

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSISSIPPI

RE: APPLICATION OF KEARNEY PARK UTILITIES
COMPANY FOR A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY AUTHORIZING
IT TO CONSTRUCT, OPEPATE, OWN AND
MAINTAIN A WATER SYSTEM WITHIN A
SPECIFIED AREA IN MADISON COUNTY,
MISSISSIPPI; AND FOR APPROVAL OF
TARIFFS CONSISTING OF RATE SCHEDULES,
TERMS AND CONDITIONS

DOCKET U-2621

O R D E R

THIS DAY this cause came on to be heard
before the Public Service Commission of the State of
Mississippi on Petition of KEARNEY PARK UTILITIES
COMPANY for a Certificate of Public Convenience and
Necessity to operate and render water service in the
proposed certificated service area in Madison County,
Mississippi, which area is described in Exhibit "A"
to this Order, and for approval of proposed rates,
extension policies and service rules and regulations;
and for authority to operate and maintain that certain
water distribution facility within said described area.

Due and proper notice of filing of the
Petition and notice of the time and place of the hearing
having been given in the manner required by law, including
publication of such notice in the Clarion-Ledger, a
newspaper published at the seat of government in Jackson,
Hinds County, Mississippi, with proof of publication
lawfully filed with the Commission and copies of said
notice lawfully mailed by the Secretary of the Public
Service Commission to the proper officers, persons and
newspapers throughout the State of Mississippi, the
Town of Flora having notified this Commission of its
support of the application of Kearney Park Utilities

Company by letter dated August 2, 1973, all as shown by the records in this cause, and there being no objections or protests filed, the Petition for said Certificate of Public Convenience and Necessity was duly heard on this date. The Commission having fully considered the Petition and the Exhibits filed thereto and having heard the testimony in support thereof, finds as follows:

I

Petitioner is a corporation organized and existing under the laws of the State of Mississippi and is a utility as defined in Chapter 372, Laws of Mississippi 1956, as amended, and, as such, the construction, ownership and operation of the facilities of Petitioner and any extensions thereof fall under the purview of Section 5(c) of said Public Utilities Act, as amended. The mailing address of Petitioner is: Kearney Park Utilities Company, Post Office Box 300, Flora, Mississippi 39071.

II

A true and correct copy of the Charter of Incorporation of Petitioner is attached as Exhibit 1 to the Application.

III

The area for which Petitioner seeks a Certificate of Public Convenience and Necessity is located in Madison County, Mississippi, and is described by metes and bounds in Exhibit "A" attached to this Order and made a part hereof as if copied herein in full in words and figures. Said proposed area is more fully shown on that certain map or plat attached as Exhibit 4 to the Application of

Kearney Park Utilities Company heretofore filed in this cause. The proposed Service Area is more than one mile removed from the corporate limits of any municipality.

IV

There is now located in the above-described Service Area extensive water distribution facilities. The initial facilities which were installed in said area were installed by the United States Government during World War II and, through mesne conveyances, were vested in Kearney Park Utilities Company in 1951 and Petitioner has, since that time, been operating said water distribution facilities and has been distributing water from said system primarily to industrial customers who are stockholders in Kearney Park Utilities Company. In addition to said industries, Kearney Park Utilities Company is presently serving residences located in Magnolia Heights Subdivision, a low-cost housing project which is located in the proposed Service Area. The facilities previously constructed in said Magnolia Heights Subdivision were purchased by Kearney Park Utilities Company in 1973. There is no other utility offering water service in the proposed certificated area and the facilities which now exist in said area are owned by Petitioner and are the only facilities in said proposed area.

V

The Sanitary Engineering Division of the Mississippi State Board of Health has approved the entire water system as the same presently exists in the proposed Service Area, all as shown by Exhibit 6 to the Application heretofore filed in this cause.

VI

Petitioner is presently serving industrial, commercial and residential customers in the proposed Service Area and is ready, willing and able to continue serving said customers, as well as any new customers who may desire service in the proposed Service Area on the basis of the tariffs which consist of schedules of rates, terms and conditions, which tariffs are attached to the application filed in this cause as Exhibit 7. The proposed service extension policies of Petitioner are attached to its application as Exhibit 8 and the proposed service rules and regulations of Petitioner are attached as Exhibit 9 to said application. This Commission finds that the schedules of rates, terms and conditions, Petitioner's proposed service extension policies and its proposed service rules and regulations are fair and reasonable to all parties concerned and that public convenience and necessity would best be served by the issuance of a Certificate by this Commission to said Petitioner to render water service in said proposed certificated area on the terms and conditions of the proposed rates, extension policies and service rules and regulations.

IT IS, THEREFORE, ORDERED AND ADJUDGED that Kearney Park Utilities Company should be and it is hereby granted a Certificate of Public Convenience and Necessity to operate and render water service in the above-described Service Area in Madison County, Mississippi, including the authority to own, operate and maintain the facilities which have heretofore been constructed in the above-described area.

It is further ordered and adjudged that Petitioner's proposed Service Extension Policies,

being Exhibit 8 to the Petition, its tariffs, consisting of Schedules of Rates, Terms and Conditions for rendition of water service to the public within the Service Area described, being Exhibit 7 to the Petition, and its proposed Service Rules and Regulations, being Exhibit 9 to the Petition, are hereby approved, to be effective upon execution of this Order.

ORDERED AND ADJUDGED this the 7th day of August, 1973.



