

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 25th day of August, 2021.

In the Matter of the Application of Liberty)	
Utilities (Missouri Water) LLC d/b/a Liberty)	
Utilities for Certificates of Convenience and)	
Necessity Authorizing it to Install, Own,)	<u>File No. WA-2020-0397</u> ¹
Acquire, Construct, Operate, Control,)	
Manage, and Maintain a Water System and)	
Sewer System in Bolivar, Polk County,)	
Missouri)	

ORDER REGARDING STAFF'S MOTION

Issue Date: August 25, 2021

Effective Date: August 25, 2021

On July 28, 2021,² the Commission issued its Order Denying Motion for Partial Summary Determination and Issuing a Determination on the Pleadings that Liberty is Not a Large Water Public Utility (Order). The Order was effective on August 7. On August 6, Liberty Utilities (Missouri Water), LLC d/b/a Liberty Utilities (Liberty) filed a Motion for Reconsideration and/or Application for Rehearing (Rehearing Motion). On August 16, the Commission Staff (Staff) filed a Response to Liberty's rehearing motion, along with a request for Commission order. On August 23, Liberty replied to Staff's response and request for order.

Staff asked the Commission to deny Liberty's rehearing motion and also asked the Commission to immediately grant Liberty's application for a certificate of convenience and necessity ("CCN") subject to numerous conditions proposed by Staff. In the alternative, Staff asked the Commission to deny the request for reconsideration and rehearing, issue

¹On October 16, 2020, the Commission consolidated Files WA-2020-0397 and SA-2020-0398 with WA-2020-0397 to be the lead case.

² All date references hereinafter will be to 2021 unless otherwise indicated.

a procedural schedule order and set the CCN for an evidentiary hearing. Staff is concerned that until the Commission resolves the request for a CCN, its orders in this case will not be final and cannot be appealed by Liberty. Liberty opposes Staff's request for an immediate CCN order, stating it is premature in that Liberty will consider its options after the Commission rules on the rehearing motion,³ explaining that "[t]he asset purchase agreement with Bolivar was entered into in the context of the applicability of RSMo. Section 393.320," and stating that it does not agree to Staff's suggested CCN conditions, particularly those regarding the establishment of a ratemaking rate base in this proceeding without application of section 393.320.

The Commission will deny both of Staff's requests as premature. Where Liberty is considering its options with respect to its application for a CCN, the Commission will neither now grant one nor move forward on the question of whether to grant one.

THE COMMISSION ORDERS THAT:

1. The Commission Staff's August 16 Request for Commission Order is denied.
2. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Silvey, Chm., Rupp, Coleman, Holsman, and
Kolkmeier CC., concur.

Graham, Regulatory Law Judge

³ Liberty states it is scheduled "to meet with the Bolivar mayor, board, and city manager on August 24, 2021, to discuss the Commission's decisions in these proceedings and options now available regarding the Bolivar water and wastewater systems. A decision as requested by Staff would foreclose various options that would otherwise be available to Liberty and the city."

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

**WITNESS my hand and seal of the Public Service Commission,
at Jefferson City, Missouri, this 25th day of August, 2021.**





Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

August 25, 2021

File/Case No. WA-2020-0397

**Missouri Public Service
Commission**

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Commission**

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.