

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 27th day of July, 2022.

In the Matter of the Application of Timber)
Creek Sewer Company for a Certificate of)
Convenience and Necessity Authorizing it to)
Construct, Install, Own, Operate, Maintain,)
Control and Manage a Sewer System in Clay)
County, Missouri as an Expansion of its)
Existing Certificated Areas)

File No. SA-2022-0338

**ORDER GRANTING CERTIFICATE OF
CONVENIENCE AND NECESSITY**

Issue Date: July 27, 2022

Effective Date: August 26, 2022

On June 1, 2022, Timber Creek Sewer Company (Timber Creek) filed an application seeking a certificate of convenience and necessity (CCN) authorizing it to construct, operate, maintain, and manage a sewer system in Clay County, Missouri, as an expansion of its existing certificated area known as Johnson Ridge. On June 9, 2022, the Commission ordered the Commission's Staff to file a recommendation regarding Timber Creek's CCN application no later than July 14, 2022. The Commission issued notice and set a deadline for intervention requests, but received none. On July 14, 2022, Staff filed its recommendation in which it recommended the Commission grant Timber Creek's application with certain conditions. On July 18, 2022, Timber Creek responded to Staff's recommendation stating that it has no objection to Staff's recommendations and conditions. No other party has objected to Staff's recommendation. No party has

requested an evidentiary hearing, and no law requires one, so the Commission may grant Timber Creek's request based on the application and Staff's recommendation.¹

Timber Creek is a Missouri general business corporation, active and in good standing with the Missouri Secretary of State, with its principal office and place of business located at P.O. Box 511, Platte City, MO 64079. Timber Creek provides sewer service to approximately 2,357 customers in Platte and Clay Counties, Missouri, pursuant to certificates of convenience and necessity previously granted by the Commission. Timber Creek is a "sewer corporation" and a "public utility" as those terms are defined in Section 386.020, RSMo., and is subject to the jurisdiction and supervision of the Commission as provided by law.

The Commission may grant a sewer corporation a CCN to operate after determining that the construction and operation are either "necessary or convenient for the public service."² The Commission applies the five "Tartan Criteria" established in *In the Matter of Tartan Energy Company, et al.*, 3 Mo. PSC 3d 173, 177 (1994) when deciding whether to grant a new CCN. The criteria are: (1) there must be a need for the service; (2) the applicant must be qualified to provide the proposed service; (3) the applicant must have the financial ability to provide the service; (4) the applicant's proposal must be economically feasible; and (5) the service must promote the public interest.

Based on the application and Staff's recommendations, the Commission concludes that the factors for granting a certificate of convenience and necessity to Timber Creek have been satisfied and that it is in the public's interest for Timber Creek

¹ See *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App. W.D. 1989).

² Section 393.170.3, RSMo.

to provide sewer service to the area known as Johnson Ridge. Further, the Commission finds that Timber Creek possesses adequate technical, managerial, and financial capacity to operate the sewer system. The Commission will authorize the certificate of convenience and necessity for Timber Creek to provide sewer service subject to the conditions described in Staff's recommendation memorandum and within the service area defined in Attachments A and B of the memorandum.

Timber Creek's application also asks the Commission to waive the 60-day notice requirement of Commission Rule 20 CSR 4240-4.017(1). Timber Creek filed an affidavit pursuant to Commission Rule 20 CSR 4240-4.017(1)(D) stating that it has had no communication with the office of the Commission within the preceding 150 days regarding the subject matter of the application. The Commission finds good cause exists to waive the notice requirement, and a waiver of 20 CSR 4240-4.017(1) will be granted.

THE COMMISSION ORDERS THAT:

1. Timber Creek is granted a certificate of convenience and necessity to provide sewer service to the expanded service area known as Johnson Ridge, described in the revised map and legal description proposed by Staff³, subject to the conditions and requirements contained in Staff's Recommendation, including the filing of tariffs, as set out below:

- a. Timber Creek shall file 2nd Revised Sheets 2A and 3B, as 30-day filings, within ten days after the effective date of this order, with a legal description and a map depicting the new service area;
- b. Timber Creek shall develop and provide to CXD Staff and distribute to all customers, present and new to the expansion, a customer brochure which outlines all of the criteria in Commission Rule 20 CSR 4240-13.040(3) within thirty (30) days of the effective date of this order;

³ *Staff Recommendation*, File No. SA-2022-0338 Attachments A and B (Filed on July 14, 2022).

- c. Timber Creek shall provide training to its call center personnel regarding rates and rules pertaining to the new customers of the expansion area within thirty days of the addition of the first new customer
- d. Timber Creek Shall provide to CXD Staff the first billing statements sent to customers of the new expansion area as new service is established according to Appendix D of the application;
- e. Timber Creek Shall email Staff in the CXD and Water, Sewer & Steam Departments outlining completion of the above recommendations regarding the customer brochure, training and billing within the specified time periods

2. No part of this order shall be construed to preclude the Commission from considering the ratemaking treatment to be afforded any matters pertaining to utility plant constructed within the new service area, or providing service in the new service area, in any later proceeding.

3. The Commission grants Timber Creek's request to waive the notice requirement of 20 CSR 4240-4.017(1).

4. This order shall become effective on August 26, 2022.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Silvey, Chm., Rupp, Coleman, Holsman, and
Kolkmeier CC., concur.

Keeling, Regulatory Law Judge

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, Missouri, this 27th day of July, 2022.





Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

July 27, 2022

File/Case No. SA-2022-0338

**Missouri Public Service
Commission**

Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Office of the Public Counsel

Marc Poston
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opc@opc.mo.gov

**Missouri Public Service
Commission**

Casi Aslin
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
casi.aslin@psc.mo.gov

Timber Creek Sewer Company

Dean L Cooper
312 East Capitol
P.O. Box 456
Jefferson City, MO 65102
dcooper@brydonlaw.com

Timber Creek Sewer Company

Jennifer L Hernandez
312 E. Capitol Avenue
PO Box 456
Jefferson City, MO 65102
jhernandez@brydonlaw.com

Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.