

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 16th day of November, 2006.

In the Matter of the Application of Big Island Water & Sewer Company for 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 Camden County, Missouri)
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) **Case No. WA-2006-0480, et al.**
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**ORDER DISMISSING THE DEPARTMENT OF NATURAL RESOURCES
AS A PARTY**

Issue Date: November 16, 2006

Effective Date: November 16, 2006

Big Island Water & Sewer Company, Inc., has filed an application seeking a certificate of convenience and necessity to operate a water and sewer system in a portion of Camden County, Missouri. On September 22, 2006, acting on its own motion, the Commission ordered that the Missouri Department of Natural Resources (DNR) be added as a party to this case. On October 20, DNR filed a motion asking to be dismissed as a party.

DNR's motion explains that it will not be filing testimony and that it does not anticipate taking a position on any issue that will be raised in this case. Under those circumstances, it does not believe that it is a proper party to these proceedings. DNR does indicate that it will make knowledgeable persons available to serve as witnesses if needed.

On October 26, 2006, five individual *pro se* intervenors¹ filed a pleading objecting to DNR's motion. The intervenors argue that DNR has had jurisdiction for nearly eight years over the water and sewer systems that Big Island Water & Sewer Company is proposing to operate. Therefore, they contend that DNR must have a position on the issues before the Commission and should be required to offer testimony concerning its experience with regard to those water and sewer systems.

The Commission added DNR as a party so that it would be informed of developments in this case, and so that it could offer its expertise to the Commission if it wished to do so. DNR indicates that it is willing to make knowledgeable witnesses available as needed. If any party wishes to offer testimony from a DNR witness, they may do so; but it is the responsibility of the party to make the necessary arrangements, including requests to subpoena witnesses, to obtain and present that testimony.

IT IS ORDERED THAT:

1. The Missouri Department of Natural Resources is dismissed as a party to this case.

¹ The five named intervenors are Stan Temares, Cindy Fortney, Cathy J. Orlor, Benjamin D. Pugh, and Eugene Prather.

2. This order shall become effective on November 16, 2006.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written in a cursive style.

Colleen M. Dale
Secretary

(S E A L)

Davis, Chm., Murray, Gaw, Clayton and Appling, CC., concur

Woodruff, Deputy Chief Regulatory Law Judge