

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held by telephone/internet
audio conference on the 10th day of
June, 2020.

In the Matter of the Application of Osage)
Utility Operating Company, Inc. to Acquire)
Certain Water and Sewer Assets and for a)
Certificate of Convenience and Necessity) **File No. WA-2019-0185**

**ORDER DENYING APPLICATIONS FOR REHEARING
AND DENYING MOTION FOR STAY**

Issue Date: June 10, 2020

Effective Date: June 10, 2020

On April 8, 2020, the Missouri Public Service Commission issued a Report and Order effective May 8, 2020, authorizing Osage Utility Operating Company, Inc. (Osage Utility) and Osage Water Company to take the necessary actions to transfer the assets of Osage Water Company to Osage Utility. On May 5, 2020, Public Water Supply District No. 5 of Camden County, Lake Area Waste Water Association, Inc., and Missouri Water Association, Inc. (collectively, "Joint Bidders"), Cedar Glen Condominium Owners Association, Inc. (Cedar Glen), and the Office of the Public Counsel (Public Counsel) jointly filed a motion requesting the Commission extend the effective date of the Report and Order until the movants had an opportunity to file their appeal and ask the Court of Appeals to stay or suspend the Report and Order. On May 6, 2020, Osage Utility filed a response objecting to the motion for stay. Timely applications for rehearing were filed on May 7, 2020 by the Joint Bidders and Cedar Glen, and by Public Counsel. The Report and Order became effective on May 8, 2020.

On May 11, 2020, the Joint Bidders and Cedar Glen filed a petition with the Missouri Court of Appeals seeking a writ of certiorari and writ of mandamus. The Missouri Court of Appeals denied the petition by order issued June 3, 2020. On June 4, 2020, Joint Bidders and Cedar Glen filed a renewed motion with the Commission for a stay of the effective date of the Report and Order. Joint Bidders and Cedar Glen also requested expedited treatment of its motion for stay. The Commission shortened the time for responses to the renewed motion allowing until June 8, 2020, for such response.

The movants have requested “that the Commission stay the effective date of the Report and Order until thirty days following any decision of the Application for Rehearing to provide movants a meaningful opportunity to seek a stay of such order . . . under Section 386.520, RSMo.”¹ The movants want to prevent a closing on the transfer of assets before they have had an opportunity to seek a stay at the Court of Appeals. A stay of the effective date by the Commission would be equivalent to a new condition placed on the grant of authority. No party advocated for this condition during the course of this proceeding and the Report and Order has already become effective.

Section 386.500.1, RSMo, states that the Commission shall grant an application for rehearing if “in its judgment sufficient reason therefor be made to appear.” In the judgment of the Commission, neither the applications for rehearing nor the motion for stay demonstrate sufficient reason to rehear the matter or to stay the effective date of the Report and Order. The Commission will deny the applications for rehearing and the motion for stay.

¹ Renewed Motion to Stay Under 386.500.5, RSMo, and Motion for Expedited Treatment, (Filed June 3, 2020), paragraph 18 (Emphasis deleted).

THE COMMISSION ORDERS THAT:

1. The motion for a stay of the effective date of the Report and Order filed by the Joint Bidders, Cedar Glen, and Public Counsel is denied.
2. The Application for Rehearing filed by Public Counsel is denied.
3. The Joint Application for Rehearing filed by the Joint Bidders and Cedar Glen is denied.
4. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris L. Woodruff
Secretary

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

Dippell, Senior Regulatory Law Judge