

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

In the matter of the application of Timber Creek)
Sewer Company, for permission, approval, and)
a certificate of convenience and necessity)
authorizing it to construct, install, own, operate,)
control, manage, and maintain a sewer system)
for the public located in an unincorporated area)
in Clay County, Missouri.)

Case No. SA-2005-0297

**STAFF'S THIRD REQUEST FOR EXTENSION
OF TIME TO FILE RECOMMENDATION**

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through Counsel, and for its *Third Request for Extension of Time to File Recommendation* states the following to the Missouri Public Service Commission (Commission).

1. On March 9, 2005¹, Timber Creek Sewer Company (Company) filed its Application for a Certificate of Convenience and Necessity to provide sewer service to an unincorporated area in Clay County, Missouri.
2. On April 25, the Staff filed a *Status Report*, in which it stated that it planned to file its recommendation in this case by May 31.
3. On May 27, the Staff filed its first request for an extension of the filing date for its recommendation, in which it requested that the date for filing its recommendation be extended to June 30.
4. On June 30, the Staff filed its second request for an extension of the filing date for its recommendation, in which it requested that the date for filing its recommendation be extended to August 1.

¹ Unless noted otherwise, all dates herein refer to the year 2005.

5. The Staff continues is still unable to file its recommendation for this case because of issues regarding the Company's application to the Missouri Department of Natural Resources (DNR) for construction and operating permits for the facilities that will be needed to provide service in the requested area.

6. On July 26, Martin Hummel of the Commission's Water & Sewer Department spoke with Willis Sherry, the President of the Company, about the status of the DNR's permit review process. Mr. Sherry told Mr. Hummel that while the Company had submitted all of the required information to the DNR's Kansas City Regional Office (KCRO) regarding the permit issues, the KCRO had not yet received information it needed from the DNR's Geological Survey and Resource Assessment Division to complete the permit review process. Upon being told this, Mr. Hummel asked Mr. Sherry if the Company would object to the Staff delaying the filing of its recommendation in this case until two weeks after the KCRO's permit review process is completed and the public notice(s) for the DNR permits have been published. Mr. Sherry stated to Mr. Hummel that the Company did not object to this approach.

7. There are no customers awaiting service in the area that the Company proposes to serve, and the Staff has been informed that no homes will be constructed in the proposed service territory until the fall of this year, at the earliest.

8. Based on the above, the Staff believes that an additional extension of time for filing its recommendation is reasonable, and requests that it not be required to file its recommendation until two weeks after the DNR publishes the public notice(s) regarding the Company's required DNR permits. In order for the Commission to be able to know when the Staff will file its recommendation under this approach, the Staff will file a notice in this case upon being notified that the DNR has published its public notice(s) regarding the permits.

WHEREFORE, the Staff respectfully requests that the time for filing its recommendation in this case be extended as requested herein.

Respectfully Submitted,

DANA K. JOYCE
General Counsel

/s/ Keith R. Krueger

Keith R. Krueger
Deputy General Counsel
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Missouri Public Service Commission

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing 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 31st day of July 2005.

/s/ Keith R. Krueger