

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 5th day of
August, 2009.

In the Matter of the Application of Rodger Owens)
d/b/a Whispering Hills Water System for Authority)
and Approval of the Acquisition of Certain Assets of) **File No. WM-2009-0436**
Whispering Hill Water System and, in Connection)
Therewith, Certain Other Related Transactions.)

ORDER APPROVING UNANIMOUS STIPULATION AND AGREEMENT

Issue Date: August 5, 2009

Effective Date: August 15, 2009

Procedural History

On June 5, 2009¹, Rodger Owens, d/b/a Whispering Hills Water System (hereafter “Whispering Hills”) filed an application. That application requests, among other things, authority from the Commission for Whispering Hills to purchase certain regulated assets and to receive a certificate of convenience and necessity to operate a water system.²

The Commission issued notice of this application on June 15, and set a deadline of July 6 for intervention requests. The Commission received no applications to intervene.

The Agreement

On July 29, Whispering Hills, the Staff of the Commission (hereafter “Staff”) and the Office of the Public Counsel (hereafter “OPC”) filed a Unanimous Stipulation and Agreement. The parties agreed that it would be in the public interest for the Commission to

¹ All calendar references are to 2009 unless otherwise noted.

² Whispering Hills serves 41 residential customers in the Whispering Hills Subdivision in Wayne County, Missouri.

approve the application of Rodger Owens, d/b/a Whispering Hills Water System, to purchase the assets of Whispering Hills. They also agreed that it would be in the public interest for the Commission to grant a certificate of convenience and necessity to Rodger Owens, d/b/a Whispering Hills Water System.

Moreover, the parties agreed that the new water system would file an adoption notice whereby Rodger Owens, d/b/a Whispering Hills Water System, would adopt the existing tariff of Whispering Hills Water System, subject to the conditions stated in the Unanimous Stipulation and Agreement. One of the agreed-upon conditions is that a new tariff sheet Rodger Owens, d/b/a Whispering Hills Water System, should file on or before August 13, 2009 will be designed to generate an additional \$5,942.00 of additional annualized revenue.

Discussion

The Commission may grant a water corporation a certificate of convenience and necessity to operate after determining that the construction and operation are either “necessary or convenient for the public service.”³ The Commission has stated five criteria that it will use:

- 1) There must be a need for the service;
- 2) The applicant must be qualified to provide the proposed service;
- 3) The applicant must have the financial ability to provide the service;

³ Section 393.170, RSMo 2000.

- 4) The applicant's proposal must be economically feasible; and
- 5) The service must promote the public interest.⁴

Based on the Unanimous Stipulation and Agreement, the Commission finds that granting the application for a certificate of convenience and necessity to provide water service meets the above listed criteria.

Further, the Commission may approve of a sale of a water company if that sale is not detrimental to the public interest.⁵ Based on the Unanimous Stipulation and Agreement, the Commission finds that granting the application for the sale of the water company would not be detrimental to the public interest.

The application will be granted, and the Unanimous Stipulation and Agreement will be approved.

THE COMMISSION ORDERS THAT:

1. The Unanimous Stipulation and Agreement is approved.
2. The signatories of the Unanimous Stipulation and Agreement are ordered to comply with its terms.
3. Rodger Owens, d/b/a Whispering Hills Water System, is granted a certificate of convenience and necessity to operate a water system to serve Whispering Hills Subdivision, as defined by the following service area: all of the Northwest Quarter of Section 26, Township 27 North, Range 7 East, and all of the Southwest Quarter of the Southwest Quarter of the Southwest Quarter of Section 23, Township 27 North, Range 7

⁴ *In re Tartan Energy Company*, 3 Mo. P.S.C. 173, 177 (1994).

⁵ See Commission Rule 4 CSR 240-3.605(1)(D).

East, containing 170 acres, more or less, all in Wayne County, Missouri, and the certificate of convenience and necessity previously issued to Leo Temples and James E. Ketcherside on April 5, 1988, in Case No. WA-88-111 to serve the same above-described service territory is canceled.

4. The transfer of assets of Whispering Hills Water System from Leo Temples, Dorothy Temples and James E. Ketcherside to Rodger Owners, d/b/a/ Whispering Hills Water System, is approved.

5. This order shall become effective on August 15, 2009.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Clayton, Chm., Davis, Jarrett,
and Gunn, CC., concur.

Pridgin, Senior Regulatory Law Judge