

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of Liberty Utilities (Missouri Water) LLC and)
Ozark International, Inc., Concerning an Agreement to)
Acquire the Assets of Bilyeau Ridge Water Company, LLC)
Midland Water Company, Inc., Moore Bend Water Utility,)
LLC, Riverfork Water Company, Taney County Water, LLC,)
And Valley Woods Utility)

File No. WM-2018-0023

ORDER WAIVING 60-DAY NOTICE REQUIREMENT

Issue Date: August 1, 2017

Effective Date: August 1, 2017

On July 20, 2017, Liberty Utilities (Missouri Water) LLC d/b/a Liberty Water (Liberty) and Ozark International, Inc. (Ozark) filed a notice indicating their intent to file an application to transfer various Ozark subsidiary companies to Liberty.¹ Commission Rule 4 CSR 240-4.017(1) requires Liberty and Ozark to file notice of its intent to file that application at least 60 days before filing the application. But 4 CSR 240-4.017(4) allows a party to request a waiver of that 60-day notice requirement for good cause. Liberty and Ozark filed a motion requesting such a waiver at the same time they filed their notice.²

The Commission's rule provides that "good cause" for purposes of a requested waiver of the 60-day notice requirement may be established by "a verified declaration from the filing party that it has had no communications with the office of the commission within the prior one hundred fifty (150) days regarding any substantive issues likely to be in the case..." Or, the rule indicates, good cause may be shown if circumstances prevented the filing of the required notice, and delaying the filing for sixty days would cause harm. Neither of the circumstances specified in the rule are exclusive, and the Commission can find that good cause has been established by other circumstances.

¹ The subsidiary companies to be transferred are Bilyeu Ridge Water Company, LLC; Midland Water Company, Inc.; Moore Bend Water Utility, LLC; Riverfork Water Company; Taney County Water, LLC; and Valley Woods Utility.

² The Commission's rule does not require that a separate motion be filed to request a waiver. Such a waiver can be requested as part of the application or other underlying filing.

Liberty and Ozark's Motion for Waiver includes a declaration that there has been no communication with the office of the commission regarding any substantive issues within the 150 days before the notice was filed, but that statement was not verified. Nevertheless, the motion represents that Staff and Public Counsel do not object to the waiver. Further, the motion demonstrates that it will be in the best interest of the customers of Ozark's subsidiaries to allow the asset transfer application to be filed as soon as possible. In these circumstances, the Commission finds that Liberty and Ozark have shown good cause to grant the requested waiver.

THE COMMISSION ORDERS THAT:

1. The Motion for Waiver filed by Liberty Utilities (Missouri Water) LLC d/b/a Liberty Water and Ozark International, Inc. is granted.
2. Liberty Utilities (Missouri Water) LLC d/b/a Liberty Water and Ozark International, Inc. may file their Application with less than 60 days' notice.
3. This order shall be effective when issued.

BY THE COMMISSION



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

Morris L. Woodruff
Secretary

Morris L. Woodruff, Chief Regulatory
Law Judge, by delegation of authority pursuant
to Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 1st day of August, 2017.

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 1st day of August 2017.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

August 1, 2017

File/Case No. WM-2018-0023

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
Hampton Williams
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opcservice@ded.mo.gov

Bilyeu Ridge Water Company, LLC
Legal Department
786 Croley Blvd.
P.O. Box 1080
Nixa, MO 65714

Liberty Utilities
Russ Mitten
312 E. Capitol Ave
P.O. Box 456
Jefferson City, MO 65102
rmitten@brydonlaw.com

Midland Water Company, Inc.
Legal Department
786 Croley Blvd.
P.O. Box 1080
Nixa, MO 65714-1080

Moore Bend Water Utility, LLC
Legal Department
786 Croley Blvd
PO Box 1080
Nixa , MO 65714

Ozark International, Inc.
Russ Mitten
312 E. Capitol Ave
P.O. Box 456
Jefferson City, MO 65102
rmitten@brydonlaw.com

Riverfork Water Company
Legal Department
P.O. Box 1080
786 Croley Blvd.
Nixa, MO 65714-1080

Taney County Water, LLC
Legal Department
786 Croley Blvd
P.O. Box 1080
Nixa, MO 65714

Valley Woods Utility, LLC
Legal Department
786 Croley Blvd.
P.O. Box 1080
Nixa, MO 65714

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.