

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

WILCO PROPERTIES, INC.  
SC-003-1386-00

DOCKET NUMBER 2021-UA-043

IN RE: JOINT PETITION OF WILCO PROPERTIES, INC., & CHARLES E. MORGAN CONSTRUCTION COMPANY, INC., TO GRANT A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZING IT TO CONSTRUCT, OPERATE & MAINTAIN A SEWER SYSTEM IN A SPECIFIED AREA IN OKTIBBEHA COUNTY, MISSISSIPPI (PORTION OF PHASE TWO, GRAND OAKS SUBDIVISION)

**ORDER GRANTING SUPPLEMENTAL CERTIFICATE  
OF PUBLIC CONVENIENCE AND NECESSITY**

**THIS DAY**, there came on for consideration the Joint Petition of Wilco Properties, Inc., (“Wilco”) and Charles E. Morgan Construction Company, Inc., (“Morgan”) (collectively, “Joint Petitioners”) requesting a Supplemental Certificate of Public Convenience and Necessity (“Supplemental Certificate”) to operate and maintain a sewer system in a specified area of Oktibbeha County, Mississippi. The Mississippi Public Service Commission (“Commission”), being fully apprised in the premises and having considered the documents and record before it, and upon recommendation of the Public Utilities Staff (“the Staff”), finds as follows:

**(1)**

Wilco operates as a public utility, pursuant to Miss. Code Ann. §77-3-3(d)(iv) and pursuant to its Commission-issued Certificates for the provision of sewer service, to the public for compensation, within its Certificated Areas.

On March 23, 2021, Wilco filed its Petition seeking to expand its current sewer operations to serve the proposed Certificated Area located within Oktibbeha County, which area is more

particularly described in Exhibit “A”, attached hereto and incorporated herein. The Commission has subject matter jurisdiction and inpersonam jurisdiction over Wilco.

(2)

The Commission, in accordance with applicable Mississippi law, provided notice of the Joint Petition through publication in these newspapers of general circulation: *The Clarion-Ledger* on April 22, 2021, and the *Starkville Daily News* on April 20, 2021. In addition to publication, all interested persons, as defined in RP 2.115 of the Commission’s *Public Utilities Rules of Practice and Procedure*, were provided notice by Wilco on July 20, 2020, of the filing. Also, on July 20, 2020, current homeowners located within the proposed Certificated Area were provided notice by Wilco of its filing. No protests or requests to intervene have been filed in this Docket. These publications and notices are contained within the record of this matter and are incorporated herein by reference.

(3)

Morgan received a Certificate in Docket 1999-UA-0669 (“1999 Docket”) to furnish sewer service to all of Phase One and a portion of Phase Two of the Grand Oaks Subdivision (“Grand Oaks”) located within Oktibbeha County. Morgan has heretofore been operating under the mistaken belief that its Certificate issued in the 1999 Docket, *supra*, also covered all of Phase Two of Grand Oaks.

As part of the Staff’s technical review, it was discovered that Morgan’s 1999 Certificate did not include the entirety of Phase Two of Grand Oaks. In the companion Docket to this matter, 2020-UA-095, Wilco requested the authority to serve, via a Sale and Transfer transaction between it and Morgan, Phase One and a portion of Phase Two of Grand Oaks, as granted to Morgan in the 1999 Docket.

The proposed Certificated Area, at issue, includes all the remaining portion of Phase Two of Grand Oaks, which is currently an uncertificated area.

(4)

There are around 24 customers located within this remaining portion of Phase Two of Grand Oaks or the proposed Certificated Area, as described in attached Exhibit "A".

Morgan has no objection to this area being certificated to Wilco as the ratepayers can best be served by Wilco who is ready and willing to serve this area. Further, Morgan executed an agreement with Wilco, *Contract for the Sale & Purchase of Real Estate & Equipment*, on file in the record hereof, wherein Wilco is purchasing the various assets used by Morgan to render sewer service to the remaining portion of Phase Two of Grand Oaks.

On June 2, 2021, Wilco filed its *Water Pollution Control Permit* issued by the Mississippi Department of Environmental Quality on April 27, 2021, applicable to sewer service to Grand Oaks.

(5)

Wilco has shown that the present and future public convenience and necessity justifies and requires the grant of a Supplemental Certificate so that it can furnish sewer service to the proposed Certificated Area, as described in attached Exhibit "A" and otherwise known as the remaining portion of Phase Two of Grand Oaks.

(6)

Wilco is fit, ready, willing and able to operate and maintain the sewer infrastructure which comprises the sewer system for the Certificated Area.

