

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

In the Matter of the Joint Application of)
The Public Water Supply District No. 2 of)
St. Charles County, Missouri and the City) Case No. _____
of Wentzville, Missouri for Approval of an)
Amendment to their Intergovernmental)
Territorial Agreement.)

JOINT APPLICATION FOR APPROVAL OF AN AMENDMENT TO

INTERGOVERNMENTAL TERRITORIAL AGREEMENT

COME NOW Joint Applicants Public Water Supply District No. 2 of St. Charles County, Missouri (“District”) and the City of Wentzville, Missouri (“City of Wentzville”) (collectively “Joint Applicants”), pursuant to Section 247.172 RSMo 2000, 4 CSR 2402.060(1) and 4 CSR 240-3.625, and for their *Joint Application For Approval of An Amendment To Intergovernmental Territorial Agreement*, respectfully state as follows:

1. Applicant District is a public water supply district organized and existing under Chapter 247 RSMo 2000 with its principal place of business located at 100 Water Drive, O’Fallon, Missouri 63366, telephone number (636) 561-3737, fax number (636) 625-3712, email address: kdunn@waterdistrict2.com. The District currently provides water service at retail and wholesale to customers located within the District’s water service area in and around St. Charles County and Warren County, Missouri.

2. Applicant City of Wentzville is a political subdivision of the State of Missouri and a fourth class city organized and operating under Chapter 79 RSMo 2000. Wentzville is located in St. Charles County, Missouri and it operates a municipally-owned water utility. Wentzville’s principal office is located at 1001 Schroeder Creek, Wentzville, Missouri, telephone number (636) 327-5101, fax number (636) 639-6040, email address: susan.spiegel@wentzvillemo.gov.

3. All communications, correspondence, notices, orders and decisions regarding this Joint Application should be sent to undersigned counsel, with a copy sent to:

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4. As neither of the Joint Applicants are subject to the general supervisory and regulatory jurisdiction of the Commission, the provisions of 4 CSR 240-2.060(1)(K) and (L) are not applicable for purposes of this Joint Application.

5. On October 17, 2000, the Commission issued its Report and Order in Case No. WO-2000-849 wherein the Commission approved the Intergovernmental Territorial Agreement (“Territorial Agreement”) entered into by the Joint Applicants. Consistent with Section 247.172 RSMo 2000, that Territorial Agreement specified the respective water service area boundaries as between the Joint Applicants and did not affect the water service territories of any suppliers not a party to the Territorial Agreement.

6. On November 14, 2011, the Commission issued its Report and Order in Case No. WO-2012-0088 wherein the Commission approved the *First Amendment to Intergovernmental Territorial Agreement* entered into by the Joint Applicants.

7. Paragraph twelve (12) of the Commission-approved Territorial Agreement provides that “[n]either the boundaries described by this Agreement nor any term of this Agreement may be modified, repealed or changed except by a writing mutually approved by the respective parties and by the Missouri Public Service Commission”.

8. Since the time that the Commission first approved the Territorial Agreement, Joint Applicants subsequently have determined that an amendment to the Territorial Agreement is

needed to extend the term thereof an additional twenty (20) years and to modify certain portions of the boundaries of the two water service areas that the City and the District will each serve.

9. Accordingly, Joint Applicants have executed the *Second Amendment To Intergovernmental Territorial Agreement* (“the Amendment”), attached hereto and incorporated herein by reference as **Attachment A**, and hereby request that the Commission approve same as expeditiously as possible.

10. As neither of the Joint Applicants or their operations are otherwise regulated by the Commission, 4 CSR 240-3.625(B) does not apply for purposes of this Joint Application.

11. Commission approval of the Amendment will *not* result in a change of water supplier for any customer currently served by either the District or by the City of Wentzville.

12. Approval of Joint Applicants’ request to amend their Territorial Agreement is in the public interest because both Joint Applicants are public entities whose respective governing bodies have determined that the Amendment to be in the public interest and beneficial to their respective ratepayers. Approval of the Amendment is furthermore in the public interest as it is consistent with the public policy underlying Section 247.172 RSMo which allows for competing water suppliers to replace destructive competition in favor of voluntary, negotiated service area agreements.

13. Joint Applicants’ counsel has been advised that no filing fee is required for submission of amendments to previously-approved territorial agreements.

WHEREFORE, Joint Applicants the Public Water Supply District No. 2 of St. Charles County, Missouri and the City of Wentzville, Missouri request that the Commission approve the Amendment to their water service area Territorial Agreement.

Respectfully submitted,

Sandberg Phoenix & Von Gontard P.C.

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Attorneys for the City of Wentzville, Missouri

**VERIFICATION AND
CERTIFICATE OF SERVICE**

We, Mark C. Piontek and James C. Hetlage, verify that we've been authorized and directed to file this Joint Application on behalf of the Joint Applicants in this case and we hereby certify that a true and correct copy of the foregoing document and attachments were sent via electronic transmission to the General Counsel's Office and the Office of the Public Counsel this 9th day of February, 2021.

/s/ Mark C. Piontek _____

/s/ James C. Hetlage _____