

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

In the Matter of the Application of)
Foxfire Utility Company for Authority to)
Transfer Certain Water and Sewer)
Assets Located in Stone County,)
Missouri to Ozark Clean Water)
Company, and in Connection)
Therewith, Certain Other Related)
Transactions)

Case No. WM-2022-0186

PUBLIC COUNSEL’S POSITION STATEMENT

COMES NOW the Office of the Public Counsel (“Public Counsel”) and offers the following Position Statement:

Should the Commission find that the sale or transfer of Foxfire Utility Company’s (a public utility) water and waste water assets to Ozarks Clean Water Company (a nonprofit sewer company under Sections 393.825-393.861, RSMo, and a nonprofit water company under Sections 393.900–393.954, RSMo) is not detrimental to the public interest, and approve the transaction?

No. The transfer would be detrimental to Foxfire’s 258 customers because the \$1,285,400 purchase price includes a \$1,195,548 acquisition premium, “which is thirteen times over the estimated rate base of \$89,852.”¹ This premium obligation amounts to approximately \$19.30 per month for 20 years for each customer.² As a regulated entity, Foxfire’s customers expect the Commission to

¹ Staff Memorandum, p. 5.

² \$1,195,548/258 customers = \$4,634 each; \$4,634/240 months = \$19.30 per month.

protect them from such harm.³ Public Counsel urges the Commission to protect Foxfire’s customers from these detrimental impacts by denying the application.

WHEREFORE, the Office of the Public Counsel respectfully offers this Position Statement.

Respectfully submitted,

/s/ Marc Poston

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 19th day of October 2022.

/s/ Marc Poston

³ “The whole purpose of the [Public Service Commission] act is to protect the public.” *State ex rel. St. Louis v. Public Service Com.*, 335 Mo. 448, 458, 73 S.W.2d 393, 399, (Mo. 1934).