

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 9th day of  
June, 2010.

In the Matter of Application of Bear Creek Water and       )  
Sewer, LLC to Sell its Water System in Taney County,       ) **File No. WM-2010-0239**  
Missouri to Public Water Supply District No. 3 of       )  
Taney County, Missouri.   )

**ORDER APPROVING APPLICATION**

Issue Date: June 9, 2010

Effective Date: June 19, 2010

**Syllabus:**     This order approves the application of Bear Creek Water and Sewer, LLC, to sell its water system to Public Water Supply District No. 3 of Taney County, Missouri.

**Procedural History**

On February 11, 2010,<sup>1</sup> Bear Creek Water and Sewer, LLC (“Bear Creek”), filed an application. That application requests, among other things, authority from the Commission for Bear Creek to sell its water system and its certificate of convenience and necessity to Public Water Supply District No. 3 of Taney County, Missouri (“the District”). Bear Creek and the District entered into an agreement on November 3, 2009, in which the District agreed to purchase Bear Creek’s water system.

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<sup>1</sup> All calendar references are to 2010 unless otherwise noted.

The Commission issued notice of this application on February 22. In that notice, the Commission allowed anyone who wished to intervene until March 15 to request intervention. The Commission received no intervention requests. Bear Creek then amended its application on April 19.

Staff filed its Recommendation on May 14. Staff recommends that the Commission approve the transaction.

### **Discussion**

The application is within the Commission's jurisdiction to decide.<sup>2</sup> Because no party objects to the application, no evidentiary hearing is required.<sup>3</sup> Thus, the Commission deems the hearing waived,<sup>4</sup> and bases its findings on the verified filings, and makes its conclusions as follows.

The Commission issued Bear Creek a certificate of convenience and necessity to provide water service on August 1, 2000 in File No. WA-2000-321. Bear Creek currently provides water service to 48 residential customers in Taney County, Missouri.

The District was created in 1973 as a non-profit water supply district. It is in good standing with the Missouri Secretary of State, and it is recognized by the Department of Natural Resources as a legal entity allowed to own and to operate water supply systems. The District intends to charge the same for water as Bear Creek is authorized to charge its customers in its tariff, so there will be no immediate rate impact on the customers' rates. The proposed sale will not impact the tax revenues of Taney County, Missouri.

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<sup>2</sup> Section 393.190 RSMo 2000.

<sup>3</sup> *State ex rel. Rex Deffenderfer Ent., Inc. v. Public Serv. Com'n*, 776 S.W.2d 494 (Mo. App. 1989).

<sup>4</sup> Section 536.060, RSMo 2000.

The Commission may approve of a sale of a water company if that sale is not detrimental to the public interest.<sup>5</sup> Based on the verified pleadings, 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.

**THE COMMISSION ORDERS THAT:**

1. The Application is granted.
2. Bear Creek Water and Sewer, LLC is authorized to sell its water system to Public Water Supply District No. 3 of Taney County, Missouri.
3. The Commission makes no ratemaking determination regarding any potential regulatory oversight, if any, over Bear Creek Water and Sewer, LLC or Public Water Supply District No. 3 of Taney County, Missouri.
4. Bear Creek Water and Sewer, LLC shall submit notice to the Commission regarding evidence of the transfer of the water system to Public Water Supply District No. 3 of Taney County, Missouri within three business days after the water system has been transferred.
5. No later than ten days after it has submitted the notice ordered in paragraph 4, Bear Creek Water and Sewer, LLC shall file a motion in this case requesting that the Commission cancel its certificate of convenience and necessity to provide water service, and its tariff allowing it to charge for water service.

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<sup>5</sup> See Commission Rule 4 CSR 240-3.605(1)(D).

6. This order shall become effective on June 19, 2010.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'S. C. Reed', written in a cursive style.

Steven C. Reed  
Secretary

( S E A L )

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

Pridgin, Senior Regulatory Law Judge