

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service  
Commission held at its office in  
Jefferson City on the 8th day of  
October, 2002.

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 )  
Portions of Camden County, Missouri (Golden Glade )  
Subdivision) )

**ORDER DENYING MOTION FOR RECONSIDERATION AND**  
**DENYING MOTION FOR A RECEIVER**

This order denies Hancock Construction Company's motions for reconsideration and for appointment of a receiver for Osage Water Company.

On September 18, 2002, Hancock Construction Company filed a pleading entitled Hancock Construction Company's Response to the Notice of Environmental Utilities LLC's Water Supply Agreement, Motion for Reconsideration, and Motion for a Receiver. The first part of Hancock's pleading urged the Commission to find that a water supply agreement between Environmental Utilities and Osage Water Company does not satisfy the requirements for the issuance of a certificate of convenience and necessity to Environmental Utilities that were established in the Commission's report and order of June 27, 2002. The Commission has directed the parties to recommend a procedural schedule, leading to a hearing to consider that issue.

The second part of Hancock's pleading is a motion for reconsideration and a motion for receiver. The motion for reconsideration asks the Commission to reconsider the report and order that it issued on June 27, 2002. In its motion for receiver, Hancock asks the Commission to appoint a receiver to take over the affairs of Osage Water Company. On September 30, 2002, the Staff of the Commission filed a response indicating its opposition to Hancock's motions. The Office of the Public Counsel, in a pleading filed on September 20, 2002, also indicated its opposition to Hancock's motion for receiver.

In its report and order, the Commission found that Environmental Utilities would be granted a certificate of convenience and necessity, but only after it filed a pleading proving to the satisfaction of the Commission that it has arranged to provide wholesale water to Osage Water Company for the use of Osage Water Company's customers in the Eagle Woods subdivision. That report and order became effective on July 7, 2002. Section 386.500, RSMo 2000, requires that applications for rehearing must be filed before the effective date of the order. 4 CSR 240-2.160 requires that applications for reconsideration must be filed within ten days of the date the order is issued. By either measure, Hancock's motion for reconsideration is not timely and will be denied.

Hancock also asks that the Commission appoint a receiver to handle the affairs of Osage Water Company. Osage Water Company is not a party to this case. Furthermore, the case established to consider Environmental Utilities' application for a certificate of convenience and necessity is not an appropriate vehicle for consideration of that issue. Hancock's motion for receiver will be denied. In denying Hancock's motion, the Commission is not making any finding about whether a receiver should be appointed for

Osage Water Company. Rather, it is finding that consideration of that question is not an appropriate issue for this case.

**IT IS THEREFORE ORDERED:**

1. That Hancock Construction Company's Motion for Reconsideration is denied.
2. That Hancock Construction Company's Motion for a Receiver is denied.
3. That this order shall become effective on October 18, 2002.

**BY THE COMMISSION**

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

( S E A L )

Murray, Lumpe and Forbis, CC., concur  
Gaw, C., not participating  
Simmons, Ch., absent

Woodruff, Senior Regulatory Law Judge