

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

In the Matter of the Application of Dale Whiteside )  
And Whiteside Hidden Acres, L.L.C. for a )  
Certificate of Convenience and Necessity )  
Authorizing it to Own, Control, Manage, Improve )  
and Maintain a Water and Sewer System for the )  
Public, Located in an Incorporated Area of Hickory )  
County, Missouri. )

**File No. WA-2009-0261**

**OFFICE OF THE PUBLIC COUNSEL’S RESPONSE  
TO STAFF’S RECOMMENDATION**

COMES NOW the Office of the Public Counsel (Public Counsel) and for its Response to Staff’s Recommendation states as follows:

1. On January 13, 2009, Dale Whiteside and Whiteside Hidden Acres, L.L.C. filed an Application with the Missouri Public Service Commission (Commission) for a certificate of convenience and necessity (CCN) to own, control, manage, improve and maintain a water and sewer system located in Hickory County, Missouri.
2. On March 13, 2009, an Amended Application was filed which removed “Dale Whiteside” as an applicant, and only requested authority to “own, operate, control, manage, improve and maintain a *water* system for the public, located in an [un]incorporated area of Hickory County, Missouri.” (emphasis added).
3. On May 21, 2009, the Staff of the Public Service Commission (Staff) filed its Recommendation which recommended the Commission issue an order granting Whiteside Hidden Acres, L.L.C., a certificate of convenience and necessity to provide water service, with the order containing the specific conditions as listed in paragraph (14) of Staff’s Recommendation.

4. On June 1, 2009, the Commission granted Public Counsel's request for an extension of time to June 8, 2009 to respond to Staff's recommendation.

5. Public Counsel now states that it disputes Staff's recommendation, primarily regarding but not limited to the issue of Contribution in Aid of Construction (CIAC), the lack of a requirement for a rate case in the near future and the lack of a refund/credit provision pending the outcome of that future rate case.

6. Public Counsel, Staff and Whiteside Hidden Acres, L.L.C. have been in active discussion regarding a resolution of this matter and Public Counsel now states that it believes a resolution to its issues may be achieved through these continued discussions.

**WHEREFORE,** Public Counsel respectfully submits its Response to Staff's Recommendation.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

**/s/ Christina L. Baker**

By:\_\_\_\_\_

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 8<sup>th</sup> day of June 2009:

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**/s/ Christina L. Baker**

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