

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

In the matter of the Application of Emerald)
Pointe Utility Company for Permission,)
Approval and a Certificate of Convenience)
and Necessity Authorizing it to Construct,)
Install, Own, Operate, Control, Manage, and)
Maintain a Water and Sewer System for the)
Public as an Expansion of its Certificated)
Area in Taney County, Missouri)

Case No. WA-2005-0306

Case No. SA-2005-0307

Consolidated

Tariff File Nos. YW-2006-0378 - Water
YS-2006-0379 - Sewer

RECOMMENDATION FOR APPROVAL OF TARIFF SHEETS

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through Counsel, and for its Recommendation For Approval Of Tariff Sheets states the following to the Missouri Public Service Commission (Commission).

1. On May 5, 2005¹ the Commission issued its Order Granting Certificate of Public Convenience and Necessity (Order) in these consolidated cases, effective on May 15, in which it granted Emerald Pointe Utility Company (Company) an expanded certificated area in which the Company is authorized to provide water and sewer service. As a part of its Order, the Commission directed the Company to file revised tariff sheets consistent with the Order.

2. The Commission also directed, in an Order Directing Filing issued on November 14, that the Staff file a pleading by December 14 regarding whether the subject cases should remain open, or the cases closed and a new case be opened for the purpose of the tariff sheets. After the Company filed tariff sheets on November 16, the Commission further directed, in another Order Directing Filing issued on November 17 that the Staff submit a recommendation

¹ Unless otherwise indicated, dates herein refer to the year 2005.

regarding the tariff sheets by December 7. This pleading is intended to comply with both of these orders.

3. On November 16, the Company submitted one revised and two original tariff sheets for its water tariff, and one revised and two original tariff sheets for its sewer tariff, intended to be in compliance with the above-referenced Commission Order. The subject tariff sheets bear an issue date of November 16, and an effective date of December 16. Upon receipt of the tariff filing, the Commission's Data Center assigned Tariff File No. YW-2006-0378 to the Company's water tariff sheet filing and YS-2006-0379 to the Company's sewer tariff sheet filing.

4. On November 29 the Company submitted a substitute sheet for one sheet of the water tariff filing at the request of the Staff. This substitute sheet was necessary to correct a clerical error regarding the tariff sheet text preparation.

5. Prior to issuing the Order in these cases, the Commission had also granted the Company additional service area in Consolidated Case Nos. WA-2004-0581 and SA-2004-0582, which similarly required revised tariff sheets. However, in view of the fact that tariff filings in those cases and in the subject cases would involve the same tariff sheets, the Company requested, and the Staff concurred in a recommendation, that from a practical standpoint one tariff filing for each service, water and sewer, could be made that would comply with orders in both sets of certificate cases. The Commission then issued its Order Granting Leave to File Tariff in Another Case in these above-referenced cases on April 20. These tariff sheets thus properly reflect the service area additions that were granted in both sets of certificate cases.

6. The Staff has reviewed the Company's November 16 tariff filing, and the substitute sheet that the Company submitted on November 29, and is of the opinion that the subject tariff

sheets are in compliance with the Commission Order. Jim Merciel of the Commission's Water & Sewer Department performed the review of the subject tariff sheets on behalf of the Staff.

7. The Staff has also reviewed the status of the Company's assessment payments and annual report filings and notes that the Company has no delinquencies in regard to either of these matters. The assessment information reviewed covers fiscal year 1996 through the second quarter of fiscal year 2006, and the annual report information reviewed covers calendar years 1997 – 2004. Jim Merciel performed the review of these matters on behalf of the Staff. Additionally, the Staff notes that this tariff filing does not affect any other matter pending before the Commission with regard to the Company.

8. Upon Commission approval of the subject tariff sheets, no further action will be needed in these cases and these cases may thus be closed.

WHEREFORE, the Staff respectfully recommends that the Commission issue an order that: (a) approves the tariff sheets pending in Tariff File Nos. YW-2006-0378 (with one substitute sheet) and YS-2006-0379, to be effective as of December 16; and, (b) closes these cases.

Respectfully Submitted,

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/s/ Keith R. Krueger

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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 transmitted via e-mail to all counsel and/or parties of record this 1st day of December 2005.

/s/ Keith R. Krueger