

EXAMPLE

SALE AND TRANSFER OF CERTIFICATE – WATER, SEWER, OR GAS SYSTEM

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSISSIPPI

DOCKET NO. _____

IN RE: JOINT APPLICATION OF XYZ
UTILITY COMPANY, INC., AND CITY OF
COMSTOCK, MISSISSIPPI, TO TRANSFER
ALL OF THE CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY
AUTHORIZING IT TO CONSTRUCT,
OPERATE AND MAINTAIN A
(WATER/SEWER/GAS) SYSTEM IN A
SPECIFIED AREA IN BALFOUR COUNTY,
MISSISSIPPI

XYZ UTILITY COMPANY, INC., AND
CITY OF COMSTOCK, MISSISSIPPI

PETITION

COME NOW the Petitioners, XYZ Utility Company, Inc. (XYZ), a corporation duly chartered, organized and existing by virtue of the laws of the State of Mississippi and domiciled in Balfour County, Mississippi (“Transferor”), and the City of Comstock, Mississippi (“Transferee”), a municipality incorporated under the laws of the State of Mississippi, and petition the Mississippi Public Service Commission (the “Commission”) that the Certificate of Public Convenience and Necessity to construct, operate and maintain a **(water/sewer/gas)** system in a specified area in Balfour County, Mississippi, held by XYZ Utility Company, Inc., be transferred to the City of Comstock, Mississippi, and in support thereof respectfully show the Commission the following:

1. Transferor, XYZ Utility Company, Inc., is a Mississippi corporation duly chartered, organized and existing under and by virtue of the Laws of the State of Mississippi. Petitioner's mailing address is 123 Elm Road, Comstock, Mississippi 39999. XYZ attaches to this Petition, as Exhibit A, a copy of its Corporate Charter and Articles of Incorporation.
2. Transferee, City of Comstock, Mississippi, is a municipality incorporated under the laws of the State of Mississippi. A copy of the City's charter is attached to this petition as Exhibit B.
3. Transferor originally received a certificate to operate from this Commission in Docket No. _____, issued on the date of _____. Subsequently, the Commission issued unto Transferor certificates in Docket No. _____ on _____, and in Docket No. _____ on _____.

The area certificated in said Dockets contains land more than one mile from the corporate limits of the City of Comstock, Mississippi. None of the area certificated in said Dockets is more than five miles from the corporate limits of the City of Comstock, Mississippi.
4. Transferor now desires to transfer all of the above described Certificate of Public Convenience and Necessity and convey and transfer certain assets to Transferee so as to permit Transferee to operate all of the (*water/sewer/gas*) system to be transferred.
5. Petitioners would show that transferor and transferee are both domestic corporations and any information requested dealing with a foreign corporation is not applicable.
6. Petitioners attach, as Exhibit C, a list of the names and addresses of Transferor's board of directors, officers, and any persons owning fifteen percent (15%) or more of its stock.
7. Petitioners attach, as Exhibit D, a list of the names and addresses of Transferee's board of directors, officers, and any persons owning fifteen percent (15%) or more of its stock.

8. Petitioners attach, as Exhibit E, a copy of any and all written agreements concerning the proposed sale and transfer.
9. No acquisition adjustment to rate base or expenses is sought, nor will be sought at any time in the future, by Transferee.
10. Petitioners attach, as Exhibit F, a list of any other Mississippi utility operations owned, directly or indirectly, by transferor.
11. Petitioners attach, as Exhibit G, a list of any other Mississippi utility operations owned, directly or indirectly, by transferee.
12. Petitioners attach, as Exhibit H, a balance sheet and income for Transferor
13. Petitioners attach, as Exhibit I, a balance sheet and income for Transferee.
14. A list of “interested persons” as contemplated by the Commission’s rules along with a Certificate of Notice to those persons is attached as Exhibit J.
15. A copy of the testimony to be relied upon at hearing is attached to this Petition, said testimony being that of Larry Smith, President, and William Franklin, Certified Operator, which are marked as Exhibits K and L.
16. Rates charged to customers in the area to be transferred are summarized in Exhibit M. Transferee will charge customers in the area to be transferred the same, or lower, rates upon completion of the transfer. Transferee agrees to file with this Commission a tariff of all rates and fees, service rules and regulations, and service extension policy, within 30 days of transfer being approved by this Commission.
17. Transferee is agreeable to operating said service system to serve the residents of the area to be transferred, upon the consummation of the sale and transfer of said system to Transferee, provided however, the sale and transfer shall be approved and authorized by the Commission before same is consummated by Transferee.

18. The public convenience and necessity will be best served by granting the Petitioner the relief prayed for in this Petition; that the Transferee is willing and able to provide reliable (*water/sewer/gas*) service to customers within the subject area; and that for the reasons set forth and the documentation filed with this Petition, it is in the best interest of the prospective customers of the Petitioner, as well as the general public, to grant the sale and transfer of the a Certificate of Public Convenience and Necessity from XYZ Utility Company, Inc., to the City of Comstock, Mississippi.

WHEREAS, PREMISES CONSIDERED, the Petitioners pray that after due and proper notice has been given in the time and manner required by law, the Certificate of Public Convenience and Necessity issued by the Commission unto XYZ Utility Company, Inc., in Docket Nos. _____, _____, and _____ should be transferred to the City of Comstock, Mississippi.

The Petitioners pray for general relief.

Respectfully submitted this the ____ day of _____, 199__.

XYZ UTILITY COMPANY, INC.

BY: SMITH & JONES, P.A.

Its Attorneys

BY: _____

SAMUEL E. JONES

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CERTIFICATE OF SERVICE

I, Samuel E. Jones, of Smith & Jones, P.A., attorney for XYZ Utility Company, Inc., do hereby certify on this day that I have caused to be hand-delivered the original and fourteen copies of the above and foregoing Petition to Brian U. Ray, Executive Secretary of the Mississippi Public Service Commission, 19th Floor, Walter Sillers State Office Building, Jackson, Mississippi 39201, and that in the filing of said Petition, I have complied with Rule 6L of the Commission's Rules of Practice and Procedure.

This the ____ day of _____, 199__.

SAMUEL E. JONES