

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

In the Matter of the Application of the)	
Branson Cedars Resort Utility)	
Company LLC, for a Certificate of)	
Convenience and Necessity Authorizing)	<u>File Nos. WA-2015-0049</u>
it to Own, Operate, Maintain, Control and)	<u>SA-2015-0107</u>
Manage Water and Sewer Systems in)	
Taney Co. MO)	

**MOTION FOR CONSOLIDATION AND EXTENSION OF TIME
TO FILE STAFF RECOMMENDATION**

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, and hereby moves the Commission for an Order consolidating Case No. SA-2015-0107 into Case No. WA-2015-0049 and an Extension of Time to file its Staff Recommendation in Case No. WA-2015-0049 to February 2, 2015. For its motion to consolidate and motion for an extension of time, Staff respectfully states as follows to the Missouri Public Service Commission (Commission):

BACKGROUND

1. On August 15, 2014 the applicant filed an application for a certificate of convenience and necessity to operate a water utility in Case No. WA-2015-0049. Subsequently, the Commission directed the applicant to file an amended application to include a licensed attorney to represent the limited liability company. The amended application was submitted on August 21, 2014. On August 22, 2014, the Commission issued its Order Directing Notice and Setting Date for Submission of Intervention Requests. The intervention deadline has passed, and to date no applications to intervene have been filed in the case. On October 29, 2014, Applicant filed its "First-Amended Application" with the Commission, correcting the entity name to list the name of the LLC

which will actually operate the water utility and therefore hold the certificate of convenience and necessity.

2. By Order dated September 16, 2014 the Commission directed Staff to file a recommendation in Case No. WA-2015-0049 by October 14, 2014. Staff requested its first extension of time to file its recommendation to November 14, 2014, in anticipation and expectation that the Applicant would be filing a parallel application for a certificate of convenience and necessity to operate a sewer utility in the same location. That extension was granted by the Commission on September 30, 2014.

3. On October 29, 2014, the Company filed its application for sewer service in Case No. SA-2015-0107.

4. On November 3, 2014, the Commission, in its *Notice of Application and Order Directing Filing*, ordered Staff to file its recommendation as to the sewer application no later than February 2, 2015.

5. Staff is asking the Commission to issue an order consolidating Case No. SA-2015-0107 with Case No. WA-2015-0049. The Applicant filed the water utility application first and by communication and agreement with Staff, was to file within the same week, a sewer application. The sewer application was not filed for nearly two months after the water application due to some confusion by the Applicant as to which corporate entity would actually operate the regulated utilities, and therefore hold the certificate of convenience and necessity.

6. Staff is also asking the Commission to grant a second extension of time until February 2, 2015, in which to file Staff's recommendation in Case No. WA-2015-0049 to match the filing date for the Staff recommendation in Case No. SA-2015-0107.

7. Commission Rule 4 CSR 240-2.110(3) states that “[w]hen pending actions involve related questions of law or fact, the commission may order a joint hearing of any or all the matters at issue, and may make other orders concerning cases before it to avoid unnecessary costs or delay.” The Commission has previously stated that Commission Rule 4 CSR 240-2.110(3) allows the Commission to consolidate pending actions involving related questions of law or fact. See *In the Matter of Highway H Utilities, Inc.*, Order Consolidating Cases, Case No. WA-2009-0316, 2009 Mo. PSC LEXIS 431 (May 19, 2009).

8. The above-captioned cases concern operation and service issues related almost exclusively to one subdivision, due to a single event, where the Applicant will provide service under a common tariff. These applications therefore, involve related questions of law and fact.

9. Staff suggests that consolidation of the referenced cases would further judicial economy and avoid unnecessary costs or delay. For example, taking this step would allow the Commission Staff to prepare and file a single recommendation and memorandum, and for the Company to address the common issues in a comprehensive manner.

WHEREFORE, Staff respectfully requests that the Commission consolidate Case Nos. WA-2015-0049 and SA-2015-0107 with Case No. WA-2015-0049 being the lead matter, and, grant an extension of time until February 2, 2015, for Staff to file its recommendation in Case No. WA-2015-0049.

Respectfully submitted,

/s/ Cydney D. Mayfield

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served, either electronically or by First Class United States Mail, postage prepaid, on this 5th **day of November, 2014**, to the parties of record as set out on the official Service List maintained by the Data Center of the Missouri Public Service Commission for this case.

/s/ Cydney D. Mayfield