

**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.

RESPONSE TO STAFF RECOMMENDATION

COMES NOW Emerald Pointe Utility Company ("Emerald Pointe" or "Company"), by and through counsel, and, in response to the Staff Recommendation, states to the Missouri Public Service Commission ("Commission") as follows:

1. On August 20, 2004, the Staff of the Commission ("Staff") filed its Recommendation wherein, among other things, it stated:

- that it believes Emerald Pointe has met the criteria established by the Commission and specified in Section 393.170(3) for the issuance of certificates of convenience and necessity;
- that it recommends that the certificates requested by Emerald Pointe be approved, subject to certain conditions (the filing of identified water and sewer tariff sheets; agreement to book all utility plant placed into service, whether contributed or not; recognition that the order shall not bind the Commission for ratemaking purpose; and payment of past due assessments for FY2000).

2. Emerald Pointe hereby states that it has no objection to the recommendations made

by the Staff and requests that the Commission issue an order that is consistent therewith. In addition, on September 13, 2004, Counsel for Emerald Pointe delivered to the Commission a check in the amount of \$1,319.82 in full payment of past due assessments for FY2000.

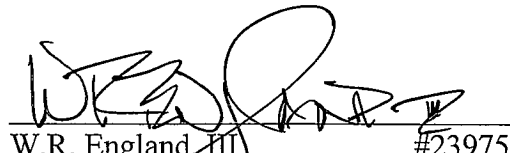
3. Emerald Pointe would also like to take this opportunity to correct a statement reflected in the Staff Recommendation. On page 3 of the Official Case File Memorandum, it is said that "The Company, whose owner is also the subdivision developer . . . "Mr. Snadon, the owner for the Company, is not involved in the development of the subdivision in the area which is proposed to be certificated.

WHEREFORE, Emerald Pointe respectfully requests that the Commission issue its order:

(a) Granting Emerald Pointe permission, approval and a certificate of convenience and necessity authorizing it to construct, install, own, operate, control, manage and maintain water and sewer systems for the public in an unincorporated area of Taney County, Missouri, as is more particularly described in the Application, subject to the conditions identified by the Commission Staff; and,

(b) Granting such further relief as the Commission deems appropriate.

Respectfully submitted,



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ATTORNEYS FOR
EMERALD POINTE UTILITY COMPANY

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was hand-delivered or sent by electronic mail, on September 23rd, 2004, to the following:

Cliff Snodgrass
Office of the General Counsel
Governor Office Building
Jefferson City, MO 65101

Ruth O'Neill
Office of the Public Counsel
Governor Office Building
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