

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

In the Matter of the Application of the Public)	
Funding Corporation of the City of Ozark,)	<u>File No. WM-2017-0342</u>
Missouri to Sell its Water System Located in)	
Christian County to the City of Ozark)	

**PUBLIC COUNSEL’S MOTION FOR ORDER DIRECTING
A LOCAL PUBLIC HEARING**

COMES NOW the Office of the Public Counsel (“OPC” or “Public Counsel”) and files this Motion for a local public hearing in this matter. In support of this Motion OPC states:

1. On June 19, 2017, the City of Ozark, MO filed its Application with the Commission asking approval for the City of Ozark to transfer assets of a regulated water corporation, the Public Funding Corporation of the City of Ozark, to the City.

2. The PFC is currently a Commission regulated water corporation, which holds a Certificate of Convenience and Necessity to provide water service to customers residing outside the boundaries of the City of Ozark. The water system is known as Finley Valley Water Company.

3. In its Application, the City describes the history of the system, stating that the PFC is a not-for-profit corporation established to benefit and carry out the public purposes of the Buyer (the City of Ozark) by acquiring and financing real estate and personal property for public purposes. The On June 21, 1995 both the City and the PFC filed an Application with the Commission to approve transfer of the assets of the Finley Valley Water Company to the PFC. As a result of that Application the Commission found the PFC to be the financing arm of the City.

4. On December 6, 1995 the Commission approved the sale and entered its Order for the PFC to file tariffs for Commission approval.

5. The PFC filed a tariff with the Commission on December 28, 1995, which was marked “Filed” on January 15, 1996. Tracking No. JW-2002-0058.

6. In this case, on June 26, 2017, the PFC, which is the regulated entity, filed a First Amended Application to Sell Its Water System Located in Christian County to the City of Ozark, Missouri.

7. According to the Application, the City has “operated, maintained and improved” the FVW system since June 21, 1995. (App. p. 2, para 8.)

8. Pursuant to the Application, the City of Ozark held a public hearing on September 14, 2017. This public hearing was well attended, but none of the comments were recorded, so no transcript was made and the public comments are not reported and not considered testimony for purposes of this case.

8. The City states that: “[a]pproval of the transaction is not detrimental to the public interest in that it will simply confirm the status quo. The water service as currently provided will continue as it has for the preceding twenty-two (22) years.”

9. The rates, however, are increasing and at the September 14 hearing. Customers outside the boundaries of the Ozark, of course, have no ability to vote in City elections. At the September 14 hearing, current Findlay Valley customers expressed concerns about the lack of representation when the City sets consumers’ water rates.

10. The customers have an interest in being heard in this case and the public should be given an opportunity to testify about their concerns with the rate increase and the lack of representation in any future rate increases.

11. A Commission directed public hearing will allow these customers to express their concerns directly to the Commission. OPC has confirmed with both the Staff and the City, and they do not object to this request for a local public hearing.

12. OPC will work with the Staff and the City to present options to the Commission for the date and location of a public hearing.

Respectfully submitted,

/s/ Lera L. Shemwell

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 2nd day of October, 2017.

/s/ Lera L. Shemwell