

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

In the Matter of Foxfire Utility Company for Authority)
To Transfer Certain Water Assets Located in Benton)
County, Missouri to Upper White River Basin)
Foundation, Inc. and, in Connection Therewith, Certain)
Other Related Transactions.)

File No. WM-2016-0094

**ORDER DIRECTING NOTICE, SETTING DEADLINE FOR
INTERVENTION AND DIRECTING STAFF TO FILE A
RECOMMENDATION**

Issue Date: October 28, 2015

Effective Date: October 28, 2015

On October 22, 2015, Foxfire Utility Company (“Foxfire”) filed an application with the Missouri Public Service Commission seeking authority to donate to Upper White River Basin Foundation, Inc. (“Upper White River”) its assets used to provide water service to approximately 104 customers in the Spring Branch Water System. The Spring Branch Water System is located in an unincorporated area in Benton County, Missouri. Foxfire states that Upper White River is a Missouri non-profit associated with Ozarks Clean Water Company (“OCWC”), a not-for-profit corporation.

Foxfire states that once Upper White River obtains the Spring Branch Water System’s facilities, Upper White River will then transfer ownership of the system to OCWC to provide water utility services. Foxfire states that the transfer of assets should have no impact on the tax revenues of relevant political subdivisions. Neither Upper White River nor OCWC are subject to the Commission’s jurisdiction.

Included in its application, Foxfire submitted a motion for waiver of the sixty day notice requirement in Commission rule 4 CSR 240-4.020(2)(A). The Commission will refrain from ruling on the motion unless and until this matter becomes a contested case.

The Commission will direct notice of Foxfire's application be given to the Benton County Commission, local newspapers, members of the General Assembly representing residents of Benton County, and the General Counsel for the Missouri Department of Natural Resources. The Commission will also set a deadline for interested parties to intervene or file comments addressing whether or not the proposed transfer is in the public interest. Finally, the Commission will direct its Staff to file a recommendation on Foxfire's applications.

THE COMMISSION ORDERS THAT:

1. The Commission's Data Center shall provide a copy of this order and Foxfire's application to the County Commission of Benton County, Missouri, and the General Counsel for the Missouri Department of Natural Resources.

2. The Commission's Public Information Officer shall make notice of this order available to the members of the General Assembly representing Benton County, Missouri, and to the media serving Benton County, Missouri.

3. The Commission's Staff shall file a recommendation on Foxfire's application no later than November 30, 2015.

4. Any person wishing to intervene in this matter shall file an application to intervene no later than November 23, 2015. The application shall be filed in the Commission's Electronic Filing and Information System ("EFIS") or with the Secretary of the Commission. Comments on the application can also be made in EFIS.

5. This order shall be effective when issued.

BY THE COMMISSION



A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Kim Burton, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 28th day of October, 2015.