

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

In the Matter of the Application of	)	
Environmental Utilities, LLC, for	)	
Permission, Approval, and a Certificate of	)	
Convenience and Necessity Authorizing it	)	
to Construct, Install, Own, Operate,	)	
Control, Manage and Maintain a Water	)	Case No. WA-2002-65
System for the Public Located in	)	
Unincorporated Portions of Camden	)	
County, Missouri (Golden Glade	)	
Subdivision)	)	

**STAFF’S PROPOSED PROCEDURAL SCHEDULE**

**COMES NOW** the Staff of the Missouri Public Service Commission and in support of its Proposed Procedural Schedule states:

**PROCEDURAL HISTORY**

1. On June 27, 2002 the Missouri Public Service Commission (“Commission”) issued its Report and Order in this case, granting a certificate of convenience and necessity for Environmental Utilities, LLC (“EU”) to provide water service to the Golden Glade subdivision. As a condition to granting the certificate, the Commission required EU to establish arrangements, which meet the approval of the Commission, to provide wholesale water to Osage Water Company (“OWC”) for the use of OWC’s customers in the Eagle Woods subdivision.

2. Pursuant to the Commission’s order of June 27, 2002, EU filed it its Water Supply Agreement on September 11, 2002.

3. On September 12, 2002, the Commission issued its Order Directing Filing, directing the Staff, and any other party wishing to do so, to file its recommendation by September 20, 2002, regarding whether EU’s Water Supply Agreement with OWC satisfies the

requirements for issuance of a certificate of convenience and necessity, as established in the Commission's Report and Order of June 27, 2002.

4. Staff, the Office of the Public Counsel and Hancock Construction Company filed pleadings recommending that the Commission not approve the Water Supply Agreement.

5. On September 24, 2002, the Commission issued its Order Suspending tariff, Scheduling a *Prehearing Conference*, and *Directing the Parties to File a Proposed Procedural Schedule*. In its Order, the Commission stated that it will not issue a certificate of convenience and necessity until it has had an opportunity to hear further evidence regarding whether the Water Supply Agreement submitted by Environmental Utilities satisfies the requirements established in the Commission's report and order. To that end the Commission scheduled a prehearing conference and directed the parties to submit a proposed procedural schedule by October 15, 2002.

6. On September 27, 2002, in response to a motion by the Office of the Public Counsel, the Commission issued its Order Rescheduling Prehearing Conference, in which it rescheduled the prehearing conference for October 9, 2002.

#### **PROPOSED PROCEDURAL SCHEDULE**

7. On October 9, 2002, a prehearing conference was held in this case. At the prehearing conference, Greg Williams, on behalf of EU, presented to the parties a copy of a new water supply agreement, which is attached hereto as "*Appendix A.*" At the prehearing conference, the parties agreed that the original and the new water supply agreements are a sufficient basis for the briefs regarding a water supply agreement. The issues that remain regarding a water supply agreement are legal rather than factual in nature. The parties agreed

that no further testimony needs to be filed and no hearing is necessary regarding a water supply agreement and that the issues may be submitted upon briefs. The parties agreed to the following briefing schedule:

Initial Briefs  
All Parties

November 4, 2002

Reply Briefs  
All Parties

November 12, 2002

8. At the prehearing conference, the parties agreed that since the parties are not asking to file prefiled testimony or have a hearing regarding a water supply agreement, that the parties would make themselves available for questions from the Commission at a later date if necessary.

WHEREFORE, Staff requests that the Commission issue an order establishing a procedural schedule as set forth in Paragraph 7 hereof.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

**/s/ Victoria L. Kizito**

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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or e-mailed to all counsel of record this 15<sup>th</sup> day of October 2002.

**/s/ Victoria L. Kizito**

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