

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

In the Matter of the Transfer of Assets of )  
Swiss Villa Utilities, Inc. to the Black Oak ) **Case No. WO-2007-0410**  
Mountain Resort Property Owners Association )

## **ORDER DIRECTING NOTICE AND JOINING PARTIES**

Issue Date: April 25, 2007

Effective Date: April 25, 2007

On April 20, 2007, the Staff of the Missouri Public Service Commission filed a verified motion requesting that the Commission authorize the transfer of the water and sewer utility assets of Swiss Villa Utilities, Inc. (“Swiss Villa”) to the Black Oak Mountain Resort Property Owners Association (“Black Oak”), subject to certain conditions.<sup>1</sup> Should Black Oak be unable to comply with those conditions, Staff further requests that the Commission permit it to seek a receiver to address Swiss Villa’s ongoing ownership and service issues.

As indicated therein, Staff served a copy of its pleading on several entities with an interest in the subject matter of this case, including Swiss Villa, Black Oak, S.V. Holding, Inc., Quannah Corporation, and the County Commission of Stone County. Since their presence as parties is necessary for a full and fair adjudication of Staff's request, they will be joined as parties to this case.

<sup>1</sup> Among other things, Section 393.190.1, RSMo 2000, requires regulated water and sewer companies to obtain the approval of the Commission prior to selling, assigning, leasing, or transferring the whole or any part of their franchise, works, or system to another entity. However, since Swiss Villa allegedly no longer exists in any practical sense and evidently has no ability to retain an attorney or file a petition before the Commission seeking such approval, Staff has opened this case via motion.

Furthermore, so that other potentially interested parties are given notice and an opportunity to intervene in this matter, the Public Information Officer of the Commission shall make notice of Staff's request available to the members of the General Assembly who represent the citizens of Stone County, and to the media serving that county.

Proper persons wishing to intervene shall file an application to intervene with the Secretary of the Missouri Public Service Commission no later than May 15, 2007. Copies of the application to intervene should be sent to the parties listed below.

The requirement for a hearing is fulfilled when all those having a desire to be heard are offered an opportunity to be heard. If no proper party is granted intervention and neither the Commission's Staff, the Office of the Public Counsel, nor any other existing party requests a hearing, the Commission may determine that a hearing is not necessary, permit Staff to submit evidence in support of its request by verified statement, and make a decision based on the verified pleadings.<sup>2</sup>

**IT IS ORDERED THAT:**

1. Swiss Villa Utilities, Inc., the Black Oak Mountain Resort Property Owners Association, S.V. Holding, Inc., Quanah Corporation, and the County Commission of Stone County are joined as parties to this case.

2. The Public Information Officer of the Missouri Public Service Commission shall provide notice as set out herein.

3. Any interested person wishing to request a hearing or intervene in this case shall file a request or an application on or before May 15, 2007 with:

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<sup>2</sup> See *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App. W.D. 1989).

Colleen M. Dale, Secretary  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, Missouri 65102-0360

Copies shall also be served upon the following:

Houston C. Ker  
Registered Agent, Black Oak Mountain Resort Property Owners  
Association  
6278 W Frm. Rd. 140  
Springfield, Missouri 65802

Lloyd Crosby  
Registered Agent, Swiss Villa Utilities, Inc.  
900 West Commercial  
Springfield, Missouri 65803

Lloyd Crosby  
Registered Agent, S.V. Holding, Inc.  
900 West Commercial  
Springfield, Missouri 65803

Martin J. Studer  
Registered Agent, Quanah Corporation  
One Lakeshore Drive, Suite 6  
P.O. Box 1378  
Kimberling City, Missouri 65686

County Commission of Stone County  
Attn: William F. Mccullah  
P.O. Box 45  
Galena, Missouri 65656

Office of the Public Counsel  
P.O. Box 2230  
Jefferson City, Missouri 65102

4. This order shall become effective on April 25, 2007.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

( S E A L )

Benjamin H. Lane, Regulatory  
Law Judge, by delegation of authority  
under Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 25th day of April, 2007.