

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Certificates of)	
Convenience and Necessity of)	<u>Case No. SD-2006-0440</u>
Southwest Sewer Corporation and)	Tracking No. JS-2002-0080
Accompanying Tariff)	

ORDER GRANTING MOTION TO NULLIFY CERTIFICATES OF
CONVENIENCE AND NECESSITY AND CANCEL
ACCOMPANYING TARIFF

Issue Date: June 22, 2006

Effective Date: July 2, 2006

On May 22, 2006, the Staff of the Missouri Public Service Commission filed a Motion to Open Case and Cancel or Deem Null and Void Certificates of Convenience and Necessity and Cancel Accompanying Tariff. Staff requested that the Commission nullify Southwest Sewer Corporation's certificates of convenience and cancel its accompanying tariff.

In 1979 and 1980, the Commission granted certificates of convenience to Southwest to provide sewer service to several subdivisions in southwestern Missouri, specifically: Airport North, Airport South, and Airport West (Case No. SA-80-13); Twin Hills (Case No. SA-80-230); Lake County Manor (Case No. [SA]-81-36); and Roaring River Village (Case No. SA-81-236). The Commission also approved a tariff for Southwest Sewer Corporation, P.S.C. MO No. 1, which did not contain any rates or charges for customers.

Southwest never served any customers and on October 6, 1982, Southwest Sewer Corporation was dissolved. An affidavit from the former president of Southwest, which was attached to Staff's motion, indicates that the corporation has no sewer systems or customers, and that he does not object to the cancellation of the certificates. Staff adds that the cancellation of the certificates will not negatively impact residents located in any of the company's certificated service areas.

Staff notes that the Commission is not expressly authorized to cancel a sewer certificate. However, Staff cites prior Commission cases in which the Commission allowed regulated entities to discontinue operations in cases where cancellation was sought by the service provider and also where the service provider ceased to exist. Staff also notes Section 393.170.3, RSMo, which states, "[u]nless exercised within a period of two years from the grant thereof, authority conferred by such certificate of convenience and necessity issued by the commission shall be null and void."

The Commission has reviewed Staff's motion and attachments. The Commission finds that Southwest's certificates of Convenience and Necessity are null and void by operation of Section 393.170.3, RSMo, because Southwest did not exercise the authority thereby conferred within two years of their issuance. The Commission will also cancel Southwest's tariff.

IT IS ORDERED THAT:

1. The Motion to Open Case and Cancel or Deem Null and Void Certificates of Convenience and Necessity and Cancel Accompanying Tariff, filed

on May 22, 2006, by the Staff of the Missouri Public Service Commission, is granted.

2. The certificates of Convenience and Necessity granted to Southwest Sewer Corporation, in Case Number SA-80-13, are null and void.

3. The certificate of Convenience and Necessity granted to Southwest Sewer Corporation, in Case Number SA-80-230, is null and void.

4. The certificate of Convenience and Necessity granted to Southwest Sewer Corporation, in Case Number SA-81-36, is null and void.

5. The certificate of Convenience and Necessity granted to Southwest Sewer Corporation, in Case Number SA-81-236, is null and void.

6. Southwest Sewer Corporation's tariff, P.S.C. MO No. 1, is cancelled.

7. This order shall become effective on July 2, 2006.

8. This case may be closed on July 3, 2006.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', with a stylized, cursive script.

Colleen M. Dale
Secretary

(SEAL)

Colleen M. Dale, Chief Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri
on this 22nd day of June, 2006.