

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Joint Application of)
Moore Bend Water Company, Inc. and)
Moore Bend Water Utility, LLC for) File No. WM-2012-0335
Authority of Moore Bend Water Company,)
Inc. to Sell Certain Assets to Moore Bend)
Water Utility, LLC.)

JOINT STIPULATION OF NON-DISPUTED FACTS

COMES NOW the Office of the Public Counsel (Public Counsel) and on behalf of the Staff of the Missouri Public Service Commission (Staff), Moore Bend Water Company, Inc. (Moore Bend) and Moore Bend Water Utility, LLC (MBU) submits the following Joint Stipulation of Non-Disputed Facts:

1. On April 11, 2012, Moore Bend and MBU filed a *Joint Application* with the Missouri Public Service Commission (Commission) requesting authority for Moore Bend to sell certain assets to MBU. The disclosed purchase price for the water system assets is \$20,000.
2. Moore Bend is a regulated water utility. It obtained a Certificate of Convenience and Necessity (CCN) to provide water service from the Commission in 1971 in Case No. 17,123. The utility assets are located within an area known as Moore Bend Subdivision, near Cedar creek, Missouri. Moore Bend serves approximately ninety (90) water customers.
3. Existing tariff rates and charges for Moore Bend were based on plant-in-service and depreciation reserve as agreed to by Moore Bend in its *Notice of Company/Staff Agreement Regarding Disposition of Small Water Company Revenue Increase Request* in Commission Case

No. WR-2007-0181, which was later adopted by Commission Order, effective December 7, 2006.

4. Moore Bend is current on annual assessments for water operations for Fiscal Year 2006 through Fiscal Year 2012.

5. Moore Bend has no current violations or issues with the Missouri Department of Natural Resources.

6. MBU is a newly created entity that is presently not providing any utility service. MBU is wholly owned by Ozark International, Inc (Ozark), a Missouri Corporation. Ozark also wholly owns several other Commission-regulated water utilities: Riverfork Water Company, Midland Water Company, Inc., Taney County Water, LLC, and Valley Woods Utility, LLC.

7. MBU has adequate technical, managerial, and financial capacity to operate the water system presently certificated for Moore Bend based on Ozark's existing utility businesses.

8. In its Recommendation for the present case, Staff calculated the Water Rate Base as follows: Water Plant-In-Service balance of \$40,399; Accumulated Depreciated Reserve balance of \$29,673, resulting in a Net Plant-in-Service balance of \$10,726. As a result, the Staff's calculation of rate base for the water system as of March 31, 2012 is \$10,726.

9. Because the purchase price of \$20,000 for the water system assets is higher than Staff's rate base valuation of the water system of \$10,726, an acquisition premium exists.

10. The assets listed in the *Joint Application* to be transferred to MBU do not include the land on which the two water wells are located. The land on which the two water wells are located is owned by Mr. Mick Plummer, not Moore Bend.

11. Mr. Mick Plummer is a former owner of Moore Bend.

12. Throughout the operation of the system, since 1971, the system has used the same water wells and the same lines on and over and across the same real property where they are located today, which property is now owned by Mr. Mick Plummer. The real property on which the two water wells are located has never been owned by Moore Bend.

13. Moore Bend has no recorded easements or other documented legal rights to access the land on which the two water wells are located.

14. To the Parties' knowledge and belief, there has never been an interruption in service due to prevention from access to the water or the wells or the lines from the wells, or prevention from use of the wells and the lines, from the inception of the system in 1971 up through the present date.

WHEREFORE, Public Counsel respectfully submits this Joint Stipulation.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

/s/ Christina L. Baker

By: _____

Christina L. Baker (#58303)

Deputy Public Counsel

P O Box 2230

Jefferson City, MO 65102

(573) 751-5565

(573) 751-5562 FAX

christina.baker@ded.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 14th day of March 2013:

Missouri Public Service Commission
Office General Counsel
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Kevin Thompson
General Counsel Office
Missouri Public Service Commission
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
Kevin.Thompson@psc.mo.gov

David Wieland
Moore Bend Water Utility, LLC
1548 E Primrose
Springfield, MO 65804
rachel@wielandlaw.com

Moore Bend Water Company, Inc.
Tom Tyre, President
P.O. Box 6640
872 Painter Rd.
Branson, MO 65615

/s/ Christina L. Baker
