

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Bilyeu Water Co.,)
LLC for a Certificate of Convenience and Necessity)
Authorizing It to Construct, Install, Operate and) **Case No. WA-2007-0270**
Maintain a Water System and to Supply and Render)
Water Service to the Public Located in and Around an)
Unincorporated Area in Christian County, Missouri)

ORDER DIRECTING NOTICE AND SETTING DATE FOR SUBMISSION
OF INTERVENTION REQUESTS

Issue Date: January 18, 2007

Effective Date: January 18, 2007

On January 17, 2007, Bilyeu Water Company, LLC (“Bilyeu”) filed an application with the Missouri Public Service Commission, pursuant to Section 393.170, RSMo 2000, requesting that the Commission grant it authority “to build, construct, operate and maintain a water system and all other facilities, including the acquisition of easements, rights of way, land, etc., necessary for the purpose of furnishing water services to the public” in and around an unincorporated area in Christian County, Missouri. Specifically, the water service is to be provided to Bilyeu Ridge Hills, a subdivision south of Nixa, Missouri, that is now being developed.

In compliance with Commission Rule 4 CSR 240-3.600, Bilyeu has provided a full legal description of its proposed water district, plat maps, a tariff feasibility study, and the names and addresses of all the residents and property owners of the proposed service area. Bilyeu also asserts that there are no municipal, public utilities or other government entities operating or rendering service within its proposed service area.

The Commission finds that notice of this application should be given to the general public and interested parties and a date for intervention of proper parties should be set. The Commission's Data Center shall mail a copy of this notice to the County Commission of Christian County, and to the Department of Natural Resources of the State of Missouri. In addition, the Commission's public information officer shall make notice of this order available to the media serving Christian County and to the members of the General Assembly representing Christian County.

The requirement of a hearing has been fulfilled when all those having a desire to be heard are offered an opportunity to be heard. If no proper party or governmental entity is granted intervention and neither the Commission's Staff nor the Office of the Public Counsel requests a hearing, the Commission may determine that a hearing is not necessary.¹

IT IS ORDERED THAT:

1. The Missouri Public Service Commission's Data Center is ordered to serve notice as described in the body of this order.
2. The Missouri Public Service Commission's information officer is ordered to serve notice as described in the body of this order.
3. Any proper person wishing to intervene in this matter shall file an application no later than February 6, 2007. Such applications shall be filed with:

Secretary
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

¹ *State ex rel. Deffenderfer v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo App. 1989).

with a copy served on:

Thomas J. Bilyeu, Managing Member
Bilyeu Water Co., LLC
382 Mint Lane
Ozark, Missouri 65721

and

David N. Appleby
Attorney at law
119 North Second Street
P.O. Box 158
Ozark, Missouri 65721

and

Office of the Public Counsel
P.O. Box 2230
Jefferson City, Missouri 65102

4. This order shall become effective on January 18, 2007.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Harold Stearley, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 18th day of January, 2007.