

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

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) )  
) )  
In the Matter of Carl R. Mills Trust for a ) File No. WA-2018-0370  
Certificate of Convenience and Necessity )  
Authorizing it to Install, Own, Acquire, )  
Construct, Operate, Control, Manage, and )  
Maintain Water Systems in Carriage Oaks )

**POSITION STATEMENT OF APPLICANT CARL R. MILLS**

Applicant Carl R. Mills (“Mills”) by and through his counsel, Husch Blackwell LLP, provides his *Position Statement* with respect to the *Joint List of Issues* filed on behalf of the parties by the Staff of the Missouri Public Service Commission (“Commission”) :

**MILLS POSITION ON LIST OF ISSUES**

1. Does the evidence establish that the water system in Carriage Oaks Estates for which Carl R. Mills is seeking a certificate of convenience and necessity (CCN) is “necessary or convenient for the public service” within the meaning of that phrase in section 393.170, RSMo.?

**Response:** Yes, the evidence establishes that the water system in Carriage Oaks Estates (“Carriage Oaks”) for which Mills is seeking a CCN is “necessary or convenient for public service” within the meaning of the phrase in Section 393.170 RSMo.

Traditionally, in examining whether a water system is deemed “necessary or convenient” the Commission has applied the five “Tartan Criteria” established *In the Matter of Tartan Energy Company, et al.*, 3 Mo. PSC 3d 173, 177 (1994). The evidence has established that Mills’ application for CCN fulfills all of the Tartan Criteria as more fully set forth below.

*(1) Need for Service*

Mills' application has established a need for service. Pursuant to the Easements, Covenants and Restrictions governing all lots within Carriage Oaks (a copy of which was properly recorded with the Stone County Recorder of Deeds and supplied to each homeowner prior to the purchase of their lot), all residents of Carriage Oaks Estates must connect to the water system provided by the developer of the subdivision. The use of private wells is strictly prohibited in accordance with the Easements, Covenants and Restrictions and the Department of Natural Resources regulations. Mills, through one of his affiliated entities, presently operates the existing water system that is utilized to provide such water services to Carriage Oaks. No other water systems are readily available.

*(2) Applicant's Qualifications*

Mills is qualified to operate the water system within Carriage Oaks. In addition to his countless years of founding and running Chicago Power Fluid Corporation, a company specializing in designing actuators and other power fluid mechanics for municipal projects, nuclear and non-nuclear power stations, refineries, defense projects, offshore oil and gas, dams, water control and wastewater projects across the world, Mills has successfully provided safe and adequate water service for Carriage Oaks for the past 19 years.

*(3) Applicant's Financial Ability*

Mills' application also establishes the financial ability to operate the water system of Carriage Oaks. Mills paid for the entire installation and subsequent upgrade of the water system using his personal financial resources. Nothing in the current or past operation of the water system indicates a lack of financial ability.

*(4) Economic Feasibility of Proposal*

Mills' application and the subsequently proposed rates for water services are economically feasible. Both Staff of the Commission as well as Mills have conducted a review of the past and current operating expenses and found that the proposed rates are in line with current and future operating expenses.

*(5) Promotion of Public Interest*

Pursuant to *Case No. GA-94-127*, the Commission has previously determined that a positive finding with respect to the four standards above generally supports a finding that an application for a certificate of convenience and necessity will promote the public interest. The meeting of these four criteria coupled with the fact that Mills has successfully operated the water system for the past 19 years with no proven major issues or concerns helps to substantiate the finding of public interest.

2. If the Commission grants Mr. Mills a CCN, what conditions, if any, should the Commission deem to be reasonable and necessary, and impose?

**Response:** Mills believes no additional conditions should be deemed reasonable and necessary for the granting of the CCN. Mills, however, understands that the Commission may require some additional conditions and, in the spirit of resolution of this ongoing dispute, will work in good faith with the Commission to address any possible additional conditions.

Respectfully submitted,

**HUSCH BLACKWELL LLP**

By: /s/ Bryan Wade  
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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile, or electronically mailed to all parties and/or counsel of record on this 23<sup>rd</sup> day of April, 2019.

/s/ Bryan Wade