

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Joint Application of)
Public Water Supply District No. 3 of)
Franklin County, Missouri, and the City of)
St. Clair, Missouri, for Approval of a Water)
Service Area Territorial Agreement in)
Franklin County, Missouri)

Case No. WO-2006-0488

ORDER DIRECTING NOTICE, ESTABLISHING TIME FOR FILING
RECOMMENDATIONS, SETTING DATE FOR SUBMISSION
OF INTERVENTION REQUESTS AND SETTING DATE FOR FILING A
PROCEDURAL SCHEDULE

Issue Date: June 22, 2006

Effective Date: June 22, 2006

On June 21, 2006, Public Water Supply District No. 3 of Franklin County, Missouri, and the City of St. Clair, Missouri (collectively referred to as "Applicants"), pursuant to Section 247.172, RSMo 2000, filed a joint application requesting that the Commission determine that their proposed territorial agreement, designating the service territory of each of the Applicants, is not detrimental to the public interest. Section 247.172, RSMo 2000, requires that such agreements be submitted to the Missouri Public Service Commission for approval. The statute provides that the Commission may approve the submitted agreement if it determines that the agreement is not detrimental to the public interest.

Applicants state that they have mutually agreed to displace competition between themselves as allowed by law and have set out the terms of their agreement in a document

entitled Territorial Agreement, which is attached to the application and referred to as Appendix A. The Territorial Agreement contains exhibits A through D providing legal descriptions which, according to the application, represent the respective boundaries.

The Applicants assert that the Agreement will not result in any change of water or sanitary sewer services for any customer, and as such, 4 CSR-3.625(1)(D) is inapplicable. Applicants further claim that because they are publicly-owned political subdivisions of the State of Missouri, and are otherwise not subject to regulation by the Commission, that the provisions of 4 CSR 240-3.625(1)(B) and 4 CSR 240-2.060(1)(K) and (L) are inapplicable. With these exceptions, the Joint Application complies with all of the Commission's regulations concerning the Agreement.

Upon review of the application, the Commission finds that notice of this application should be sent to interested persons and an intervention date set. In accordance with Section 247.172.3, RSMo 2000, the Commission must rule on the application within one hundred twenty (120) days from the date filed unless otherwise ordered by the Commission for good cause shown. The Commission will direct Staff to file a recommendation regarding the Joint Application, and the Applicants, Staff, and the Office of the Public Counsel shall jointly or separately file a proposed procedural schedule.

The Commission determines that notice of this application should be given by the Commission's Data Center sending a copy of this order to the County Commission of Franklin County, Missouri, and to the Department of Natural Resources of the State of Missouri. The Commission further determines that the Information Officer of the Commission should provide notice to the members of the General Assembly representing

the Applicants' service areas and to the newspapers which serve Applicants' service areas as listed in the newspaper directory of the current *Official Manual of the State of Missouri*.

The Commission finds that proper persons wishing to intervene shall have twenty (20) days from the date of this order to file an application to intervene with the Secretary of the Commission and shall send a copy of the application to intervene to all parties as directed below.

The Commission will also require the parties to file a proposed procedural schedule which provides for a hearing if requested. The requirement of a hearing has been 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 nor the Office of the Public Counsel requests a hearing, the Commission may determine that a hearing is not necessary.

IT IS ORDERED THAT:

1. The Missouri Public Service Commission's Data Center is ordered to serve notice as set out herein.
2. The Missouri Public Service Commission's information officer is ordered to serve notice as set out herein.
3. Any interested person wishing to intervene in this case shall file an application to intervene on or before July 12, 2006, with:

Secretary
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102

and serve a copy on:

Charles Brent Stewart
Stewart & Keevil, L.L.C.
4603 John Garry Drive, Suite 11
Columbia, Missouri 65203

and

Mark C. Piontek
Lewis, Rice & Fingersh, L.C.
1200 Jefferson Street
Post Office Box 1040
Washington, Missouri 63090

and

Kurt A. Voss, Esq.
Zick, Voss & Politte, P.C.
438 W. Front Street
Post Office Box 2114
Washington, Missouri 63090

and

Office of the Public Counsel
Post Office Box 2230
Jefferson City, Missouri 65102

4. No later than July 12, 2006, the Staff of the Missouri Public Service Commission shall file its recommendation or a preliminary response to the application.

5. The Applicants, Staff, and Public Counsel shall file a proposed procedural schedule on or before July 19, 2006, and such procedural schedule shall provide for a hearing, should one be requested, to take place on or before September 22, 2006.

6. This order shall become effective on June 22, 2006.

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)

Harold Stearley, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 22nd day of June, 2006.