

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

In the Matter of the Application of Tri-State     )  
Utility, Inc., for a Certificate of Convenience     )  
and Necessity Authorizing It to Enlarge and     )  
Extend Its Service Area and to Construct,     )  
Install, Own, Operate, Control, Manage, and     )  
Maintain a Water System for the Public     )  
Located in an Unincorporated Area in Taney     )  
County, Missouri     )

Case No. WA-2006-0241

**RECOMMENDATION FOR APPROVAL OF TARIFF SHEETS**

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through counsel, and for its Recommendation For Approval Of Tariff Sheets (Recommendation) states the following to the Missouri Public Service Commission (Commission).

1. On April 27, 2006<sup>1</sup> the Commission issued its Order Approving Application For Certificate Of Convenience And Necessity (Order) in this case, effective May 7, in which it granted Tri-State Utility, Inc. (Company) additional service territory. As a part of its Order, the Commission authorized the Company to file revised tariff sheets consistent with the Order no later than twenty (20) days after the effective date of the Order, which would have been May 27.

2. By a letter dated May 31, which was stamped "Filed" at the Commission's offices on June 1, the Company submitted two revised tariff sheets intended to be in compliance with the above-referenced Commission Order. The subject tariff sheets bore an issue date of May 31 and an effective date of June 30. Upon receipt of the tariff filing, personnel in the Commission's Data Center scanned the filing into the Commission's electronic filing and information system and the filing was assigned Tariff File No. YW-2006-0892.

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<sup>1</sup> Unless otherwise noted, all dates herein are in the year 2006.

3. On June 12, the Company submitted substitute sheets for both sheets of the original filing at the request of the Staff. These substitute sheets were necessary to correct the PSC sequential notations at the top of each sheet.

4. The Staff has reviewed the Company's June 1 tariff filing, and the substitute sheets that the Company submitted on June 12, and is of the opinion that the subject tariff sheets are in compliance with the Commission Order referenced in Paragraph 1 above. Jim Merciel of the Commission's Water & Sewer Department performed the review of the subject tariff sheets on behalf of the Staff.

5. The Staff has also reviewed the status of the Company's assessment payments and annual report filings and notes that the Company has no delinquencies in regard to either of these matters. The assessment information reviewed covers fiscal years 1996 – 2006, and the annual report information reviewed covers calendar years 1997 – 2005. Additionally, the Staff notes that this tariff filing does not affect any other matter pending before the Commission with regard to the Company. Jim Merciel of the Commission's Water & Sewer Department performed the review of these matters on behalf of the Staff.

6. In addition to filing the tariff, the Order required the Company to submit a copy of its written cross connection control program policies, which was submitted along with the tariff filing. The Staff will continue to work with the Company as necessary regarding continuing activities with regard to this program.

7. Except for the fact that the tariff sheets and cross connection control program documentation were submitted a few days later than the date specified in the Order due to an oversight on the part of the Company, the Staff is of the opinion that the Company's filing complies with the Order. The Staff does not consider the timeliness to have created a negative impact upon

customers nor upon the handling of this case. Upon Commission approval of the subject tariff sheets, no further action will be needed in this case and the case may be closed.

WHEREFORE, the Staff respectfully recommends that the Commission issue an order that:  
(a) approves the tariff sheets pending in Tariff File No. YW-2006-0892, as substituted, to become effective June 30, 2006; and (b) closes this case.

Respectfully Submitted,

**/s/ Robert S. Berlin**

Robert S. Berlin  
Associate General Counsel  
Missouri Bar No. 51709

Attorney for the Staff of the  
Missouri Public Service Commission

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#### **CERTIFICATE OF SERVICE**

I hereby certify that copies of this Response have been mailed with first class postage, hand-delivered, transmitted by facsimile or transmitted via e-mail to all counsel and/or parties of record this 16<sup>th</sup> day of June 2006.

**/s/ Robert S. Berlin**

**AFFIDAVIT OF JAMES A. MERCIEL, JR.**

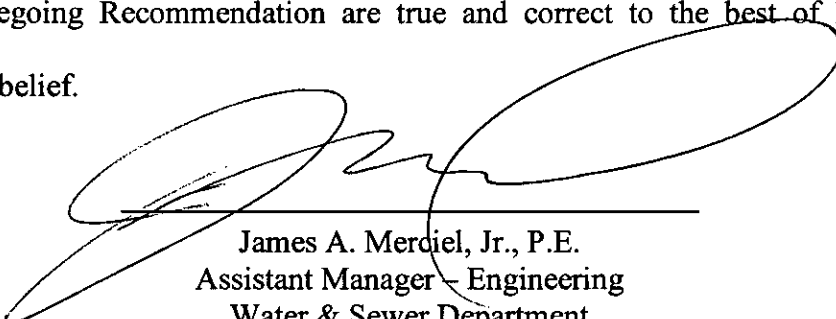
STATE OF MISSOURI )

) ss

**Case No. WA-2006-0241**

COUNTY OF COLE )

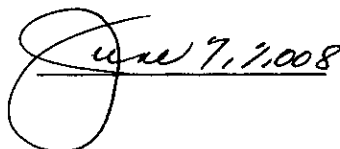
James A. Merciel, Jr., of lawful age, on his oath states: (1) that he is a member of the Staff of the Missouri Public Service Commission; (2) that he participated in the preparation of the foregoing Recommendation for Approval of Tariff Sheets (Recommendation); (3) that he has knowledge of the matters set forth in the foregoing Recommendation; and (4) that the matters set forth in the foregoing Recommendation are true and correct to the best of his knowledge, information and belief.

  
James A. Merciel, Jr., P.E.  
Assistant Manager - Engineering  
Water & Sewer Department  
Utility Operations Division

Subscribed and sworn to before me this 16<sup>th</sup> day of June 2006.

  
Notary Public

My Commission Expires:

  
June 7, 2008

