

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

In the Matter of the Transfer of Assets of                    )  
Swiss Villa Utilities, Inc. to the Black Oak                )  
Mountain Resort Property Owners Association                )

**Case No. WO-2007-0410**

**STATUS REPORT**

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through counsel, as directed by the Missouri Public Service Commission’s *Order Directing Staff to File Monthly Status Reports*, and submits the following report:

1. This report covers the period of March 31, 2009 to April 30, 2009 and serves as the “monthly status report” for that period. Staff will continue to file these reports on or around the last working day of each month unless directed to do otherwise.
2. On April 10, 2009, Staff received from John View, the organizer of the proposed utility entity, a set of documents representing the Articles of Incorporation and the By-Laws of the Black Oak Mountain Water Company and the Black Oak Mountain Sewer Company.
3. These documents were composed by James Jeffries, the attorney retained by Mr. View, and represent an election to incorporate the entities under the provisions of Chapter 393 outlining the incorporation of nonprofit water companies and nonprofit sewer companies.
4. Since the receipt of the aforementioned documents Staff has conducted a review of the material and presented its initial recommendations to James Jeffries, who has indicated his intention to produce a final version of the documents by Friday, May 8.
5. Once finalized, these documents are subject to the ratification and consent of the Board of Directors of each proposed entity. Although the members of the Board of Directors meet

infrequently throughout the year, Staff is optimistic that the members will have the opportunity to during meet and vote upon the incorporation during the upcoming Memorial Day Weekend, May 23-25. Upon ratification and incorporation, Staff is prepared to proceed with the transfer of assets to the respective corporations.

6. For the Commission's information, during the period covered by this report, Staff was made aware that Swiss Villa, the entity from which the system is attempting to be transferred, received a "Letter of Warning" from the Missouri Department of Natural Resources (DNR) related to the level of Phosphorus contained in a recent system sample. Staff, DNR, and the John View are currently coordinating a meeting to address DNR's concerns.

**WHEREFORE**, Staff submits this *Status Report* for the Commission's information.

Respectfully submitted,

/s/ Eric Dearmont

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## **CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed with first-class postage, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 30<sup>th</sup> day of April, 2009.

/s/ Eric Dearmont