

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Joint Application)
of Taney County Utilities Corporation)
and Taney County Water, LLC) **File No. WM-2011-0143**
for authority of Taney County Utilities Corporation)
to sell certain assets to Taney County Water, LLC)

ORDER DIRECTING FILING

Issue Date: April 4, 2011

Effective Date: April 4, 2011

The Missouri Public Service Commission is directing Staff to file a status report and noting a matter raised in some of the parties' filings.

Such filings seek a Commission order recognizing a sale or transfer of assets effective August 18, 2010. Section 393.190.1, RSMo 2000, provides:

No . . . water corporation . . . shall hereafter sell, . . .
transfer, . . . or otherwise dispose of . . . any part of its
. . . system . . . without having first secured from the
commission an order authorizing it so to do.

Similar language appears in Section 393.170.1, RSMo 2000. Under that statute, the Missouri Court of Appeals voided a Commission order purporting to approve an application retroactively.¹

Such law must figure in any discussion of the timing of authorization for the sale or transfer of assets.

THE COMMISSION ORDERS THAT:

1. No later than April 29, 2011, the Commission's staff shall file a report on the status of the parties' negotiations.

¹ *State ex rel. Cass County v. Public Serv. Comm'n*, 259 S.W.2d 544 (Mo. App., W.D. 2008).

2. Any proposed disposition of the application on the merits filed with the Commission shall address the timing issue described in the body of this order.

3. This order shall become effective immediately upon issuance.

BY THE COMMISSION

(S E A L)

A handwritten signature in black ink, appearing to read 'S. Reed', is written over a faint, illegible background.

Steven C. Reed
Secretary

Daniel Jordan, Senior Regulatory Law Judge,
by delegation of authority under
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 4th day of April, 2011.