(7)

Wilco shall file for approval of initial monthly sewer rates and a Tariff, applicable to the Certificated Area granted herein, prior to assessing any rates or fees therein.

**IT IS, THEREFORE, ORDERED** that:

(1)

Wilco is hereby granted a Supplemental Certificate to operate and maintain a sewer system so as to furnish sewer service, to the public for compensation, in the specified area of Oktibbeha County, Mississippi, as described in attached Exhibit "A." Wilco shall serve all persons and entities requesting sewer service in said Certificated Area.

(2)

Nothing in this Order shall affect the right of any other sewer provider to continue rendering service to any customer that it was legally serving upon the effective date of this Order.

(3)

Wilco shall file a Notice of Intent with the Commission to establish initial monthly sewer rates and a Tariff which shall apply to the residents located within the remaining portion of Phase Two of Grand Oaks Subdivision, prior to assessing any rates or charges in said area.

(4)

This Order shall be deemed issued on the date it is served upon the parties herein by the Executive Secretary of this Commission who shall note the service date in the file of this Docket.

Chairman Dane Maxwell

Aye X Nay \_\_\_\_\_

Commissioner Brent Bailey

Aye X Nay \_\_\_\_\_


Commissioner Brandon Presley

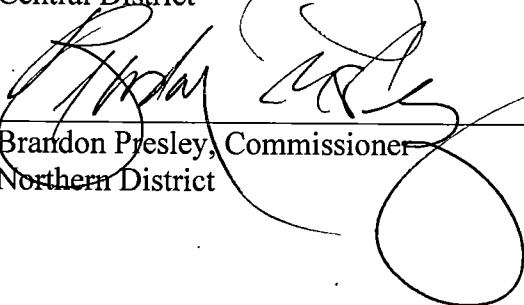
Aye X Nay \_\_\_\_\_

DATED this the 9<sup>th</sup> day of September 2021.

MISSISSIPPI PUBLIC SERVICE COMMISSION


  
Dane Maxwell, Chairman  
Southern District

  
Brent Bailey, Commissioner  
Central District

  
Brandon Presley, Commissioner  
Northern District



ATTEST: A TRUE COPY

  
Katherine Collier, Executive Secretary

Effective this the 9<sup>th</sup> day of September 2021.

**Exhibit 3**

DOCKET NO. \_\_\_\_\_

IN RE: APPLICATION OF WILCO  
PROPERTIES, INC. FOR A CERTIFICATE OF  
PUBLIC CONVENIENCE AND NECESSITY  
AUTHORIZING IT TO, OPERATE AND  
MAINTAIN A SEWER SYSTEM IN A  
SPECIFIED AREA IN OKTIBBEHA COUNTY,  
MISSISSIPPI

WILCO PROPERTIES, INC.

March 15, 2021

**Grand Oaks Subdivision, Part of Phase Two Area Description**  
**Sewer Utility Service located in Oktibbeha County, Mississippi**

**Being the subject area of a Joint Supplemental Certificate Petition filed by Wilco**  
**Properties, Inc and Charles E. Morgan Construction Company, Inc**

Commencing at the Northwest corner of the Southern half of Section 35, Township 18 North Range 14 East, Oktibbeha County, Mississippi, also being the Southwest corner of Heritage Colony Subdivision as platted and dated January 30, 1974, on file of record in the office of the Chancery Clerk of Oktibbeha County, Mississippi, said point being a two inch (2") diameter iron axle and run North 89 degrees 34 minutes 57 seconds East 2918.51 feet along the South half (S 1/2) of Section 35 to a two inch (2") diameter iron camshaft and the POINT OF BEGINNING.

From said POINT OF BEGINNING, proceed North 89 degrees 34 minutes 57 seconds East 327.33 feet to an iron pin set;

thence South 00 degrees 09 minutes 59 seconds West 2621.84 feet to an iron pin set on the North right-of-way of Mt. Olive Road,

thence along said North right-of-way North 89 degrees 56 minutes 53 seconds West 327.31 feet to an iron pin set;

thence North 00 degrees 09 minutes 59 seconds East 1300.40 feet to a 2" camshaft; thence continue North 00 degrees 09 minutes 59 seconds East 1318.75 to the POINT OF BEGINNING.

Said parcel contains 19.69 acres and is located part in the East Half (E 1/2) of the West (W 1/2) of the West (W 1/2) of the Southeast Quarter (SE 1/4) of Section 35, Township 18 North, Range 14 East, Oktibbeha County, Mississippi.

