

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

In the Matter of the Application of Lake Region	)	
Water & Sewer Company for a Certificate of	)	
Convenience and Necessity authorizing it to	)	
construct, install, own, operate, control, manage	)	<u>Case No. WA-2005-0463, et al.</u>
and maintain a water and sewer system for the	)	
public located in an unincorporated area in	)	
Camden County, Missouri	)	

**MOTION FOR ISSUANCE OF SHOW CAUSE ORDER**

COMES NOW the Staff of the Missouri Public Service Commission ("Staff"), by and through Counsel, and for its Motion for Issuance of Show Cause Order ("Motion") states the following to the Missouri Public Service Commission ("Commission").

**PROCEDURAL HISTORY**

1. On June 2, 2005, Lake Region Water & Sewer Company, ("LRWS" or "Company") filed an Application with the Commission requesting an expansion of its existing Commission-certificated service area for water service. Upon entry into the Commission's electronic filing and information system, the Application was assigned Case No. WA-2005-0463. On that same date, LRWS filed a companion Application requesting an expansion of its Commission-certificated service area for sewer service and that Application was assigned Case No. SA-2005-0464.

2. On June 7, 2005, the Commission consolidated the above-referenced cases, with Case No. WA-2005-0463 being designated the remaining lead case. On that same date, the Commission also issued its **Order Directing Notice and Setting Date for Submission of Intervention Requests**, wherein it set June 27, 2005 as the deadline for the filing of intervention requests. No requests to intervene in this case were timely filed, nor have any such requests subsequently been filed.

3. On July 1, 2005, in a response to a Commission order issued on June 28, 2005, the Staff advised the Commission that it believed it could file its recommendation for this consolidated case on or before August 26, 2005.

4. Subsequent to its July 1, 2005 filing, the Staff has filed four requests for extension of time regarding the filing of its recommendation for this consolidated case. In each of its requests for extension of time to file its recommendation the Staff has noted the reasons for the requests, with those reasons generally being that the Staff did not have the information it needed to complete its recommendation.

5. Each of the Staff's requests for extension of time to file its recommendation has been approved by the Commission. Pursuant to the Staff's fourth extension request, and the order approving that request, the Staff's recommendation is due today, March 29, 2006 (unless noted otherwise, all dates hereafter refer to the year 2006).

### **SUPPORT FOR MOTION**

6. In its fourth request for extension of time to file its recommendation, the Staff included the two following paragraphs.

3. As a result of Staff's continued participation in this case, it has assisted the applicant, Lake Region Water & Sewer Company, in the preparation of a document that would modify, by agreement of the parties, two existing contracts between the applicant and the developers. However, the developers have not yet concluded their discussions and have not signed the modification agreement. The Staff requires that this modification agreement be completed before the Staff submits its ultimate recommendation in this case.

4. Staff counsel has discussed this extension request with counsel for applicant. As a result of this discussion, Staff counsel agreed to file this request with the understanding that an additional thirty days should provide sufficient time for applicant and developers to conclude their modification agreement and submit it to Staff. Accordingly, Staff requests that the Commission grant it an extension to March 29, 2006, to file its recommendation in this case.

7. Regarding the "modification agreement" referenced in the Staff's fourth request for extension of time to file its recommendation (see the paragraphs from that request set out above), the Staff notes that, on February 24, Martin Hummel of the Water & Sewer Department provided counsel for LRWS comments regarding a proposed "Modification to Agreements" via an e-mail message. In that message, Mr. Hummel noted that the proposed agreement would substantially resolve the Staff's concerns about the original developer contracts. However, Mr. Hummel also noted that the parties must at least agree to the modifications in that document, and that the Staff needed to be assured that the modification agreement had been signed in order for the Staff to proceed with preparing a positive recommendation regarding the subject applications. Additionally, Mr. Hummel also suggested that the signed modification agreement should be filed in this consolidated case as a supplement to the subject applications.

8. It is the Staff's understanding that counsel for LRWS sent the proposed modification agreement to the involved developers subsequent to receiving the above-referenced e-mail message from Mr. Hummel. However, the Staff has not been provided any additional information regarding this matter since February 24 and understands that the proposed modification agreement has not yet been signed by the involved developers. Further, the Staff notes that the proposed modification agreement has not been filed in this consolidated case.

9. Based on the above, the Staff believes it would be appropriate for the Commission to issue an order directing LRWS to show cause why the applications that are the subject of this consolidated case should not be dismissed. The Staff does note, however, that the dismissal of the subject applications, if done, should be done without prejudice so that LRWS may submit new applications when the information needed for the Staff to file a recommendation, as discussed herein, is available.

**WHEREFORE**, for the reasons discussed above, the Staff respectfully requests that the Commission grant the Staff's motion for a show cause order, as described in Paragraph 9 above, and relieve the Staff of the responsibility of filing a recommendation at this time.

Respectfully Submitted,

**/s/ Robert S. Berlin**

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of this Motion have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel and/or parties of record this 29th day of March 2006.

**/s/ Robert S. Berlin**