

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

In the Matter of the Cancellation of the	)	
Certificate of Convenience and Necessity	)	<b><u>Case No. WD-2007-0300</u></b>
and Tariff of Southwest Village	)	
Water Company	)	

**ORDER CANCELING CERTIFICATE AND TARIFF**

Issue Date: March 26, 2007

Effective Date: April 5, 2007

On February 7, 2007, the Staff of the Missouri Public Service Commission filed a motion asking the Commission to cancel the certificate of convenience and necessity to provide water service to the Southwest Village Subdivision in Greene County, Missouri, as well as the tariff of Southwest Village Water Company, granted in December 1975. The company filed a tariff and last filed a motion to modify the water tariff in 1980.

Staff's motion states that Southwest is a Missouri corporation that is in good standing with the Missouri Secretary of State. The Secretary of State's records show Southwest changed its registered agent address from the address reflected in the Commission's records to a new address in 2002.

Staff reports that in 2006, Staff became aware that Southwest was not on the Commission's mailing list for annual reports and statements of revenue. Staff returned to Southwest to the mailing list and sent eh appropriate forms to the

address the company provided the Commission. The forms were returned to the Commission as undeliverable.

Staff contacted counsel for Southwest, who indicated the company had not been providing water service for some time and no longer wished to maintain its certificate. Currently, the Staff advises, the former customers of Southwest are receiving water services from the Board of Public Utilities of the City of Springfield d/b/a City Utilities of Springfield.

The Staff states that Commission has not assessed Southwest during the period that records are available and Southwest did not submit annual reports since at least the year 1997. Staff had knowledge that Southwest had no customers and no revenue with respect to providing regulated utility service.

The property used in providing water service has not been transferred, but has been abandoned. Therefore, Staff does not believe it is necessary for the Commission to consider the effects of statutes governing the transfer of a public utility's franchise or property as required in Section 393.190(1), RSMo 2000.

The Commission issued a Notice of Motion to Cancel Certificate and Tariff and Order Directing Response on February 16, 2007, and sent the Notice by certified mail, return receipt requested, to Ron Johnson, the registered agent for Southwest, at 3121 E. Huron, Springfield, Missouri 65804. The Commission directed the same Notice to the company address, 1320 South Glenstone, Springfield, Missouri 65807. The Notice directed Southwest to answer the Staff's Motion to Cancel by March 16, 2007. The Commission received the Returned Certified Mail Receipt from Ron Johnson's mailing on February 26, 2007. Mr.

Johnson signed the receipt on February 22, 2007. The mailing to the company was returned, unclaimed, to the Commission on February 27, 2007. No responses to Staff's Motion have been filed with the Commission.

The Commission has authority to grant or deny a certificate of convenience and necessity upon a determination of whether such a certificate is necessary or convenient for the public service.<sup>1</sup> The Commission may change or abrogate any order or decision of the Commission, unless such a change or abrogation is unauthorized by the law or the constitution.<sup>2</sup> The Staff cites prior Commission cases wherein the Commission has canceled water, sewer, gas or electric certificates and argues that the power to cancel a certificate is necessarily implied by the powers granted in Chapters 393 and 386, RSMo.

The Commission agrees with the Staff's analysis and will cancel Southwest's certificate and tariff.

**IT IS ORDERED THAT:**

1. The certificate of convenience and necessity granted to Southwest Village Water Company, in Case No. 18, 418, is canceled.
2. The tariff filed by Southwest Village Water Company for water services, is canceled.
3. This order shall become effective on April 5, 2007.

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<sup>1</sup> Section 393.170, RSMo 2000.

<sup>2</sup> Section 386.490, RSMo 2000.

4. This case may be closed on April 6, 2007.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', with a stylized, cursive script.

Colleen M. Dale  
Secretary

(SEAL)

Colleen M. Dale, Chief Regulatory Law Judge,  
by delegation of authority under  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 26th day of March, 2007.