issuance of a certificate of convenience and necessity to construct, install, own, operate, control, manage, and maintain a water and sewer system for the public in an unincorporated area of Platte County, Missouri, in an area adjacent to and between the areas currently served by Applicant. A plat of the proposed area is attached to the application, together with a metes and bounds description.

Applicant is a Missouri corporation, with its principal office and place of business located at 13525 Timber Park Drive, P.O. Box 511, Platte City, Missouri 64079. Applicant stated that there are no other public utilities or governmental bodies operating, providing, or rendering service in the proposed service area.

Applicant has stated that no additional investment by the Applicant will be necessary in the next three years and thus has not filed a preliminary feasibility study for the proposed water and sewer operation. Applicant further states that "in the event that the Commission determines

that a feasibility study is required, Applicant will late file same as Appendix 3 to this Application."

Applicant has attached a list of the names and addresses of all residents and landowners in the proposed service area. Applicant stated in the application that a portion of the proposed service area is being developed by Kline-Laderoute Development. Kline-Laderoute Development can be contacted at 3801 Beck Road, St. Joseph, Missouri 64506.

The Commission determines that pursuant to 4 CSR 240-2.060(2)(F)5, a feasibility study is required to be filed with this application. Therefore the Applicant shall late file its feasibility study as Appendix 3 to the application.

The Commission has determined that a copy of this order shall be sent to the landowners as listed in Appendix 4 to the application. In addition, the Information Officer of the Commission will send a notice of this application to each newspaper located in Platte County, Missouri, as listed in the newspaper directory of the current **Official Manual of the State of Missouri**, and to all members of the Missouri General Assembly representing Platte County. Further, the Records Department of the Commission shall serve a copy of this order on the County Commissioners of Platte County.

The Commission also determines that proper persons shall be given the opportunity to intervene in this case. Applications to intervene shall be filed with the Secretary of the Missouri Public Service Commission as set out below.

In the event no proper person files an application to intervene in this matter, the Commission may allow Applicant to submit evidence by its verified application and attachments. State ex rel. Rex Deffenderfer

Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989).

IT IS THEREFORE ORDERED:

1. That the Records Department of the Missouri Public Service Commission is ordered to serve notice to each landowner as listed in Appendix 4 of the application. The Records Department shall also serve a copy of this order on the County Commissioners of Platte County.

2. That the information officer of the Missouri Public Service Commission is ordered to serve notice to each newspaper located in Platte County, Missouri, as listed in the newspaper directory of the current **Official Manual of the State of Missouri**, and to all members of the Missouri General Assembly representing Platte County.

3. That any proper person wishing to intervene in this matter shall file an application to do so with the Secretary of the Missouri Public Service Commission, P.O. Box 360, Jefferson City, Missouri 65102, and a copy served on:

Jeremiah D. Finnegan
Finnegan, Conrad & Peterson, L.C.
1209 Penntower Office Center
3100 Broadway
Kansas City, Missouri 64111

Applications to intervene shall be filed no later than May 18, 1998.

4. That the Applicant shall file its feasibility study as Appendix 3 to the application no later than May 18, 1998.

5. That this order shall become effective on April 17, 1998.

BY THE COMMISSION

Dale Hardy Roberts

**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

(S E A L)

Nancy Dippell, Regulatory Law
Judge, by delegation of authority
pursuant to 4 CSR 240-2.120(1),
(November 30, 1995) and Section 386.240,
RSMo 1994.

Dated at Jefferson City, Missouri,
on this 17th day of April, 1998.

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION