

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

In the matter of the application of)
Dale Whiteside and)
Whiteside Hidden Acres, L.L.C. for a)
Certificate of convenience and) Case No. _____
necessity authorizing it to own, operate.)
control, manage, improve, and maintain a)
water and sewer system for the public,)
located in an incorporated area of)
Hickory County, Missouri.)

FILED

JAN 13 2009

APPLICATION

Missouri Public
Service Commission

COMES NOW Dale Whiteside and Whiteside Hidden Acres, L.L.C., pursuant to Section 393.170 R.S.Mo., 4 CSR 240-2.060, 4 CSR 240-3.305, and 4 CSR 240-3.600 and, for its application for a certificate of convenience and necessity authorizing it to own, operate, control, manage, improve, and maintain a water and sewer system for the public in an incorporated area of Hickory County, Missouri, states to the Missouri Public Service Commission (hereinafter "Commission") as follows:

1. Applicant is a Missouri limited liability company duly organized and existing under the laws of the State of Missouri, with its principal office and place of business located at HC 77 Box 754, Pittsburg, Missouri 65724. It can be contacted as follows: contact person Dale Whiteside; telephone 417-852-4201; fax 417-852-4831. A Certificate of Organization is attached to and incorporated into this Application (Exhibit A). Applicant will provide a Certificate of Good Standing for said limited liability company upon receipt of the same.

2. Correspondence, communication, orders and decisions regarding this matter should be addressed to:

Lisa C. Henderson, #36621
303 South Maple
Post Office Box 1141
Buffalo, Missouri 65622
Telephone: (417) 345-6713
Facsimile: (417) 345-6718
Email: hendersonatlaw@yahoo.com

3. By this Application, Applicant seeks a certificate of public convenience and necessity authorizing it to own, operate, control, manage, improve, and maintain a water and sewer system for the public in an incorporated area of Hickory County, Missouri, as set forth on the map attached to and incorporated into this Application (Exhibit B) and as legally described by metes and bounds description attached to and incorporated into this Application (Exhibit C).

4. There currently are approximately forty-one (41) persons residing full time in the proposed service area and approximately one-hundred sixty (160) recreational persons occasionally staying within the proposed service area. The names and addresses of no fewer than ten persons residing in the proposed service area are stated on the list attached to and incorporated into this Application (Exhibit D).

5. Applicant and its predecessors in interest have owned and operated the existing water and sewer systems on an unregulated basis since January, 2003. It has provided service to Cedar Haven Subdivision, Holly Court Subdivision, and Sportsman Retreat Subdivision. It now seeks to convert to a public utility system serving each individual homeowner. There are currently no single family homes served by the water and sewer systems. There are also one-hundred sixty (160) chalets served by water and sewer, and another forty-one (41) residences served by water alone and using individual septic systems. Chalets can only be used for recreational purposes and cannot be used as a residence. Continued growth in the area is anticipated, which will necessitate improvements to the water and sewer systems.

6. A feasibility study containing a description of the company, the existing water and sewer systems, plans and specifications for anticipated improvements to the systems and estimated cost of construction during the first three (3) years; plans for financing; proposed rates and charges and an estimate of the number of customers, revenues and expenses during the first three (3) years of operation, will be submitted as a supplement to this Application.

7. The Applicant has or will obtain all relevant permit approvals with the Department of Natural Resources.

8. A public need exists for continued adequate water and sewer service within the proposed area of operation and the public convenience and necessity will be promoted by the granting of the authority requested herein.

9. No annual report or assessment fees are overdue at the time of the submission of the Application.

10. Applicant does not have any pending actions or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates, which actions, judgments or decisions have occurred within three (3) years of the date of the filing of this Application.

11. The verification required by Commission Rule 4 CSR 240-2.060(1) is attached to and incorporated into this Application (Exhibit E).

12. Applicant will develop and submit formal tariffs for approval by the Commission.

WHEREFORE, Applicant respectfully requests that the Commission issue its order:

(a) Granting Applicant a certificate of convenience and necessity authorizing it to own, operate, control, manage, improve, and maintain a water and sewer utility system for the public in an incorporated area in Hickory County, Missouri, as more particularly described in Exhibit B and Exhibit C; and

(b) Granting such other and further relief as the Commission deems appropriate in the premises.

Respectfully submitted.

A handwritten signature in cursive script, reading "Lisa C. Henderson", followed by a horizontal line.

Lisa C. Henderson. #36621

303 South Maple

Post Office Box 1141

Buffalo, Missouri 65622

Phone: (417) 345-6713

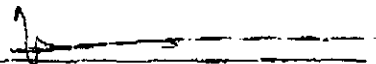
Fax: (417) 345-6718

hendersonatlaw@yahoo.com

Attorney for Dale Whiteside and
Whiteside Hidden Acres


VERIFICATION

Dale Whiteside, Individually, and as Member and Chief Operating Officer of Whiteside Hidden Acres, L.L.C., being first duly sworn upon his oath; states that he has read the foregoing, and swears that the facts contained therein are true and correct according to their best knowledge and belief.

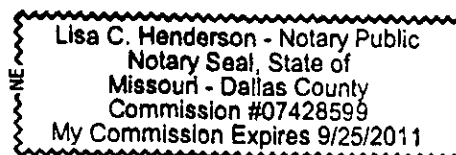

Dale Whiteside

STATE OF MISSOURI)
) SS
COUNTY OF DALLAS)

Subscribed and sworn to before me, this 12th day of January, 2009.


Notary Public

My Commission expires: 9/25/2011



CERTIFICATE OF SERVICE

A true and correct copy of the foregoing was served upon the parties identified on the attached service list on this 13th day of January, 2009, by email and/or by placing same in the U.S. Mail, postage paid.



Lisa L. Henderson

Colleen Dale
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102

General Counsel
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102
gencounsel@psc.mo.gov

Office of Public Counsel
Post Office Box 2230
Jefferson City, Missouri 65102
opcservice@ded.mo.gov

State of Missouri

GOPIV



Matt Blunt
Secretary of State

CERTIFICATE OF ORGANIZATION

WHEREAS,

WHITESIDE HIDDEN ACRES, LLC
LC0523452

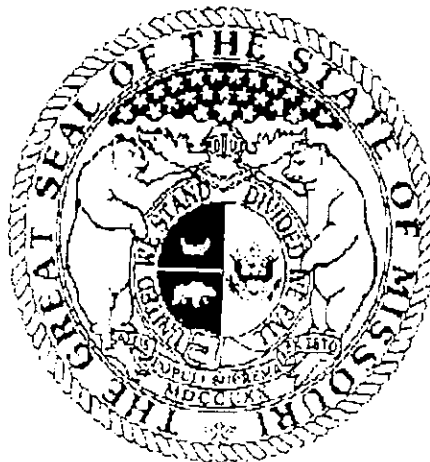
filed its Articles of Organization with this office on the 10th day of June, 2003, and that filing was found to conform to the Missouri Limited Liability Company Act.

NOW, THEREFORE, I, MATT BLUNT, Secretary of State of the State of Missouri, do by virtue of the authority vested in me by law, do certify and declare that on the 10th day of June, 2003, the above entity is a Limited Liability Company, organized in this state and entitled to any rights granted to Limited Liability Companies.

IN TESTIMONY WHEREOF, I have set
my hand and imprinted the GREAT SEAL
of the State of Missouri, on this, the 10th
day of June, 2003.

Matt Blunt

Secretary of State

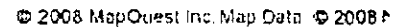


MAPQUEST.

