

Exhibit No.:  
Issues: Certificate Application  
Witness: Martin Hummel  
Sponsoring Party: MO PSC Staff  
Type of Exhibit: Rebuttal Testimony  
Case No.: SA-2010-0063  
Date Testimony Prepared: March 5, 2010

**MISSOURI PUBLIC SERVICE COMMISSION**

**UTILITY OPERATIONS DIVISION**

**REBUTTAL TESTIMONY**

**OF**

**MARTIN HUMMEL**

**TIMBER CREEK SEWER COMPANY**

**CASE NO. SA-2010-0063**

**Jefferson City, Missouri  
March 2010**

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

In the Matter of the Application of Timber )  
Creek Sewer Company for a Certificate of )  
Convenience and Necessity )

Case No. SA-2010-0063

**AFFIDAVIT OF MARTIN HUMMEL**

STATE OF MISSOURI     )  
                                      ) ss  
COUNTY OF COLE     )

Martin Hummel, of lawful age, on his oath states: that he has participated in the preparation of the following Rebuttal Testimony in question and answer form, consisting of 4 pages of Rebuttal Testimony to be presented in the above case, that the answers in the following Rebuttal Testimony were given by him; that he has knowledge of the matters set forth in such answers; and that such matters are true to the best of his knowledge and belief.

  
Martin Hummel

Subscribed and sworn to before me this 5<sup>th</sup> day of March, 2010.



SUSAN L. SUNDERMEYER  
My Commission Expires  
September 21, 2010  
Callaway County  
Commission #06942086

  
Notary Public

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**OF**

**MARTIN HUMMEL**

**TIMBER CREEK SEWER COMPANY**

**CASE NO. SA-2010-0063**

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**Q. Please state your name and business mailing address?**

**Q. By whom are you employed and in what capacity?**

**Q. How long have you been employed by the Commission?**

**Q. What is your education background?**

**Q. What is your employment experience?**

**Q. Have you previously testified in cases before this Commission?**

1           A.     Yes. I have also filed several recommendations or reports in certificate  
2 and complaint cases. Please see Schedule 1 for a list of cases that I have filed written  
3 testimony.

4           **Q.     Has Staff previously filed a recommendation in this case?**

5           A.     Yes, Staff filed a staff recommendation in this case on October 30, 2009.

6           **EXECUTIVE SUMMARY**

7           **Q.     What has been the nature of your involvement in this case?**

8           A.     I have knowledge of the service area and the physical sewer facilities that  
9 are owned and operated by Timber Creek Sewer (TCS or Company). I have spoken with  
10 and met with representatives of both TCS and Platte County Regional Sewer District  
11 (PCRSB). I have also met with representatives of Platte City and the Platte County  
12 Planning and Zoning. I have examined the proposed service area and spoken to some of  
13 the prospective customers. I was the author of Staff's recommendation that was  
14 previously filed in this proceeding.

15          **Q.     What was Staff's recommendation on October 30, 2009?**

16          A.     Staff's recommendation was to grant the Company a Certificate of  
17 Convenience and Necessity to provide service in the proposed service area in Platte  
18 County. That proposed area is adjacent to Platte City, north and east of Interstate 29 and  
19 near the Kansas City International Airport.

20          **Q.     Has Staff's recommendation changed since its October 30, 2009**  
21 **Recommendation?**

1           A.     No, Staff still recommends that the Commission grant the Certificate of  
2 Convenience and Necessity to TCS to provide service to the area as proposed in this  
3 proceeding.

4           **BACKGROUND INFORMATION**

5           **Q.     Please explain "continuing authority" as referenced in the testimony**  
6 **of Mr. Reineke, page 2, line 9.**

7           A.     "Continuing Authority" is used in the Missouri regulation 10 CSR 20-  
8 6.010(3). Effectively it establishes a responsible party for the long term operation of a  
9 sewage treatment system that has permission to discharge treated water (effluent) to a  
10 stream.

11          **Q.     What state agency has the authority to name a continuing authority?**

12          A.     The Missouri Department of Natural Resources (DNR) is the agency  
13 charged with this responsibility.

14          **Q.     Does DNR recognize any district or company as the continuing**  
15 **authority for areas that district or company does not provide service?**

16          A.     No, unless there is a clear and approved plan in place for the actual  
17 construction of sewers and treatment for the specific area. The purpose of "continuing  
18 authority" is to provide for continuing responsibility for service already established or  
19 imminent.

20          **Q.     Has PCRSD established service or installed any sewer facilities in the**  
21 **requested area as of the date of the application?**

22          A.     No.

1           **Q.     Has TCS established service or installed any sewer facilities in the**  
2 **requested area as of the date of the application?**

3           A.     TCS has a small sewage treatment plant immediately adjacent to the area,  
4 but must have a Certificate of Convenience and Necessity approved by the Commission  
5 as the next step before providing service.

6           **Q.     Has either PCRSD or TCS been granted a preferred status by DNR as**  
7 **a continuing authority in unincorporated Platte County where sewer service is not**  
8 **yet established?**

9           A.     No.

10          **Q.     Has PCRSD presented any information that shows that they have a**  
11 **better plan or ability to serve the requested area than TCS?**

12          A.     No.

13          **Q.     Would it be in the public interest to deny TCS the opportunity to**  
14 **provide service to the requested area?**

15          A.     No. Though PCRSD may eventually be able to establish service in the  
16 area under investigation, I believe it would take PCRSD significantly longer to do so. An  
17 exception to this would be if PCRSD could contract with TCS to establish the service for  
18 them.

19          **Q.     Are the rates of the PCRSD and TCS comparable?**

20          A.     Yes. Although PCRSD's rates have historically been somewhat higher,  
21 rate comparison is of limited value without an accurate comparison of the area-specific  
22 cost of service, including cost of financing.

23          **Q.     Does this conclude your testimony at this time?**

24          A.     Yes.