

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

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| In the Matter of Application of |) | |
| Canyon Treatment Facility, LLC for |) | |
| permission, approval and a |) | |
| Certificate of Convenience and |) | <u>Case No. SA-2010-0219</u> |
| Necessity Authorizing it to Acquire, |) | |
| Construct, Install, Own, Operate, |) | |
| Control, Manage, and/or Maintain a |) | |
| Sewer System for the public in |) | |
| located Stone County, Missouri. |) | |

**STAFF’S MOTION FOR EXPEDITED CONSIDERATION OF
THE JOINT UNANIMOUS STIPULATION AND AGREEMENT**

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and states to the Missouri Public Service Commission (Commission) in support of this *Motion for Expedited Consideration of the Joint Unanimous Stipulation and Agreement (Joint Unanimous Stipulation)* as follows:

1. On May 1, 2012, the Commission issued its *Order Granting Conditional Certificate of Convenience and Necessity (Order)* to Canyon Treatment Facility, LLC (Canyon) which, among other things, granted a certificate of public convenience and necessity to Canyon which was conditioned upon either the appointment of a receiver to oversee the day to day operations of Canyon or a Commission approved purchase of the Company.

2. As the *Order* reflects, Canyon and the Office of the Public Counsel (Public Counsel) agree that the course of action recommended by Staff is an acceptable course of action to resolve this matter. In fact, all of the parties to this matter filed a *Joint Unanimous Stipulation* in this matter earlier today which would effectuate Staff’s

recommended course of action to have a Commission-approved purchase of the company.

3. Staff has been unable to find a receiver since the Commission issued its *Order*.

4. The *Order* caused this case to be closed effective June 1, 2012, which appears to contemplate that any sale would be handled in a separate docket.

5. On May 24, 2012, Horse Trading LLC, an affiliate of Canyon, and Box Canyon Watershed Association, Inc. entered into an Agreement for Acquisition of Sewer Related Assets and Treatment Facility ("Sale Agreement") with the Stone County Sewer District No. 1 (Sewer District). Essentially this Sale Agreement provides for the sale and transfer of all of the treatment plant and sewer related assets serving the Box Canyon Watershed to the Sewer District. The Box Canyon Watershed is contained within the same geographical area as that described in Canyon's application for certificate of public convenience and necessity. The Sewer District is a public entity formed in accordance with Chapter 204 of the Revised Statutes of the State of Missouri for the purpose of providing service to customers located in the territory of the Sewer District and has been designated by the Missouri Department of Natural Resources as the continuing authority for its territory which includes the Box Canyon Watershed. As a public sewer district, it is not subject to the Commission's jurisdiction.

6. Staff requests the Commission approve the *Joint Unanimous Stipulation* that has been filed in this case in an expedited manner without opening a separate docket, as there is no objection to the *Joint Unanimous Stipulation* and there is agreement that the system is better placed in the hands of the Sewer District.

7. Staff, Canyon, Public Counsel, VPG Partners IV, LLC (VPG), Royal Vista, LLC (Royal Vista) (collectively “Parties”), as well as the Sewer District, recognize the need to submit expansion plans to DNR to address the capacity concerns that exist with the system’s current operation.

8. As set out in the *Joint Unanimous Stipulation*, Staff asserts the proposed acquisition of sewer related assets and treatment facility by the Sewer District is in the best interest of the public located within the Box Canyon Watershed area.

9. If the Commission approves the *Joint Unanimous Stipulation*, Staff also recommends that the Commission cancel the certificate awarded to Canyon and dismiss Staff’s Complaint against Box Canyon Watershed Association Inc., Dream Builders LLC, Horse Trading, LLC, Canyon Treatment Facility, LLC, Supermarket Merchandising and Supply, Inc., Kandis Davis, Thomas Davis, David Sanford, Curtis Buetrick and Kevin Knasel, which was assigned Commission Case No. SC-2010-0161.

WHEREFORE, Staff respectfully requests the Commission approve the *Joint Unanimous Stipulation* in an expedited fashion, along with any other orders the Commission deems appropriate in the circumstances.

Respectfully submitted,

/s/ Rachel M. Lewis

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CERTIFICATE OF SERVICE

I hereby certify that I have provided a true and correct copy of the above pleading via electronic mail to W.R. England III and Brian T. McCartney, attorneys for Canyon Treatment Facility, LLC, at trip@brydonlaw.com and bmccartney@brydonlaw.com; David Woodsmall, attorney for VPG Partners, VI, LLC, at dwoodsmall@fcplaw.com; Kenneth N. Hall, attorney for Royal Vista, LLC, at khall@rmpllp.com; and the Office of the Public Counsel at opcservice@ded.mo.gov this 12th day of July, 2012.

/s/ Rachel M. Lewis