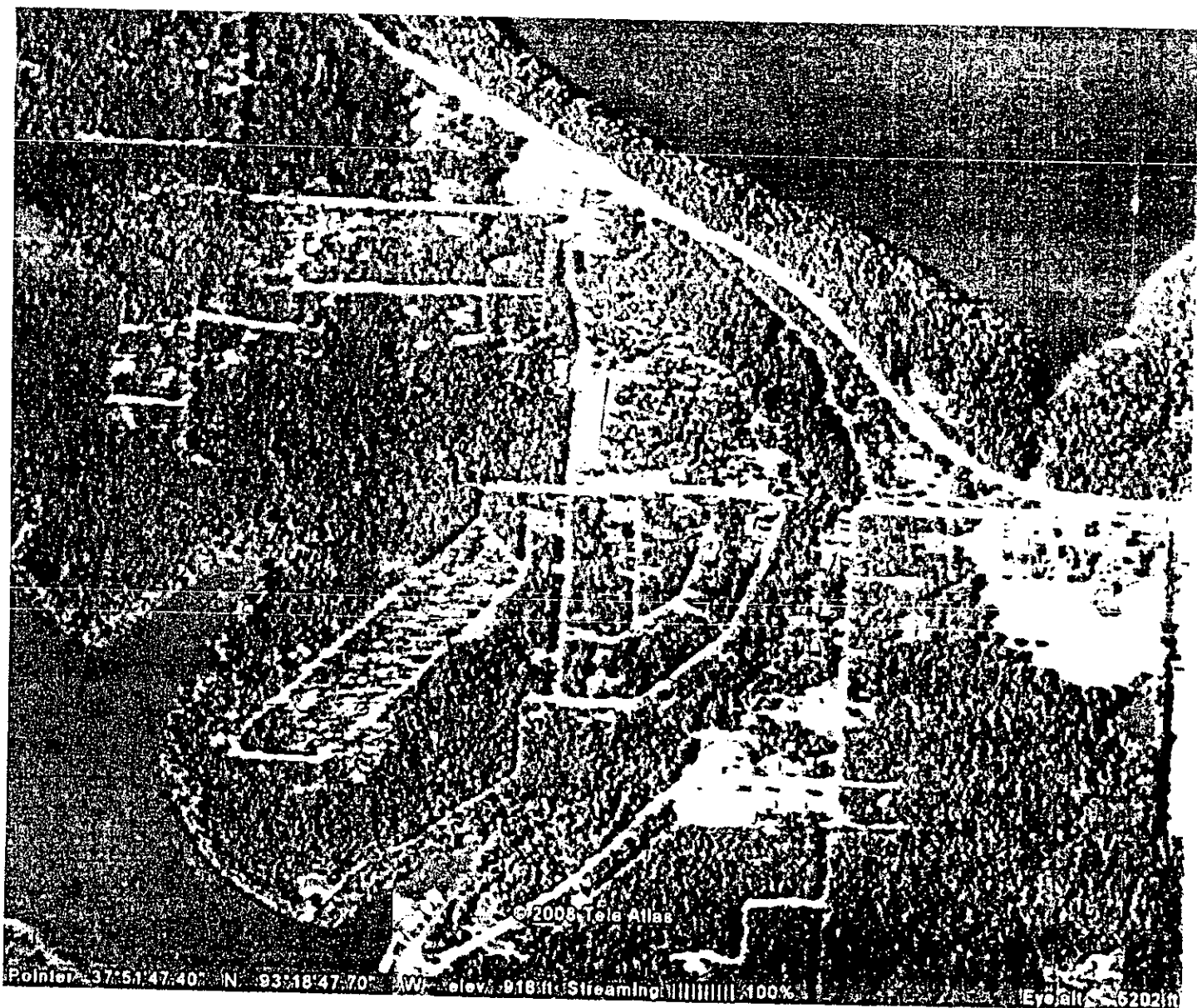
Exhibit

B

Free Consultation 24/7
Save House From
Foreclosure
Honesty Principle Character
www.AmorMoneyHealth.com



<http://www.mapquest.com/maps?city=Pittsburg&state=MO&country=US&latitude=37.8...> 12/11/2008



STATE OF MISSOURI)

County of Hickory) ss.

IN THE RECORDER'S OFFICE

I, Recorder of said County, do hereby certify that the within instrument of writing was, at 3 o'clock 17 minutes
P. M. on the 26th day of February, AD 2003, duly filed for record in this office, and has been recorded in
Book 396, Page 106.

IN WITNESS WHEREOF, I have hereunto set my hand
And affixed by official seal at Hermitage Missouri,
on the day and year aforesaid.

Cecilia Smith
By Victoria Freddie Deputy

WARRANTY DEED

THIS DEED, made this 26th day of February, AD, 2003, Two Thousand and Three, by and between **Barbara A. (Evans) Robertson and Larry L. Robertson, her husband**, Party or parties of the first part (GRANTOR), And **Dale Whiteside, Jr. and Shelly Whiteside, husband and wife**, Party or parties of the second part (GRANTEE);

Address: **HC 77, Box 727 Pittsburg, MO 65724**

WITNESSETH, That the said party or parties of the First part, for and in consideration of the sum of Ten dollars and other valuable considerations paid by the said party or parties of the Second part, the receipt of which is hereby acknowledged, does or do by these present Grant, Bargain and Sell, Convey and Confirm, unto the said party or parties of the Second part, the following described real estate situated in the County of Hickory, in the State of Missouri to-wit:

