

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

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

DOCKET NO. 2020-UA-095

IN RE: JOINT APPLICATION OF WILCO PROPERTIES, INC., AND CHARLES E. MORGAN CONSTRUCTION COMPANY, INC., TO TRANSFER ALL OF THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF A SEWER SYSTEM IN OKTIBBEHA COUNTY, MISSISSIPPI (*PHASE ONE & PORTION OF PHASE TWO, GRAND OAKS SUBDIVISION*)

ORDER APPROVING SALE AND TRANSFER

THIS DAY, there came on for consideration before the Mississippi Public Service Commission (“the Commission”), the Joint Petition of Wilco Properties, Inc., (“Wilco”) and Charles E. Morgan Construction Company, Inc., (“Morgan”), (collectively “Joint Petitioners”), seeking approval of the sale and transfer of the Certificate of Public Convenience and Necessity (“Certificate”) held by Morgan, along with all transferrable permits and assets employed in the operation of the sewer system at issue, to Wilco for the provision of sewer service in a specified area of Oktibbeha County, Mississippi. The Commission, having jurisdiction over the Joint Petitioners and subject matter, and being fully apprised in the premises and having considered the documents and record before it, as well as having the recommendation of the Public Utilities Staff, finds as follows:

1.

On July 17, 2020, the Joint Petitioners filed their request that the Certificate, along with all assets currently held by Morgan and used in the operation of the sewer system, pursuant to the Commission’s Final Order issued in Docket 1999-UA-0669 (“1999 Docket”), be transferred to Wilco. The Commission incorporates, by reference, as though fully written herein, its Final Order

issued in the 1999 Docket, which fully describes the Certificated Area located within Oktibbeha County sought for transfer to Wilco by the Joint Petitioners.

2.

Wilco currently operates as a public utility pursuant to the various Certificates previously issued by the Commission and pursuant to Miss Code Ann. §77-3-3(d)(iv). Wilco seeks approval to expand its sewer operations into the area, described *supra*. Morgan holds no deposits; therefore, no deposits need to be transferred. The sewer system serves around 109 customers in the area at issue; however, no resident currently pays for sewer service. The Certificated Area, at issue in this Docket, covers Phase One and a portion of Phase Two of the Grand Oaks Subdivision. ("Grand Oaks")

3.

The Commission, in accordance with Miss. Code Ann. §77-3-23, is required in a sale and transfer proceeding to publish notice in a newspaper having general circulation in the county or counties wherein the facilities or areas that are the subject of the Joint Petition are located. Publication of the filing was made in the *Starkville Daily News*, with a publication date of July 25, 2020, and in the *Clarion-Ledger*, with a publication date of July 28, 2020. On July 20, 2020, Wilco noticed each known interested person to whom notice is required, pursuant to RP 2.115 of the Commission's *Public Utilities Rules of Practice and Procedure*. On July 20, 2020, Wilco also furnished notice to each Grand Oaks property owner located within the Certificated Area, at issue herein. These notices are on file in the record of this matter. The Commission has not issued any Orders allowing intervention in this matter.

4.

Pursuant to negotiations, the Joint Petitioners executed a *Contract for the Sale & Purchase of Real Estate & Equipment* ("Contract") whereby Morgan agreed to sell and convey its Certificate issued by the Commission in Docket No. 1999-UA-0669, all permits, assets owned and used in the operation of its sewer system, all real estate and rights of way pertaining to the operation of a sewer system serving Grand Oaks, as more fully described in Exhibit "C", on file in the record of this Docket.

5.

Wilco testified that the proposed transaction would have no impact upon its ratebase, rates or expenses. Further, Wilco is not and will not, at a future date, seek approval of an acquisition adjustment due to the proposed transaction.

6.

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

7.

Wilco testified that it currently serves around 2,400 ratepayers using licensed operators possessing over fifty-six (56) years of experience managing sewer utilities. Having an established and experienced sewer utility operating the sewer system should result in its proper maintenance, thereby enhancing the property values of the homes within the area, along with compliance by Wilco of the regulatory requirements imposed upon "public utilities" by applicable law and by the Orders, rules and regulations promulgated by this Commission. Further, approval of the proposed transaction should provide stability to the Certificated Area such that state mandated environmental regulations are properly met.

8.

The proposed transaction is presented in good faith by the Joint Petitioners and is deemed to be consistent with the public interest. Moreover, the present and future public convenience and necessity justifies and requires the sale and transfer of the Certificate held by Morgan, along with the assets used by it to furnish sewer service to the Certificated Area at issue, to Wilco, as fully described herein and in the record of this proceeding.

9.

Wilco is ready, willing, fit and able to properly provide the sewer service, intends to comply with the lawful rules, regulations and requirements of the Commission and intends to furnish sewer service to all persons within the Certificated Area.

10.

Wilco shall submit a Notice of Intent filing for the establishment of monthly sewer rates and a Tariff, applicable to Grand Oaks, as there is lacking established sewer rates. Wilco shall notice each of the current customers located within Grand Oaks when it files its Notice of Intent to establish sewer rates and a Tariff.

11.

The Executive Secretary of the Commission is directed to remove Morgan from the Commission's database of active sewer public utilities since its only Certificate is being transferred herein.

IT IS, THEREFORE, ORDERED that:

1.

The sale and transfer, as set out in the Joint Petition, whereby Wilco will acquire the Certificate currently held by Morgan, as issued by the Commission in Docket 1999-UA-0669,

along with assets used by Morgan to furnish sewer service to the Certificated Area, as fully described in Exhibit "C" of the record is hereby authorized and approved. Wilco shall serve all persons and entities requesting sewer service in the Certificated Area known as Phase One and part of Phase Two, Grand Oaks.

2.

Wilco shall submit a Notice of Intent filing to establish initial monthly sewer rates and a Tariff applicable to the residents located within the Certificated Area, at issue, prior to assessing any rates to such residents.

3.

No acquisition adjustment is authorized, now or in the future, due to approval of the sale and transfer transaction, at issue herein.

4.

The Executive Secretary for the Commission is directed to remove Morgan from the Commission's database of active sewer public utilities.

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

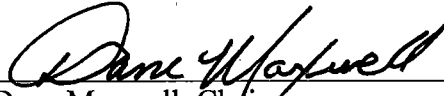
Aye X Nay _____

Commissioner Brandon Presley

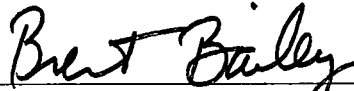
Aye X Nay _____

DATED this the 9th day of September 2021.

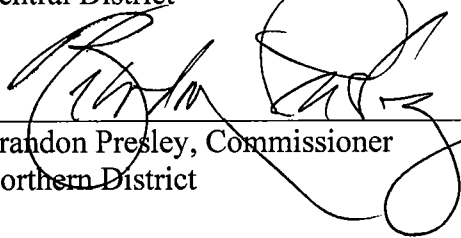
MISSISSIPPI PUBLIC SERVICE COMMISSION



Dane Maxwell, Chairman
Southern District



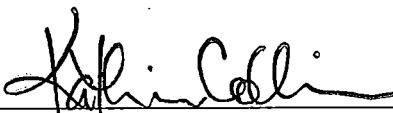
Brent Bailey, Commissioner
Central District



Brandon Presley, Commissioner
Northern District



ATTEST: A TRUE COPY



Katherine Collier, Executive Secretary

Effective this the 9th day of September 2021.