

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

ORDER ADOPTING BRIEFING SCHEDULE

On June 27, 2002, the Commission issued a report and order finding that Environmental Utilities, LLC, would be granted a certificate of convenience and necessity to serve the Golden Glades subdivision if it could establish to the Commission's satisfaction that it had entered into a wholesale water supply agreement to provide water to Osage Water Company for use in the Eagle Woods subdivision. On September 1, Environmental Utilities issued a tariff that would establish rules for the provisioning of service in its requested service area. On September 12, Environmental Utilities filed a notice indicating that it has entered into a water supply agreement with Osage Water Company.

Thereafter, the Staff of the Commission, the Office of the Public Counsel, and Hancock Construction Company filed responses urging the Commission not to accept the water supply agreement as satisfying the requirements for issuance of a certificate. On September 24, the Commission suspended Environmental Utilities' tariff until January 29, 2003, scheduled a prehearing conference, and directed the parties to file a proposed

procedural schedule.

A prehearing conference was held on October 9, 2002, and on October 15, Staff filed a proposed procedural schedule. Staff indicates that the parties have agreed that the issues regarding the water supply agreement are legal rather than factual. As a result, the parties agree that the Commission does not need to take any further evidence and that a hearing is not necessary. The parties instead propose a briefing schedule so that the parties can present the legal issues and arguments to the Commission.

The Commission agrees that if it does not need to consider any additional evidence, a hearing is not necessary.

IT IS THEREFORE ORDERED:

1. That the following briefing schedule is established:

Initial Briefs - November 4, 2002

Reply Briefs - November 12, 2002

2. That this order shall become effective on October 26, 2002.

BY THE COMMISSION

**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

(S E A L)

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

Dated at Jefferson City, Missouri,
on this 16th day of October, 2002.