(Mini-golf & Campground)

Also, a part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, Township 36 North of Range 22 West, described as follows: Beginning at the Southwest corner of said SW $\frac{1}{4}$ SW $\frac{1}{4}$, thence North to the Northwest corner of said SW $\frac{1}{4}$ SW $\frac{1}{4}$; thence in a Southeasterly direction to the Southeast corner of said SW $\frac{1}{4}$ SW $\frac{1}{4}$; thence West to the point of beginning, (Less and except all that part of said tract lying West of the existing public which is described in Deed Record 156, page 91 of the Deed Records of Hickory County, Missouri and subject to existing public road off the South 40 feet of said tract in Hickory County, Missouri, described in said Deed Record 156 at page 91. Subject to existing public perpetual flowage easement granted the United States of America over all that part thereof lying below elevation 879 (m.s.l.) and restrictive covenants thereto as shown in Book 112, page 572A of the Deed Records of Hickory County, Missouri.

(Campgrounds)

Commencing at the Northeast Corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, Township 36 North, of Range 22 West, thence S. $2^{\circ}36'$ W. 336.6 feet to the point of beginning; thence S. $48^{\circ}05'$ W. 451.3 feet, thence S. $87^{\circ}06'$ E. 321.82 feet to the East line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$, thence N. $2^{\circ}36'$ E. 318.2 feet to the point of beginning. (also known as lots 27,28 and 29 Block 1 Cedar Haven [an un-recorded] Subdivision).

(Lots 2-13 and 17-28 in Block 2 of Cedar Haven [un-recorded] subdivision).

Commencing at the Northeast corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, Township 36 North of Range 22 West, thence S. $2^{\circ}36'$ W. 336.6 feet to the point of beginning; thence S. $48^{\circ}05'$ W. 451.3 feet, thence

N. 87°06' W. 12.4 feet, thence S. 29°23' W. 27.3 feet, thence S. 48°05' W. 654.1 feet, thence N. 41°55' W. 316 feet, thence N. 48°05' E. 1140 feet, thence S. 41°55' E. 315 feet to the point of beginning.

Commencing at the Northeast corner of the NE ¼ NE ¼ of Section 23, Township 36 North, of Range 22 West, thence S. 2°36' W. 336.6 feet thence S. 48°05' W. 1140 feet to the point of beginning of the tract herein described; thence N. 41°55' W. 158 feet, thence S. 48°05' W. 180.8 feet, thence S. 87°21' E. 225.1 feet, thence N. 48°05' E. 20.4 feet to the point of beginning. (Subject to existing easements for road, for pole lines, for waterlines, and subject to existing easement (Perpetual Flowage Easement) granted the united States of America over all that part of the above lands lying below elevation 879 (m.s.l.) and restrictive covenants thereto.) (Also know as Lot 16 in Block 2 of Cedar Haven, an unrecorded Subdivision in Hickory County, Missouri.)

Also, a permanent and assignable easement for road over the South 40 feet of the East 335.81 feet of the SE ¼ SE ¼ of Section 14, and over the South 40 feet of the West 120 feet of the SW ¼ SW ¼ of Section 13, all in Township 36, Range 22.

AND,

Lot 6 in Block 5 of Holly Court Subdivision, as shown by recorded plat in Plat Book 114, page 206 of the Deed Records of Hickory County, Missouri. Subject to existing easements and restrictions of record.

TO HAVE AND TO HOLD the same together with all rights, immunities, privileges and appurtenances to the same belonging unto the said party or parties of the Second part, and to their heirs and assigns, forever; the said party or parties of the first part hereby covenanting that said premises are free and clear of any incumbrances and that said party or parties and their heirs, executors, and administrators of such party or parties of the second part, and to their heirs and assigns of such party or parties forever, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said party or parties of the First Part has or have hereunto set their hand or hands the day and year first above written


Barbara A. (Evans) Robertson

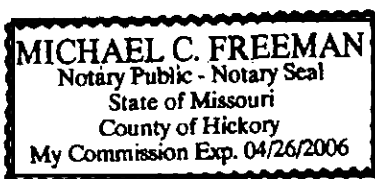

Larry L. Robertson

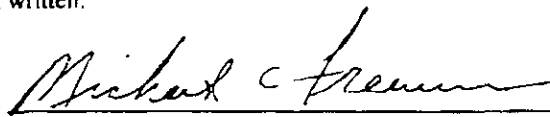
STATE OF MISSOURI)
COUNTY OF HICKORY) ss.