MISSISSIPPI PUBLIC SERVICE COMMISSION

By:

E. W. Robinson
Executive Secretary

cc: Mr. Frank Lauritzen, President
Kearney Park Utilities Company
Flora, Mississippi 39071

Hon. Newt P. Harrison
P. O. Box 119
Jackson, Mississippi 39205

Engineering Service
Consulting Engineer
P. O. Box 4632
Jackson, Mississippi 39216

Board of Supervisors
Madison County
Canton, Mississippi

Town of Flora
Flora, Mississippi 39071

CERTIFICATED AREA
KEARNEY PARK UTILITIES
SEWAGE DISPOSAL SYSTEM AND WATER SYSTEM,
MADISON COUNTY, MISSISSIPPI

A certain lot or parcel of land lying in the old Mississippi Ordinance Plant property and being situate in Sections 28, 29, 32 and 33, Township 9 North, Range 1 West, Madison County, Mississippi, being located approximately 1-1/2 miles North of the city limits of Flora, Mississippi, and being more particularly described by metes and bounds as follows, to-wit:

Beginning at a point on the South line of the Mississippi Ordinance Plant property, said point being the Southeast Corner of Section 32, Township 9 North, Range 1 West, Madison County, Mississippi, and run thence West along the South line of said Section 32 for a distance of 2,651.2 feet to the Eastern right of way line of the Y & M V Railroad (now Illinois Central Railroad), said right of way line being parallel with and 75 feet measured easterly at right angles to the center line of the tracks of said Y & M V Railroad; thence run North 22 degrees 46 minutes West along the eastern right of way line of said Y & M V Railroad for a distance of 2,103.2 feet to a point where said railroad right of way changes from a width of 75 feet East of the center line of the tracks to a width of 50 feet; run thence South 67 degrees 14 minutes West for a distance of 25 feet; thence run North 22 degrees 46 minutes West along the eastern right of way line of said Y & M V Railroad, which right of way line is parallel with and 50 feet measured easterly at

right angles to the center line of said railroad tracks, for a distance of 3,654.1 feet, more or less, to the North line of said Section 32; continue thence in a Northwesterly direction along the East right of way line of said Railroad right of way to its point of intersection with the West Section Line of Section 29, Township 9 North, Range 1 West; run thence North along the West line of said Section 29 to the Southwest Corner of the Northwest Quarter of Northwest Quarter (NW-1/4 NW-1/4) of said Section 29; run thence East 1,320 feet, more or less, to the Northeast Corner of the Southwest Quarter of Northwest Quarter (SW-1/4 NW-1/4) of said Section 29; run thence South along the East line of the Southwest Quarter of Northwest Quarter (SW-1/4 NW-1/4) of said Section 29 a distance of 1,320 feet, more or less, to the Southwest Corner of the Southeast Quarter of Northwest Quarter (SE-1/4 NW-1/4) of said Section 29; run thence East along the South line of the Southeast Quarter of Northwest Quarter (SE-1/4 NW-1/4) and the Southwest Quarter of Northeast Quarter (SW-1/4 NE-1/4) of said Section 29 a distance of 1,980 feet, more or less, to the Southeast Corner of the Southwest Quarter of Southwest Quarter of Northeast Quarter (SW-1/4 SW-1/4 NE-1/4) of said Section 29; thence run South along the East line of the West Half of Northwest Quarter of Southeast Quarter (W-1/2 NW-1/4 SE-1/4) of said Section 29 a distance of 1,320 feet, more or less, to the Northeast Corner of the Northwest Quarter of Southwest Quarter of Southeast Quarter (NW-1/4 SW-1/4 SE-1/4) of said Section 29; thence run East along the North line of the South Half

of Southeast Quarter (S-1/2 SE-1/4) of said Section 29 a distance of 1,980 feet, more or less, to the Northeast Corner of the Southeast Quarter of Southeast Quarter (SE-1/4 SE-1/4) of said Section 29; thence run South along the East line of said Section 29 660 feet, more or less, to the North line of the South Half of South Half of South Half (S-1/2 S-1/2 S-1/2) of said Section 29; thence run East along the North line of the South Half of South Half of South Half (S-1/2 S-1/2 S-1/2) of Section 28, Township 9 North, Range 1 West, a distance of 2,640 feet, more or less, to the Northeast Corner of the Southeast Quarter of Southeast Quarter of Southwest Quarter (SE-1/4 SE-1/4 SW-1/4) of said Section 28; thence run South along the mid-section line of said Section 28 to the Northwest Corner of the Northeast Quarter (NE-1/4) of Section 33, Township 9 North, Range 1 West; thence run East along the North line of said Section 33 a distance of 160 feet to a point; thence run South parallel with and 160 feet East of the West line of the Northeast Quarter (NE-1/4) of said Section 33 a distance of 660 feet, more or less, to a point on the North line of the Southwest Quarter of Northwest Quarter of Northeast Quarter (SW-1/4 NW-1/4 NE-1/4) of said Section 33; run thence West along the South line of the North Half of North Half of North Half (N-1/2 N-1/2 N-1/2) of said Section 33 a distance of 2,800 feet, more or less, to the Northeast Corner of the Southeast Quarter of Northeast Quarter of Northeast Quarter (SE-1/4 NE-1/4 NE-1/4) of Section 32, Township 9 North, Range 1 West; run thence South along the East line of said Section 32 to the Southeast Corner of said Section 32, Township 9 North,

Range 1 West, said Southeast Corner being the point of beginning of the hereinabove described property, all of said property being situate in Township 9 North, Range 1 West, Madison County, Mississippi.