

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of Innsbrook Utilities, LLC,)
for a Certificate of Convenience and Necessity Authorizing)
it to Own, Operate, Control, Manage, Improve, and Maintain) **Case No. WA-2008-0018**
a **Water** and Sewer System for the Public, Located in an)
Incorporated Area of Warren County, Missouri)

In the Matter of the Application of Innsbrook Utilities, LLC,)
for a Certificate of Convenience and Necessity Authorizing)
it to Own, Operate, Control, Manage, Improve, and Maintain) **Case No. SA-2008-0020**
a Water and **Sewer** System for the Public, Located in an)
Incorporated Area of Warren County, Missouri)

ORDER DIRECTING NOTICE AND SETTING DATE FOR SUBMISSION **OF INTERVENTION REQUESTS**

Issue Date: July 17, 2007

Effective Date: July 17, 2007

On July 13, 2007, pursuant to Section 393.170, RSMo 2000, and Commission Rules 4 CSR 240-2.060, 4 CSR 240-3.305, and 4 CSR-3.600, Innsbrook Utilities, LLC, (“Innsbrook”) filed two applications (as captioned in the styles of these cases above) with the Missouri Public Service Commission. Innsbrook requests that the Commission grant it authority “to own, operate, control, manage, improve and maintain a water and sewer system for the public in an incorporated area of Warren County, Missouri. Specifically, the water and sewer service is to be provided to the Village of Innsbrook (“Village”), a community composed of a mixture of single family homes and recreational chalets.

Innsbrook, and its predecessors in interest, have owned and operated the existing water and sewer systems on an unregulated basis in the Village since 1971. Innsbrook

has provided service solely to the Innsbrook homeowners association as a single customer, but now seeks to convert to a public utility system serving each individual homeowner. There are approximately 570 persons residing full time in the proposed service area and approximately 4,000 recreational persons occasionally staying within the proposed service area. There are currently 341 single family homes served by the water and sewer systems. There are also 200 chalets served by water and sewer, and another 660 chalets served by water alone that use individual septic systems. Chalets can only be used for recreational purposes and cannot be used as a residence.

In compliance with Commission Rules 4 CSR 240-3.305 and 4 CSR 240-3.600, Innsbrook has provided a full legal description of its proposed water and sewer district, plat maps, a certified copy of the consent of the Village, and the names and addresses of no fewer than ten persons residing in the proposed service area. Innsbrook also submitted copies of all relevant Department of Natural Resources' Permits. Additionally, Innsbrook plans to submit a feasibility study and develop and submit formal tariffs as supplements to its applications.¹

The Commission finds that notice of these applications should be given to the general public and interested parties and a date for intervention of proper parties should be set. The Commission's Data Center shall mail a copy of this notice to the County Commission of Warren County, and to the Department of Natural Resources of the State of Missouri. In addition, the Commission's public information officer shall make notice of this

¹ The feasibility study will contain a description of the company, the existing water and sewer systems, plans and specifications for anticipated improvements to the systems and estimated cost of construction during the first three (3) years, plans for financing, proposed rates and charges and an estimate of the number of customers, revenues and expenses during the first three (3) years of operation.

order available to the media serving Warren County and to the members of the General Assembly representing Warren County.

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 or governmental entity 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 for a determination on these applications.²

IT IS ORDERED THAT:

1. The Missouri Public Service Commission's Data Center is ordered to serve notice as described in the body of this order.
2. The Missouri Public Service Commission's information officer is ordered to serve notice as described in the body of this order.
3. Any proper person wishing to intervene in this matter shall file an application no later than August 6, 2007. Such applications shall be filed with:

Secretary
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

with a copy served on:

Carl J. Lumley
Attorney for Petitioners
Curtis, Heinz, Garrett & O'Keefe, PC
130 S. Bemiston, Suite 200
St. Louis, Missouri 63105

and

² *State ex rel. Deffenderfer v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo App. 1989).

Charlie Boyce
Manager of Innsbrook Utilities, LLC
#1 Innsbrook Estates Drive
Innsbrook, Missouri 63390

and

Office of the Public Counsel
P.O. Box 2230
Jefferson City, Missouri 65102

and

General Counsel
Missouri Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, Missouri 65102-0360

4. This order shall become effective on July 17, 2007.

BY THE COMMISSION



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 17th day of July, 2007.