On this 26th day of February, 2003, before me personally appeared, **Barbara A. (Evans) Robertson and Larry L. Robertson, her husband**, to me known to be the person or persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and Affixed my seal at my office in Hermitage, Missouri, the day and year last written.

Term Expires: April 26, 2006




Michael C. Freeman Notary Public

MICROFILM R 396 PR 106

STATE OF MISSOURI)

County of Hickory) ss.

IN THE RECORDER'S OFFICE

I, Recorder of said County, do hereby certify that the within instrument of writing was, at 2 o'clock 43 minutes

P. M. on the 26 day of February, AD 2003, duly filed for record in this office, and has been recorded in Book 396, Page 104.

IN WITNESS WHEREOF, I have hereunto set my hand
And affixed by official seal at Hermitage, Missouri,
on the day and year aforesaid.

Cecilia Smith
By Victoria Freddie Deputy

WARRANTY DEED

THIS DEED, made this 26th day of February, AD, 2003, Two Thousand and Three, by and between **Barbara A. (Evans) Robertson and Larry L. Robertson, her husband**, Party or parties of the first part (GRANTOR), And **Dale Whiteside, Jr. and Shelly Whiteside, husband and wife**, Party or parties of the second part (GRANTEE);

Address: **HC 77, Box 727 Pittsburg, MO 65724**

WITNESSETH, That the said party or parties of the First part, for and in consideration of the sum of Ten dollars and other valuable considerations paid by the said party or parties of the Second part, the receipt of which is hereby acknowledged, does or do by these present Grant, Bargain and Sell, Convey and Confirm, unto the said party or parties of the Second part, the following described real estate situated in the County of Hickory, in the State of Missouri to-wit:

Lot 12, Block 1 of Cedar Haven [an un-recorded] Subdivision, more fully described as follows:

Commencing at the Northeast corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, Township 36 North, Range 22 West, thence N 86°59' W a distance of 335.81 feet; thence S 48°05' W a distance of 1010 feet to the point of beginning of the tract herein described; thence S 41°55' E a distance of 158 feet; thence S 48°05' W a distance of 95 feet; thence N 41°55' W a distance of 158 feet; thence N 48°05' E a distance of 95 feet to the point of beginning, situate in Hickory County, Missouri and subject to all easements and restrictions of record.

TO HAVE AND TO HOLD the same together with all rights, immunities, privileges and appurtenances to the same belonging unto the said party or parties of the Second part, and to their heirs and assigns, forever; the said party or parties of the first part hereby covenanting that said premises are free and clear of any incumbrances and that said party or parties and their heirs, executors, and administrators of such party or parties of the second part, and to their heirs and assigns of such party or parties forever, against the lawful claims of all persons whomsoever.

MICROFILM R 396 PR 104

IN WITNESS WHEREOF, the said party or parties of the First Part has or have hereunto set their hand or hands the day and year first above written

Barbara A. (Evans) Robertson

Barbara A. (Evans) Robertson

Larry L. Robertson

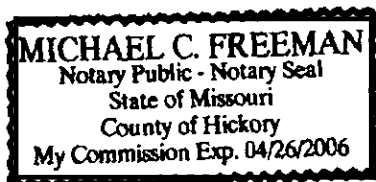
Larry L. Robertson

STATE OF MISSOURI)
COUNTY OF HICKORY) ss.

On this 26th day of February, 2003, before me personally appeared, **Barbara A. (Evans) Robertson and Larry L. Robertson, her husband**, to me known to be the person or persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and Affixed my seal at my office in Hermitage, Missouri, the day and year Last Written.

