

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

In the Matter of Lincoln County Sewer        )  
& Water, LLC for a Certificate of            )  
Convenience and Necessity Authorizing    )  
it to Own, Operate, Maintain, Control     ) File No. \_\_\_\_\_  
and Manage Water Systems in Lincoln     )  
County, Missouri.                                )

**APPLICATION**

**COMES NOW** Lincoln County Sewer & Water, LLC. (LCSW), pursuant to Sections 393.140, RSMo, 393.170, RSMo 2000, 4 CSR 240-2.060 and 4 CSR 240-3.600 (Water Certificate), and, for its Application states as follows to the Missouri Public Service Commission (Commission):

**BACKGROUND**

1. This Application is being filed by LCSW to obtain from the Commission a certificate of convenience and necessity to own, operate, maintain, control and manage water systems in Lincoln County, Missouri.

2. LCSW is a Missouri limited liability company duly organized and existing under the laws of the State of Missouri with its principal office and place of business located at 360 E. Cherry Street, Troy, Missouri 63379. Attached hereto as **Appendix 1** is a Certificate of Good Standing issued by the Missouri Secretary of State related to LCSW. LCSW has no pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates having occurred within three years from the date of this Application. LCSW has no annual report or assessment fees which are currently overdue. LCSW has experience operating a wastewater facility.

3. Communications respecting this Application should be addressed to the undersigned counsel and:

Mr. Dennis Kallash  
Lincoln County Sewer & Water, LLC  
360 E. Cherry Street  
Troy, Missouri 63379  
636-528-6180 (telephone)

**CERTIFICATE**

4. LCSW requests permission, approval and a Certificate of Convenience and Necessity to own, operate, maintain, control and manage water systems for the public in areas located in Lincoln County, Missouri, as set forth on the maps attached to this Application as **Appendix 2**. Legal descriptions of the areas to be certificated are attached hereto as **Appendix 3**.

5. These areas generally encompass two existing developments (Rockport and Bennington) whose water systems are not currently regulated by the Commission. No other water service is currently available in these areas.

6. There are approximately 106 residential connections currently being served by these water systems. Attached hereto as **Appendix 4** is a list of ten residents or landowners from the areas for which a certificate is sought.

7. The subject water systems have already been constructed and are in operation. Plans associated with the construction of the system are not in a form conducive to filing in EFIS. The plans are available for viewing at the office of the undersigned counsel. There is no further construction planned at this time during the first three years of operation, other than that which may be addressed by the extension provisions of the resulting tariffs.

8. No financing is planned, other than that which is currently in place.

9. Attached hereto as Appendix 5 is a document containing proposed rates and an estimate of the number of customers, revenues and expenses. LCSW does not currently expect any substantial changes in these estimates during the next three (3) years of operation.

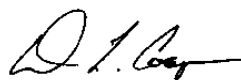
10. LCSW proposes to generally use the sample rules and regulations for water systems maintained by the Commission's Water and Water Department to govern its provision of water service to this area.

11. LCSW is not aware of any franchise (either city or county) that would be required in order for it to provide service in these areas. A permit for the operation of this facility has been issued by the Missouri Department of Natural Resources (DNR), a copy of which is attached hereto as Appendix 6. LCSW is not aware of any other governmental approval that it must obtain.

12. The areas LCSW proposes to certificate have a need for an operating water system and otherwise have no water service available. LCSW's experience in the operation of this water system gives it the ability to provide this service in an efficient manner. For these reasons, a grant of the application will further the public convenience and necessity.

**WHEREFORE**, LCSW requests the Commission grant it permission, approval and a Certificate of Convenience and Necessity authorizing it to own, operate, maintain, control and manage water systems for the public within the areas referred to above, and to issue such other orders as the Commission may deem appropriate.

Respectfully submitted,



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Dean L. Cooper                      Mo. Bar 36592  
BRYDON, SWEARENGEN & ENGLAND P.C.  
312 East Capitol Avenue

P.O. Box 456  
Jefferson City, MO 65102-0456  
Telephone: (573) 635-7166  
Facsimile: (573) 635-0427  
[dcooper@brydonlaw.com](mailto:dcooper@brydonlaw.com)

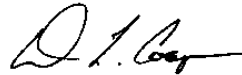
ATTORNEYS FOR LIINCOLN COUNTY  
SEWER & WATER, LLC

**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing document has been sent by electronic mail this 19<sup>th</sup> day of July, 2011, to:

Rachel Lewis  
General Counsel's Office  
Missouri Public Service Commission  
[Rachel.lewis@psc.mo.gov](mailto:Rachel.lewis@psc.mo.gov)  
[gencounsel@psc.mo.gov](mailto:gencounsel@psc.mo.gov)

Christina Baker  
Office of the Public Counsel  
Office of the Public Counsel  
[opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov)  
[christina.baker@ded.mo.gov](mailto:christina.baker@ded.mo.gov)



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**VERIFICATION**

STATE OF MISSOURI     )  
                                  )  
COUNTY OF COLE     )     ss

I, Dennis Kallash, state that I am a Member of Lincoln County Sewer & Water, LLC (LCSW); that I have read the above and foregoing document; that the statements contained therein are true and correct to the best of my information, knowledge and belief; and, that I am authorized to make this statement on behalf of LCSW.

