

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of Emerald Pointe)
Utility Company for Permission, Approval, and a)
Certificate of Convenience and Necessity)
Authorizing It to Construct, Install, Own, Operate,)
Control, Manage, and Maintain a Water and Sewer)
System for the Public, Located in an Unincorporated)
Area in Taney County, Missouri)

Case No. WA-2004-0581, et al.

ORDER GRANTING LEAVE TO FILE TARIFF IN ANOTHER CASE

On December 2, 2004, the Commission granted Emerald Pointe Utility Company a certificate of convenience and necessity to construct and operate a water and sewer system to serve a new subdivision known as Branson Canyon. As part of the order granting a certificate, the Commission ordered Emerald Pointe to file revised tariff sheets incorporating the new service area. The order did not establish any date by which Emerald Pointe was to file the revised tariffs, but it did provide that the certificates would not become effective until the revised tariffs became effective.

Emerald Pointe did not immediately file revised tariffs and on April 1, 2005, the Commission ordered Emerald Pointe to file a progress report by April 15, indicating when it would file the tariffs. Emerald Pointe filed a response on April 13, stating that it had not yet filed tariffs because the new subdivision is still under construction and it has not yet begun to provide service to the newly certificated area.

Emerald Pointe also explained that it has filed a new application to further expand its service area to include a small tract of land not previously included in the Branson Canyon subdivision. That application is currently pending before the Commission as Case No. WA-2005-0306. Emerald Pointe asks that it be allowed to file a single tariff revision to incorporate both the service area certificated in this case, as well as the addition to that service area for which it is seeking a certificate in WA-2005-0306.

The Commission notes that Staff filed a recommendation in WA-2005-0306 on April 18, in which it recommends that Emerald Pointe be granted a certificate for the new addition to the Branson Canyon subdivision. Staff's recommendation also supports Emerald Pointe's request to file a single revised tariff to incorporate both new service territories.

The Commission finds that Emerald Pointe's request for leave to file a single tariff revision is reasonable and should be granted. Emerald Pointe will be directed to file that tariff in WA-2005-0306. Since this case will not need to stay open to receive Emerald Pointe's tariff filing, it may be closed.

IT IS THEREFORE ORDERED:

1. That Emerald Pointe Utility Company's Motion for Leave to File Tariffs is granted.
2. That Emerald Pointe Utility Company shall submit water and sewer tariff sheets that depict the service area certificated in this case in Case No. WA-2005-0306.
3. That this order shall become effective on April 20, 2005.

4. That this case shall be closed on April 21, 2005.

BY THE COMMISSION

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Morris L. Woodruff, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 20th day of April, 2005.