Term Expires: *April 26, 2006*



Michael C. Freeman

Notary Public

Resident #4

Exhibit

D

Skip Roberts
Hc 77 Box 931 a
Pittsburg Mo 65724

CEDAR HAVEN SUBDIVISION

EARL REINGER
HC 77 BOX 931 FULL TIME
PITTSBURG MO 65724

CLARANCE JONES
HC 77 BOX 929
PITTSBURG MO 65724

C C WALKER
HC 77 BOX 928
PITTSBURG MO 65724

GERALD RHINEHART
28804 E. PINK HILL RD
GRAIN VALLEY MO

BOB KURCHARSKI
HC 77 BOX 923
PITTSBURG MO 65724

FRANK HERROD
11422 CLOUD RD
RICHMOND MO 64085

LAWRENCE JONES .
HC 77 BOX 929
PITTSBURG MO 65724

TOBY HERMAN
709 CHERRY ST
WEASTON MO 64098
[REDACTED]

HOLLY COURT SUBDIVISION

ELVIS FOX
HC 77 BOX 961
PITTSBURG MO 65724
[REDACTED]

RICK THOMAS
HC 77 BOX 963
PITTSBURG MO 65724
[REDACTED]

JODY SMITHERS
HC 77 BOX 963 AA
PITTSBURG MO 65724

JOSEPH NIOSCATO
[REDACTED]
[REDACTED]

RT 2 BOX 2365
WHEATLAND MO 65779

JERRY BROOKS
1603 BIRCHLANE
REPUBLIC MO 65734
[REDACTED]

LEROY WILLIAMS

HC 77 BOX 946

PITTSBURG MO [REDACTED]
[REDACTED]

HOLLY COURT SUBDIVISION

NEAL BARETTA

PO BOX 87

PITTSBURG MO 65724 [REDACTED]
[REDACTED]

RON MATTSON

HC 77 BOX 945

PITTSBURG MO 65724 [REDACTED]

TOM BAMERT

HC TT BOX 942 [REDACTED]

PITTSBURG MO 65724.

DANNY [REDACTED]
[REDACTED]

ROBERT NORMAN

12602 E BETH LEE DR.

PECULAIR MO 64073

DALE ALLMEROTH

888 WOODLAND HILLS

ROBERTSVILLE MO 63072
[REDACTED]

DANNY DANCE

5725 NW HUTSON RD

KANSAS CITY MO 64151
[REDACTED]

BILL STUBBS

2515 ESPENLAUB LANE

KANSAS CITY MO 66106
[REDACTED]
[REDACTED]

LLOYD CHAPLIN
HC 77 BOX 916 B
PITTSBURG MO 65724

SPORTSMAN RETREAT
SUBDIVISION

JOHN ROBERTS
PO BOX 147
PITTSBURG MO 65724

KEN IKENBERRY
HC 77 BOX 918
PITTSBURG MO 65724

BOB COLE
PO BOX 27
PITTSBURG MO 65724

MICHAEL MALLAND
6943 N ATKINS AVE
KANSAS CITY MO 64152

KIRK SILNE
630 BLUEBERRY LN
ST CLAIRE MO 63077

JOHN ENNIS
138 RAINBOW DR.
SEDALIA MO 65301

LINDA ROSE
RT; 1 BOX 386
FAIR GROVE MO 65648

BRIAN BUCHANAN

DEBRA FILKINS
HC 77 BOX 905
PITTSBURG MO

SPORTSMAN RETREAT SUBDIVISION

JUDY FRANK
HC 77 BOX 912

PITTSBURG MO 65724

DON VAN DALY
HC 77 BOX 911
PITTSBURG MO 65724

CHERYL WELS HARROLD
HC 77 BOX 913
PITTSBURG MO 65724

BILL BRUNO
HC 77 BOX 909
PITTSBURG MO 65724

CHARLES DUFF
HJC 77 BOXC 900
PITTSBURG MO 65724

LARRY KAISER
BOX 904 B
PITTSBURG MO 65724

BRYCE FISK
HC 77 BOX 915
PITTSBURG MO 65724

JOSHUA DOWILL
5653 GILDEHAUS RD
VILLA RIDGE MO 63089

JEROME KELLEY
HC 77 BOX 916 A
PITTSBURG MO 65724

TROY FRAZIER [REDACTED]
HC 77 BOX 901
PITTSBURG MO 65724

SPORTSMAN
RETREAT
SUBDIVISION

HAZEL JONES
HC 77 BOX 907
PITTSBURG MO 65724

CARLA BARKER [REDACTED]
HC 77 BOX 906 C
PITTSBURG MO 65724 ? [REDACTED]

DAN THOMAS [REDACTED]
HC 77 BOX 907 B
PITTSBURG MO 65724 [REDACTED]

ERIC TURNER [REDACTED]
[REDACTED]

BOB COBB
[REDACTED]