

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

In the Matter of the Application of Emerald)
Pointe Utility Company for Permission,)
Approval, and a Certificate of Convenience)
and Necessity Authorizing it to Construct,)
Install, Own, Operate, Control, Manage, and)
Maintain a Water and Sewer System for the)
Public, Located in an Unincorporated Area)
in Taney County, Missouri.)

Case No. WA-2004-0581, et al.

**RESPONSE OF EMERALD POINTE UTILITY COMPANY
TO COMMISSION ORDER AND MOTION FOR LEAVE TO FILE TARIFFS**

COMES NOW Emerald Pointe Utility Company (“Emerald Pointe” or “Company”), and for its response to the Commission’s April 1, 2005, Order Directing Emerald Pointe Utility Company To Indicate When It Will File Implementing Tariffs (Order) and Motion for Leave to File Tariffs, states to the Missouri Public Service Commission (“Commission”) as follows:

1. The Commission’s Order notes that on December 2, 2004, it granted Emerald Pointe certificates of convenience and necessity to provide water and sewer service to an unincorporated area of Taney County, Missouri. In addition, the Order directed Emerald Pointe to file appropriate tariffs to implement its service authority.


2. On March 16, 2005, Emerald Pointe filed a new application with the Commission, Case No. WA-2005-0306 (as consolidated with SA-2005-0307), for authority to further expand its water and sewer certificated areas. This new application sought to include a small tract of land, approximately one acre, which is located within the boundaries of the development for which Emerald Pointe received certificates to provide water and sewer service in the instant case. This small piece of property was not included in the original application in the instant case because, at

the time of the filing of the application, the developers did not own this piece of property. The developers now have obtained title to this piece of property and have requested Emerald Pointe to take the necessary steps to expand its certificated area to include this small tract of land and thus “fill in the gap” in the certificated area granted in the instant case.

3. In discussions with Staff personnel, who are reviewing Emerald Pointe’s application in Case No. WA-2005-0306, it was noted that Emerald Pointe had not filed implementing tariffs as directed by the Commission in the instant case. However, it was also noted that Emerald Pointe has not yet begun providing water and sewer service to the newly certificated area as this is a new development and still under construction. Therefore, there does not appear to be any urgency in revising the existing tariffs. Further, it is anticipated that the Staff will recommend that the Commission grant further expansion of Emerald Pointe’s certificated area as requested in Case No. WA-2005-0306. At that point in time, Emerald Pointe would be able to make one tariff filing to reflect the entire, newly certificated area as granted in the instant case and as sought in Case No. WA-2005-0306.

WHEREFORE, Emerald Pointe respectfully requests that the Commission issue its Order granting Emerald Pointe leave to file implementing tariffs at such time as the Commission has issued an order in pending Case No. WA-2005-0306, so that Emerald Pointe may make one implementing tariff filing to revise its existing tariffs and include the legal description of the newly certificated areas as granted by the Commission.

Respectfully submitted,



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ATTORNEYS FOR
EMERALD POINTE UTILITY COMPANY

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was hand-delivered or sent by electronic mail, on April 13th 2005, to the following:

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