

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 9th day of
October, 2013.

In the Matter of the Joint Application of Moore)
Bend Water Company, Inc. and Moore Bend)
Water Utility, LLC for Authority of Moore Bend)
Water Company, Inc. to Sell Certain Assets to)
Moore Bend Water Utility, LLC)

File No. WM-2012-0335

**ORDER GRANTING CERTIFICATE OF CONVENIENCE
AND NECESSITY AND DIRECTING
COMPANY TO FILE ADOPTION NOTICE**

Issue Date: October 9, 2013

Effective Date: October 19, 2013

Background

On April 24, 2013, the Commission issued an order authorizing the transfer of assets from Moore Bend Water Company, Inc. to Moore Bend Water Utility, LLC. However, because Moore Bend Water Utility did not have a Certificate of Convenience and Necessity, the Commission ordered that the transfer would not be effective until the company secured an order granting such certificate. The company has filed a request for a certificate and the Staff of the Commission recommends that the Commission immediately grant the requested authority. Specifically, Staff recommends that the Commission:

- Immediately issue to Moore Bend Water Utility a Certificate of Convenience and Necessity and authorize the company to, on an interim basis, operate under Moore Bend Water Company's existing tariff until the Utility's adoption notice tariff sheet becomes effective;
- Immediately cancel the existing Certificate held by Moore Bend Water Company;
- Direct Moore Bend Water Utility to, within 5 days after an order granting a certificate, submit an adoption notice tariff sheet, along with a revised

index sheet similar to Attachment B to Staff's memorandum filed on July 9, 2012.

Discussion

When granting a Certificate of Convenience and Necessity, the Commission questions: (1) whether there is a need for the service; (2) whether the applicant is qualified to provide the service; (3) whether the applicant has the financial ability to provide the service; (4) whether the applicant's proposal is economically feasible; and (5) whether the service promotes the public interest.¹

This case is different from usual "certificate" case. Generally, when granting certificates, the Commission has before it either a new utility seeking to provide service or an existing utility seeking to provide service in a new area. The above-numbered questions are then directly relevant. This order, however, concerns a certificate case within a transfer of assets case, a transfer that has been approved by the Commission. Nevertheless, the Commission will address those same questions put to the parties in "normal" certificate cases.

The first inquiry is whether there is a need for service. As noted in the Commission's order authorizing the transfer of assets, 90 customers are being served by this water system. Therein is the need. The second and third inquiries are whether the applicant is qualified and financially able to provide service. As also pointed out in the Commission's order authorizing the transfer, the parties agree that Moore Bend Water Utility has the managerial, technical and financial ability to operate the water system. The fourth inquiry of whether the applicant's proposal is economically feasible is relevant only to a new service territory. Finally, in its order, the Commission found that it is in the public interest to

¹*In re Tartan Energy Company*, 2 Mo. P.S.C. 173, 177 (1994).

authorize the transfer of asset to Moore Bend Water Utility. It follows that is in the public interest to grant a certificate to company, which it needs in order to provide service.

Decision

Having reviewed Staff’s recommendation, and in consideration of those findings set out in the Commission’s order authorizing the transfer of asset, the Commission will grant to Moore Bend Water Utility a Certificate of Convenience and Necessity.

THE COMMISSION ORDERS THAT:

1. Moore Bend Water Utility, LLC is granted a Certificate of Convenience and Necessity and is authorized to operate under the existing tariff of Moore Bend Water Company, Inc.
2. The Certificate of Convenience and Necessity issued to Moore Bend Water Company, Inc. is cancelled.
3. Moore Bend Water Utility, LLC shall, within 5 days after the effective date of this order, submit an adoption notice tariff sheet, as described in the Staff of the Commission’s recommendation and set out in the body of this order.
4. This order shall become effective on October 19, 2013.



BY THE COMMISSION

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

Morris L. Woodruff
Secretary

R. Kenney, Chm., Stoll,
W. Kenney, and Hall, CC., concur.

Jones, Senior Regulatory Law Judge