

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 20th day
of November, 2008.

In the Matter of the Application of Portico Properties,
LLC,. for a Certificate of Convenience and Necessity
to Provide Water Service.

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Case No. WA-2008-0400

ORDER DISMISSING APPLICATION FOR FAILURE TO PROSECUTE

Issue Date: November 20, 2008

Effective Date: November 30, 2008

Portico Properties, LLC, applied to the Missouri Public Service Commission on June 18, 2008, for authority to provide water service to an area in or near Warrensburg, Missouri. On July 8, 2008, the Commission issued an order giving notice of the application. In addition, the order noted deficiencies in Portico Properties' filing which must be corrected before the application could be processed, and ordered the Company to supplement its application no later than September 5, 2008.

On September 5, 2008, Portico Properties requested an extension of time to determine whether it should withdraw its application or proceed by curing the application's deficiencies. The Commission granted Portico Properties an extension of time, until October 3, 2008, to supplement its application. Portico Properties did not respond and did not supplement its application. On October 17, 2008, the Commission directed Portico Properties to show cause, no later than November 6, 2008, why its application should not be dismissed. Portico Properties did not respond.

Portico Properties has been on notice since the Commission's July 8, 2008 order that its application is deficient. The Commission granted Portico Properties an extension of time to cure the deficiencies, and offered the Company a further opportunity to respond via the order to show cause. The Company has neither supplemented its application nor responded to the order to show cause. The Commission therefore finds good cause, pursuant to 4 CSR 240-2.116(4), to dismiss this application for failure to prosecute.

THE COMMISSION ORDERS THAT:

1. Portico Properties, LLC's application for a certificate of service authority to provide water service is dismissed without prejudice for lack of prosecution.
2. This order shall become effective on November 30, 2008.
3. This case may close on December 1, 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)

Davis, Chm., Murray, Clayton,
Jarrett, and Gunn, CC., concur.

Dippell, Deputy Chief Regulatory Law Judge