

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 10th day of June, 2009.

In the Matter of Mid MO Sanitation, LLC's)
Application for a Certificate of Convenience and)
Necessity Authorizing It to Own, Operate,)
Maintain, Control, and Manage, a Sewer)
System in Callaway County, Missouri.)

File No. SA-2009-0319

**ORDER GRANTING PUBLIC COUNSEL'S REQUEST FOR
CLARIFICATION OF ORDER APPROVING
STIPULATION AND AGREEMENT**

Issue Date: June 10, 2009

Effective Date: June 13, 2009

On June 3, 2009, the Commission issued an order approving a unanimous stipulation and agreement filed by Mid MO Sanitation LLC, Staff, and the Office of the Public Counsel regarding Mid MO's application seeking a certificate of convenience and necessity to own, operate, maintain, control, and manage a sewer system in Callaway County, Missouri. On June 4, Public Counsel filed a request for clarification regarding the June 3 order.

Public Counsel is concerned about a statement in the Commission's order indicating the Commission had reviewed the "undisputed facts described in Staff's recommendation" in deciding that the stipulation and agreement is reasonable. Public Counsel points out that it does dispute some of the facts in Staff's recommendation and asks the Commission to indicate exactly which facts it found to be undisputed.

Staff filed its recommendation regarding Mid MO's application on May 1. That recommendation contains an extensive description of the services provided by Mid MO and indicates why Mid MO's customers need those services. Staff also recommended the rates the Commission should approve for Mid MO to initially charge its new customers. The unanimous stipulation and agreement, in which Public Counsel and Mid Mo joined, establishes initial customer rates that are somewhat lower than the rates recommended by Staff. It also establishes that Mid MO's annual revenue requirement of \$22,500 is subject to a customer refund or credit based on the results of a small utility rate case that the company is required to institute within 90 days.

The unanimous stipulation and agreement also indicates the parties agree that granting Mid MO a certificate of convenience and necessity to own and operate a sewer system is necessary or convenient for the public service. The stipulation and agreement does not, however, provide any stipulated facts about the services Mid MO will be providing to the public. Since the parties agreed that granting Mid MO a certificate of convenience and necessity was necessary or convenient for the public service, the Commission assumed that Staff's description of the service Mid MO would be providing was undisputed, with the only disputed portion of Staff's recommendation being the portion related to the initial rates Mid MO should be allowed to charge its customers. The Commission considered those facts regarding the service Mid MO would be providing only as part of its overall determination that the stipulation and agreement was reasonable.

However, as Public Counsel indicates, if it had not entered into the stipulation and agreement, Public Counsel might have disputed some or all of the facts contained in Staff's

recommendation. Therefore, Public Counsel is in no way bound by any statement of fact contained in Staff's recommendation.

THE COMMISSION ORDERS THAT:

1. Public Counsel's Request for Clarification is granted.
2. The Order Approving Stipulation and Agreement issued June 3, 2009, effective June 13, 2009, is clarified as indicated in this order.
3. This order shall become effective on June 13, 2009.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Clayton, Chm., Davis, Jarrett,
and Gunn, CC., concur.

Woodruff, Deputy Chief Regulatory Law Judge