

**THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

Carl R. Mills' Request to Transfer Water)	
System at Carriage Oaks Estate)	File No. WM-2022-0144
)	

AMENDED APPLICATION FOR APPROVAL OF TRANSFER

COMES NOW Carl R. Mills (Applicant), by and through his attorneys, and respectfully requests the Missouri Public Service Commission (the “PSC”) approve transfer of the water system at Carriage Oaks Estate to Carriage Oaks Estates Water and Sewer Not-For-Profit and states as follows in support:

BACKGROUND INFORMATION

1. Applicant is an individual owner of the water system at Carriage Oaks Estates (the “water system”) that provides water services to Carriage Oaks Estates subdivision, which consists of 7 homes at this time. On October 9, 2019, the PSC issued a report and order granting Mr. Mills a Certificate of Convenience and Necessity for operation of the water system in WA-2018-0370.

2. Applicant’s address, email address, and phone number are: Carl Richard Mills, P.O. Box 2058, Branson West, MO 65737; mcrmills40@yahoo.com; 417-338-8870.

3. .” Carriage Oaks Estates Water and Sewer Not-For-Profit Corporation is a Missouri not-for-profit water and sewer corporation with its principal office and place of business located at 93 Falling Leaf Court, Branson West, Missouri 65737.

4. Carriage Oaks Estates Water and Sewer Not-For-Profit Corporation is a Missouri 501(c)(3) water and sewer corporation. On November 6, 2021, Carriage Oaks Estates Water and Sewer Not-For-Profit Corporation was incorporated by David Lott, a homeowner at Carriage Oaks Estates in order to “own and manage the water and sewer utility assets for the benefit of the Carriage Oaks

Estates homeowners.” Carriage Oaks Estates Water and Sewer Not-For-Profit Corporation was later converted to a water and sewer corporation pursuant to Missouri Revised Statutes § 393.825-393.861, § 393.175, and § 393.900-393.951. The Articles of Incorporation, Articles of Conversion, First Amendment to Articles of Conversion, and Certificate of Incorporation are attached as Exhibit 1. Membership is gained by applying for and receiving services in the geographic area served by Carriage Oaks Estates Water and Sewer Not-For-Profit Corporation.

5. Carriage Oaks Estates Water and Sewer Not-For-Profit Corporation is not now subject to the jurisdiction of the Commission, nor will it be after the water system is transferred to its ownership by Mr. Mills.

6. On November 24, 2021, Applicant transferred the sewer system at Carriage Oaks Estates to Carriage Oaks Estates Water and Sewer Not-For-Profit Corporation.

TRANSACTION

7. Applicant desires to transfer the water system to Carriage Oaks Estates Water and Sewer Not-For-Profit Corporation as well. This transfer is requested following a HOA meeting of the Carriage Oaks Homeowners Association, at which the HOA voted unanimously to accept transfer of the water system to Carriage Oaks Estates Water and Sewer Not-For-Profit Corporation.

8. Mr. Mills and Carriage Oaks Estates Water and Sewer Not-For-Profit Corporation have entered into a *Bill of Sale*, a copy of which is marked as Exhibit 2, and attached hereto. Pursuant to the *Bill of Sale*, Carriage Oaks Estates Water and Sewer Not-For-Profit Corporation agrees to obtain and acquire all of the water assets of Mr. Mills under the terms and provisions described in the *Bill of Sale*.

PUBLIC INTEREST

9. It is in the public's interest for Carriage Oaks Estates Water and Sewer Not-For-Profit Corporation to own, operate and maintain the Carriage Oaks Estates water system because Carriage Oaks Estates Water and Sewer Not-For-Profit Corporation is a nonprofit corporation that has no motive for seeking profits. Additionally, Carriage Oaks Estates Water and Sewer Not-For-Profit Corporation's directors are answerable to its membership and currently every member is a director on the board. Upon information and belief, no rate changes are planned for the next two (2) years and the rates that will be used were already approved by the PSC. The vote by Carriage Oaks Estates Water and Sewer Not-For-Profit Corporation to operate the water and sewer systems was unanimous by its membership.

10. Further, Carriage Oaks Estates Water and Sewer Not-For-Profit Corporation has shown that it is capable of serving its members' interests in a professional and competent manner as evidenced by its continued operation of the wastewater treatment system since January 1, 2022. Upon information and belief, Carriage Oaks Estates Water and Sewer Not-For-Profit Corporation has addressed any mechanical issues that have arisen with the wastewater treatment system in a timely and professional manner and has complied with required Missouri Department of Natural Resources wastewater treatment reports. Finally, upon information and belief, even though a certified operator is not required for the water system, one of the current board members and customers is a licensed professional engineer and Carriage Oaks Estates Water and Sewer Not-For-Profit Corporation has a certified Class A operator, Rusty Clinkingbeard, on call should any issues arise with the water system as well as Lefty's Well Service.

ADDITIONAL INFORMATION

11. There is currently a rate case pending about the water system (Case No. WR-2021-0177). Case No. WR-2021-0177 also has a pending Summary Determination which has been continued due to this application. There are also two pending civil lawsuits filed in Stone County, Missouri that will be resolved with the PSC's approval of this Application for transfer and the Applicant's subsequent transfer thereto.

12. Applicant has no other pending actions before the PSC or final, unsatisfied judgments or decisions which involve customer services or rates other than those pending actions described above.

13. Upon information and belief, this transfer will not be opposed and, if approved, will result in the resolution of the pending complaint case, as well as two civil lawsuits.

14. To Applicant's knowledge, no annual report or assessment fees are overdue.

15. The transfer of the water system should have no impact on the tax revenues generated by Carriage Oaks Estates. The water is not being sold to any members of the public. The current owner is only being reimbursed for expenses incurred from the Association assessments.

16. Applicant has authorized and requested the undersigned attorney submit this application for transfer.

WHEREFORE, Carl Mills respectfully requests that the Commission issue its order:

(a) Authorizing Carl Mills to transfer the assets identified herein;

(b) Authorizing Carl Mills to perform in accordance with the *Bill of Sale* attached to this Application and to take any and all other actions which may be reasonably necessary and incidental to the performance of the sale; and

(c) Granting such other relief as may be deemed necessary and appropriate to accomplish the water system asset transfer and the Application.

HUSCH BLACKWELL LLP

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been delivered through the PSC's electronic filing system to all parties and/or their counsel of record this 4th day of August, 2022.

/s/ Lauren H. Haskins

Attorney


VERIFICATION

STATE OF Missouri)
) ss.
COUNTY OF Stone)

I, Carl Richard Mills, being of lawful age and duly sworn on my oath, and pursuant to Section 509.030, RSMo., state that I am duly authorized to make this affidavit as an individual owner of the water system at Carriage Oaks Estates, that I have knowledge of the matters stated herein, and that said matters are true and correct to the best of my knowledge and belief.


Carl Richard Mills

Subscribed and sworn to before me this 3 day of August 2022.



Notary Public
Print Name: Joshua Gibson

