

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 System for) **Case No. WA-2002-65**
the Public Located in Unincorporated Portions of) **Tariff No. JW-2003-0238**
Camden County, Missouri (Golden Glade)
Subdivision.)

DISSENTING OPINION OF COMMISSIONER CONNIE MURRAY

As I stated in my dissent from the Commission's June 27, 2002 Report and Order, the public interest is not served by allowing owners of regulated utilities to obtain certificates of convenience and necessity for multiple business entities in order to circumvent internal management issues or Commission oversight. Nevertheless, the majority chose to grant a certificate to this entity, conditioned only upon execution of a contract with its sister entity, Osage Water Company (OWC).

It is abundantly clear from the events that have transpired with Osage Water Company since the time of that Report and Order that Environmental Utilities cannot fulfill the condition that the Commission imposed. Having found OWC unable or unwilling to provide safe and adequate service and effectively abandoned by its owners, the Commission directed its general counsel to petition the Circuit Court for an order attaching the assets of the utility and placing it

under the control and responsibility of a receiver.¹ Under the circumstances, a contract for Environmental Utilities to provide wholesale water to OWC could be nothing more than a sham, designed to improperly limit the discretion of the future receiver.

I see no reason to waste resources with an evidentiary hearing on this matter. Therefore, I dissent.

Respectfully submitted,

Connie Murray, Commissioner

Dated at Jefferson City, Missouri,
on this 19th day of December, 2002.

¹ *Staff of the Missouri Public Service Commission v. Osage Water Company*, Report and Order, Case No. WC-2003-0134, December 10, 2002.