

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 15<sup>th</sup> day of  
November, 2018.

In the Matter of the Joint Application of Ridge Creek )  
Water Company, LLC and Ridge Creek Development )  
Company, LLC for Authority to sell Certain Water )  
Assets to The City of St. Robert, Missouri, and )  
in Connection Therewith, Certain Other Related )  
Transactions )

**File No. WM-2019-0079**

**ORDER GRANTING APPLICATION**

Issue Date: November 15, 2018

Effective Date: November 25, 2018

On September 24, 2018, the Receiver for Ridge Creek Water Company, LLC (“RCWC”) and Ridge Creek Development Company, LLC (“RCDC”) (collectively “Applicants”), filed an application (“Application”) with the Commission. The Application seeks authority for the Receiver to sell its water system to the City of St. Robert (“St. Robert”).

The application also asked the Commission to waive the 60-day notice requirement under 4 CSR 240-4.017(1), if necessary. RCWC and RCDC explain that such waiver may not be necessary since matters of this type rarely become contested cases. However, Applicants assert that good cause exists in this case for granting such waiver because due to the nature of this particular transaction, it would serve no purpose to wait sixty days before filing the application. The Commission finds that good cause exists to waive the notice requirement, and a waiver of 4 CSR 240-4.020(2) will be granted.

Granting the application would allow St. Robert to provide water service to a service area with approximately 138 customers. Most of these customers have already been voluntarily annexed into St. Robert.

The Commission issued notice and set a deadline for intervention requests, but no persons requested to intervene in this proceeding. On November 1, 2018, the Commission's Staff filed its Recommendation and Memorandum to approve the transfer of assets, subject to certain conditions. Staff advises the Commission to issue an order to:

1. Approve the transfer of assets from RCWC to the City, as requested;
2. Require RCWC to notify the Commission of closing on the assets within five (5) days after such closing;
3. If closing on the water system assets does not take place within thirty (30) days following the effective date of the Commission's order approving such, require RCWC to submit a status report within five (5) days after this thirty (30) day period regarding the status of closing, and additional status reports within five (5) days after each additional thirty (30) day period, until closing takes place, or until either RCWC or the City determines that the transfer of the assets will not occur;
4. Authorize RCWS to cease providing water service immediately after closing with the City on the assets;
5. After receiving notice of closing, cancel the CCN authorizing RCWC to provide water service and cancel the current water tariff on file for RCWC; and,
6. If RCWC and/or the City determine that the transfer of RCWC's assets to the City will not occur, require RCWC to notify the Commission of such, along with an explanation regarding resolution of the Asset Purchase Agreement.

No party has objected to the Staff recommendation. Thus, the Commission will rule upon the unopposed application. No party has requested an evidentiary hearing, and no law requires one.<sup>1</sup> Therefore, this action is not a contested case,<sup>2</sup> and the Commission need not separately state its findings of fact.

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<sup>1</sup> *State ex rel. Rex Deffenderfer Ent., Inc. v. Public Serv. Comm'n*, 776 S.W.2d 494, 496 (Mo. App. 1989).

<sup>2</sup> Section 536.010(4), RSMo 2016.

The Commission may approve of a sale of a water company if that sale is not detrimental to the public interest.<sup>3</sup> Based on the verified pleadings, the Commission finds that granting the application for the sale of the water company would not be detrimental to the public interest.

**THE COMMISSION ORDERS THAT:**

1. Applicants' request for waiver of the notice requirement under Commission Rule 4 CSR 240-4.017(1) is granted.
2. The Receiver for Ridge Creek Development Company, LLC, and Ridge Creek Water Company, LLC, is authorized to sell the above-referenced water system to the City of St. Robert, Missouri, subject to the conditions and requirements contained in Staff's Recommendation, including those conditions described in the body of this order.
3. The Receiver for Ridge Creek Development Company, LLC, and Ridge Creek Water Company, LLC is authorized to take such other actions as may be deemed necessary and appropriate to consummate the transactions proposed in the application.
4. This order shall become effective on November 25, 2018.



**BY THE COMMISSION**

A handwritten signature in dark ink that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Silvey, Chm., Kenney, Hall, Rupp, and  
Coleman, CC., concur.

Pridgin, Deputy Chief Regulatory Law Judge

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<sup>3</sup> See Commission Rule 4 CSR 240-3.605(1)(D).

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

**I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 15<sup>th</sup> day of November 2018.**



  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**November 15, 2018**

**File/Case No. WM-2019-0079**

**Missouri Public Service  
Commission**

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***Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).***

***Sincerely,***



**Morris L. Woodruff  
Secretary**

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.