

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

Carl R. Mills' Request to Transfer Water)
System at Carriage Oaks Estate) **File No. WM-2022-0144**

AMENDED STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), through counsel, and amends its *Staff Recommendation*, filed August 25, 2022, to remove a contingency, because the nonprofit organization satisfied this contingency after Staff filed its recommendation.

1. Staff filed its *Staff Recommendation* on August 25, 2022 recommending that the Commission approve the transfer of Mr. Mills’ water utility assets to Carriage Oaks Estates Not-For-Profit Corporation (“Carriage Oaks Estates NFP Corp”), contingent upon the nonprofit organization receiving approval from the Missouri Department of Natural Resources of its Articles of Incorporation and Bylaws, pursuant to § 393.900.3.(1), RSMo.¹

2. Section 393.900.3.(1), RSMo states the following:

Prior to obtaining a permit to provide service, a nonprofit water company shall provide a copy of the articles of incorporation and company bylaws to the department of natural resources to ensure compliance with all statutory requirements. The department shall review the documents and provide the nonprofit water company authorization to provide service if all statutory requirements are met. If all statutory requirements have not been met, the department shall inform the nonprofit water company of all deficiencies and assist such company in curing the deficiencies.

3. On August 31, 2022, DNR confirmed by letter (attached) that it reviewed Carriage Oaks Estates NFP Corp’s articles of incorporation and bylaws materials and determined that they are consistent with the requirements of § 393.900.

¹ Staff Recommendation, P. 5

4. For this reason, Staff recommends that this contingency be removed from its recommendation and that the Commission approve the transfer with no contingency.

WHEREFORE, Staff amends its recommendation and recommends that the Commission approve transfer of Mr. Mills' water utility assets to Carriage Oaks Estates NFP Corp with no contingency.

Respectfully submitted,

/s/ Karen E. Bretz

Karen E. Bretz

Deputy Director

Missouri Bar No. 70632

Attorney for the Staff of the

Missouri Public Service Commission

P.O. Box 360

Jefferson City, MO 65102

573-751-5472 (Voice)

573-751-9285 (Fax)

Karen.Bretz@psc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been electronically mailed to all parties and/or counsel of record on this 6th day of September, 2022.

/s/ Karen E. Bretz

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

In the Matter of Carl Richard Mills')
Request to Transfer Water System at) File No. WM-2022-0144
Carriage Oaks Estate)

AFFIDAVIT OF DAVID C. ROOS

STATE OF MISSOURI)
) ss
COUNTY OF COLE)

COMES NOW David C. Roos, and on his oath states that he is of sound mind and lawful age; that he contributed to the foregoing *Amended Staff Recommendation*; and that the same is true and correct according to his best knowledge and belief.

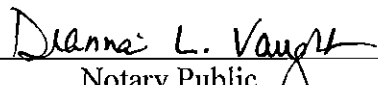
Further the Affiant sayeth not.



David C. Roos

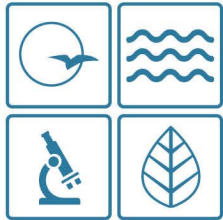
JURAT

Subscribed and sworn before me, a duly constituted and authorized Notary Public, in and for the County of Cole, State of Missouri, at my office in Jefferson City, on this 6th day of September, 2022.



Notary Public

DIANNA L VAUGHT Notary Public - Notary Seal STATE OF MISSOURI Cole County My Commission Expires: July 18, 2023 Commission #: 15207377
--



MISSOURI
DEPARTMENT OF
NATURAL RESOURCES

Michael L. Parson
Governor

Dru Buntin
Director

August 31, 2022

Laura Stringfellow
c/o Carriage Oaks Estates
Water and Sewer Not-For-Profit Corporation
Schenewerk & Williams
Attorneys at Law, LLC
100 Prairie Dunes Drive
Suite 200
Branson, MO 65616
via email: Laura@sfalawfirm.com

RE: Carriage Oaks Estates Water and Sewer Not-For-Profit Corporation § 393.900 review

Dear Ms. Stringfellow:

The Department of Natural Resources is in receipt of the Articles of Incorporation, the Articles of Conversion, the First Amended Articles of Conversion, and the Bylaws (the materials) provided on behalf of Carriage Oaks Estates Water and Sewer Not-For-Profit Corporation (Carriage Oaks Estates) for review and approval to operate as a nonprofit water company pursuant to § 393.900 RSMo.

The Department has reviewed these materials in accordance with the statute and has determined that they include and are consistent with the requirements of §393.900, RSMo, *et seq.* This review is not a permit to dispense water and nothing in this letter affects the requirements of the Missouri Safe Drinking Water Law, Chapter 640, RSMo.

If you have any questions concerning this letter, please do not hesitate to contact me by phone at 573-751-0323.

Sincerely,

Jacob Westen
General Counsel

