

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

In the Matter of the Application of Portico Properties, LLC,. for a Certificate of Convenience and Necessity to Provide Water Service.	) ) )	<b><u>Case No. WA-2008-0400</u></b>
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**ORDER DIRECTING NOTICE AND SETTING DATE FOR SUBMISSION**  
**OF INTERVENTION REQUESTS, AND NOTICE OF DEFICIENCY**

Issue Date: July 8, 2008

Effective Date: July 8, 2008

On June 18, 2008, Portico Properties, LLC, filed an application with the Missouri Public Service Commission requesting authority to provide water service to an area in or near Warrensburg, Missouri. On July 3, 2008, Portico filed a supplement to its application which contained a legal description of the area to be served. Portico states that water service to the area is currently provided by Missouri-American Water Company.

The Commission finds that notice of this application should be given to the general public and interested parties and that 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 Johnson County, to the Department of Natural Resources of the State of Missouri, to the potential customers listed in the application, and to Missouri-American Water Company. In addition, the Commission's public information officer shall make notice of this order available to the media serving Johnson County and to the members of the General Assembly representing Johnson 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.

Pursuant to Commission rule 4 CSR 240-2.060(1)(A), an application for a certificate to provide water service must include the applicant's electronic mail address, facsimile number, and telephone number, if any. In addition, 4 CSR 240-3.600(1) requires that an applicant for a certificate of convenience and necessity provide a plat map showing the area to be served, a feasibility study regarding how the service is proposed to be offered, evidence of approval of local government entities or a statement that none is necessary, and facts proving the convenience and necessity for the certificate.

Although the rules state that if any of this information is not available it shall be provided before the certificate is granted, the Commission cannot process the application without knowing the facts that make the service necessary or convenient, a feasibility study for how the service will be provided, and who may be affected by the application. Therefore, the Commission shall direct Portico to further supplement its application within 60 days.

The Commission shall also direct any responses to the application and a recommendation from the Staff of the Missouri Public Service Commission to be filed.

**IT IS ORDERED THAT:**

1. The Missouri Public Service Commission's Data Center is ordered to serve notice on the County Commission of Johnson County, the Missouri Department of Natural Resources, the Missouri-American Water Company, and the residents of the proposed area listed in the application.

2. The Missouri Public Service Commission's information officer is ordered to serve notice on the media serving Johnson County and the members of the General Assembly representing Johnson County.

3. Any proper person wishing to intervene shall file an application to do so no later than August 7, 2008. Such applications shall be filed with:

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

with a copy served on:

Gregory M. Mealy  
RILEY & DUNLAP, P.C.  
13 East Fifth Street  
Fulton, Missouri 65251  
ATTORNEY FOR PORTICO PROPERTIES, LLC

and:

Office of the Public Counsel  
Post Office Box 2230  
Jefferson City, Missouri 65102

4. Portico Properties, LLC, shall supplement its application no later than September 5, 2008.

5. The Staff of the Missouri Public Service Commission shall file its recommendation or a status report indicating when it expects to file a recommendation no later than September 15, 2008.

6. Any other responses to the application shall be filed no later than September 15, 2008.

7. This order shall become effective on July 8, 2008.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

( S E A L )

Nancy Dippell, Deputy Chief Regulatory  
Law Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 8th day of July, 2008.