

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the Matter of the Application of Jerry Reed,	)	
d/b/a Woodland Acres Water System, for a	)	
Certificate of Convenience and Necessity to	)	Case No. WA-2009-0031
Provide Water Service in St. Clair County,	)	
Missouri	)	

**STAFF’S STATUS REPORT AND REQUEST FOR A SETTLEMENT HEARING**

COMES NOW the Staff of the Missouri Public Service Commission (Staff), through Counsel, and files this Status Report with the Missouri Public Service Commission (Commission), respectfully stating the following:

1. On June 3, 2008, Counsel for Staff sent correspondence to Mr. Jerry Reed (Mr. Reed or Applicant), which asserted he was charging for water service within the Woodland Acres Water System, and was required to file for a Section 393.170 RSMo (2000) Certificate of Public Convenience and Necessity (CCN).

2. On July 21, 2008, Mr. Reed filed an application for a CCN to provide water service in St. Clair County, Missouri.

3. On July 29, 2008, the Commission issued its Order and Notice, notifying the Applicant that “the application may not conform to the Commission’s rules concerning applications in general or to those specifically concerning the authority Applicant seeks.” Subsequently, Counsel for Staff assisted Mr. Reed’s counsel in determining the application’s deficiencies. Also, Jerry Scheible, Staff Utility Regulatory Engineer, worked with Mr. Reed to obtain technical information necessary to evaluate the application.

4. On August 21, 2008, the Commission issued its Order Directing Staff Recommendation, ordering Staff to file a recommendation no later than October 15, 2008.

5. Throughout this case, Staff and Counsel for Staff have provided information to Mr. Reed and his counsel on various options for a water system of this size, including organization under Sections 355.025 RSMo (2000) and 393.900 RSMo (Supp. 2007).

6. After Staff completed its investigation of the water system, and conveyed the rate information to Mr. Reed, he conveyed to Staff that it was his belief that the organization as a not-for-profit corporation was a more viable option for the system.

7. On October 15, 2008, Counsel for Staff requested the Commission allow Mr. Reed sixty (60) days to make a good faith effort to organize Woodland Acres Water System as a not-for-profit corporation, and on October 21, 2008, the Commission approved this course of action.

8. Staff has monitored the progress of the organization closely, and on December 19, 2008, informed the Commission that a contract was drafted to transfer ownership from Mr. Reed to Woodland Acres Property Owners Association, Inc., (HOA) a Missouri not-for-profit corporation, of St. Clair County, Missouri.

9. Unfortunately, the transfer to the HOA has not progressed as quickly as originally believed by Staff. At this time, Staff recommends a settlement conference be scheduled in the next thirty days, to allow the parties to discuss the articles of incorporation, bylaws, and related activities that must be completed for a Chapter 393 HOA, and establish a time frame for completion.

10. Staff states its availability excludes February 24, 2009, due to a complaint hearing, and March 19, 2009, for a pre-hearing conference.

**WHEREFORE**, Counsel for Staff, files this Status Report and recommends the Commission order the Applicant to appear at a settlement conference, with the time and date to be determined by the Commission.

Respectfully submitted,

**/s/ Jennifer Hernandez**

Jennifer Hernandez

Legal Counsel

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#### **CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 18<sup>th</sup> day of February 2009.

**/s/ Jennifer Hernandez**