*Dennis Kallash member*  
\_\_\_\_\_

Subscribed and sworn to before me this 17<sup>th</sup> day of June, 2011.

**DEAN L. COOPER**  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Cole County  
Commission # 11433496  
My Commission Expires: 3/26/2015

*D. L. Cooper*  
\_\_\_\_\_

Notary Public

My Commission Expires:

\_\_\_\_\_  
(SEAL)

## **APPENDICES**

Appendix 1 Certificate of Good Standing

Appendix 2 Maps of Areas

Appendix 3 Legal Descriptions

Appendix 4 List of Ten Residents/Landowners

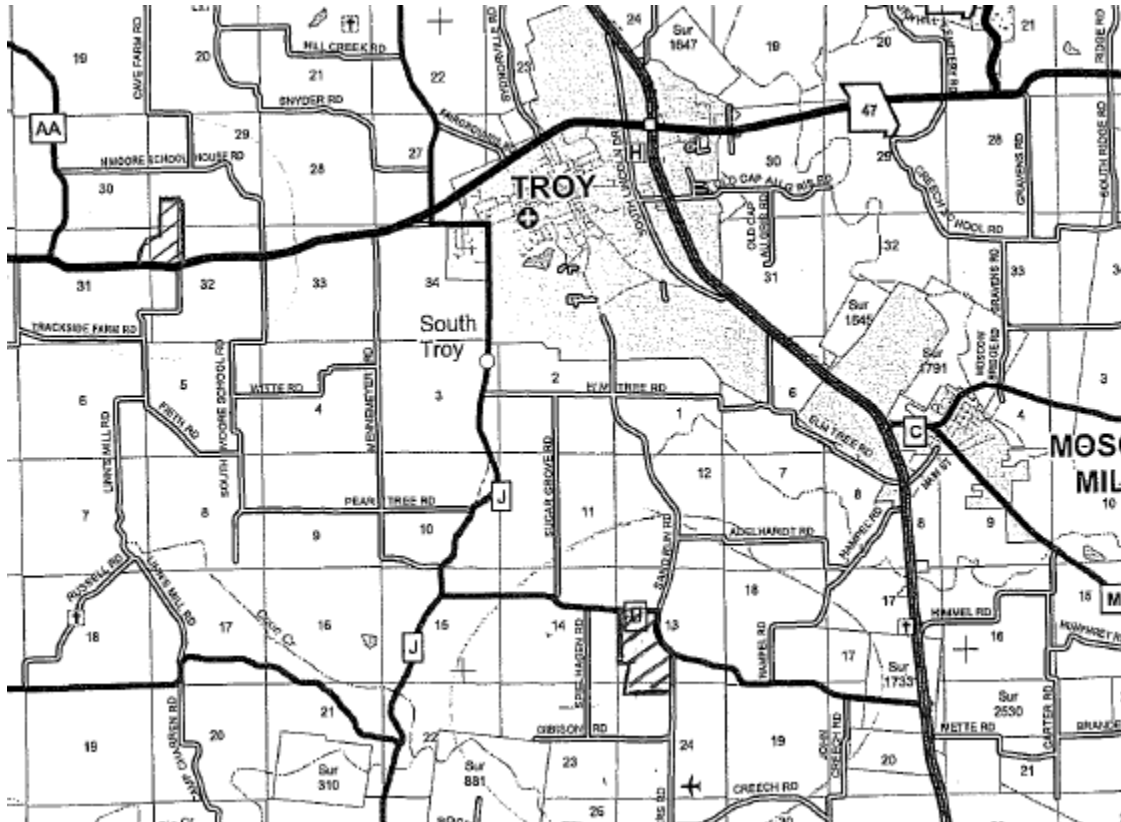
Appendix 5 Rates and Estimated Number of Customers, Revenues and Expenses

Appendix 6 DNR Permit

**APPENDIX 1**

[CERTIFICATE OF GOOD STANDING – SEPARATELY FILED]

**APPENDIX 2**





### APPENDIX 3

The following described real estate situated in Lincoln County, Missouri, to-wit:

A 54.049 ACRE TRACT OF LAND WITHIN PART OF SECTION 13, TOWNSHIP 48 NORTH, RANGE 1 WEST OF THE 5<sup>TH</sup> P.M. AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE S.E. CORNER OF THE S.W. ¼ OF THE S.E. ¼ OF SECTION 13 THENCE N 00 DEG. 43'00" E 1714.92 FT. TO A POINT; THENCE N 89 DEG. 53'00" W 1267.48 FT. TO A POINT; THENCE S 00 DEG. 53'10" W 233.12 FT. TO A POINT; THENCE S 03 DEG. 39'09" E. 89.67 FT. TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE S 00 DEG. 53'10" W 430.39 FT. TO A POINT; THENCE N 87 DEG. 37'50" W 2597.90 FT. TO A POINT; THENCE N 01 DEG. 45'10" E 847.18 FT. TO A POINT; THENCE N 82 DEG. 54.23" E 1493.56 FT. TO A POINT; THENCE S 73 DEG. 03'35" E 482.39 FT. TO A POINT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 513.36 FT. AN INCLUDE ANGLE OF 20 DEG. 51'02", AND A CHORD WHICH BEARS S 39 DEG. 34'35" E 185.79 FT., AN ARC DISTANCE OF 186.82 FT. TO A POINT; THENCE S 50 DEG. 00'06" E 585.60 FT. TO A POINT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 608.69 FT., AN INCLUDE ANGLE OF 07 DEG. 41'03", AND A CHORD WHICH BEARS S 53 DEG. 50' 37" E 81.57 FT., AN ARC DISTANCE OF 81.63 FT. TO THE POINT OF THE BEGINNING. ALL AS SHOWN ON A PLAT BY FITCH AND ASSOC.

A 24.220 ACRE TRACT OF LAND WITHIN PART OF SECTION 13 AND PART OF SECTION 24 TOWNSHIP 48 NORTH, RANGE 1 WEST OF THE 5<sup>TH</sup> P.M. AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE S.W. CORNER OF SECTION 13 THENCE N 01 DEG. 45'10" E 910.00 FT. TO A POINT; THENCE S 87 DEG. 37'50" E 474.00 FT. TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE S 87 DEG. 37'50" E 873.54 FT. TO A POINT; THENCE S 06 DEG. 22'56" W 1117.88 FT. TO A POINT; THENCE N 87 DEG. 24'42" W 1021.40 FT. TO A POINT; THENCE N 13 DEG. 52'10" E 1134.00 FT. TO THE POINT OF THE BEGINNING ALL AS SHOWN ON A PLAT BY FITCH AND ASSOC.

52.64 acres, being part of the West Half of Section 13, Township 48 North, Range 1 West, of the 5<sup>th</sup> P.M. and being more particularly described as follows: Beginning at an old stone, the West Quarter Corner of Section 13, Township 48 North, Range 21' E., 810.30 feet to an iron rod at the South right of way State Highway "U"; thence with the South right of way Highway "U" S., 87 degrees 15' E. 1623.15 feet to an iron rod. Thence S. 14 deg. 30' W. 559.33 feet to an iron rod; thence S. 78 deg. 31.27' E. 275.00 feet to a point at the West right of way of Highway "U"; thence S. 24 deg. 21.89' W. 798.99 feet to a corner post; thence Line; thence with the Section Line, N. 2 deg. 21' E. 742.32 feet to the place of beginning containing in the aggregate 52.64 acres, more or less, and being a part of the West Half of Section 31, T. 48 N. R. 1 W., of the 5<sup>th</sup> P.M.

A TRACT OF LAND BEING PART OF THE WEST HALF OF SECTION 13, TOWNSHIP 48 NORTH, RANGE 1 WEST OF THE 5<sup>TH</sup> PRINCIPAL MERIDIAN, AND DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON ROD AT THE SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY "U", SAID IRON ROD BEING NORTH 1 DEGREE 05' EAST, 626.7 FEET AND SOUTH 87 DEGREES 15' EAST 1623.15 FEET FROM THE WEST QUARTER CORNER OF SECTION 13, TOWNSHIP 48 NORTH, RANGE 1 WEST OF THE 5<sup>TH</sup> P.M., THENCE WITH THE RIGHT-OF-WAY, SOUTH 87 DEGREES 10' EAST, 269.95 FEET TO AN IRON ROD; THENCE SOUTH 36 DEGREES 01' EAST 76.5 FEET TO AN IRON ROD; THENCE SOUTH 19 DEGREES 53' WEST, 248.95 FEET TO AN IRON ROD; THENCE NORTH 78 DEGREES 14' WEST, 300.20 FET TO AN IRON ROD; THENCE NORTH 14 DEGREES 30' EAST, 256.6 FEET TO THE PLACE OF BEGINNING, CONTAINING IN THE AGGREGATE 1.987 ACRE, MORE OR LESS.

Bennington Subdivision – as recorded at Lincoln County Recorder of Deeds' Plat Book 13, page 31.

Bennington Plat 2 Subdivision - as recorded at Lincoln County Recorder of Deeds' Plat Book 13, page 195.

## APPENDIX 4

### List of Ten Owners/Residents Within Area to Certificated:

Nathan and Robin Daniels  
283 Bennington Drive  
Troy, MO 63379

Adam Twellman  
116 Bennington Court  
Troy, MO 63379

Jesse Green  
261 Bennington Drive  
Troy, MO 63379

Richard and Vanda Lamar  
240 Bennington Drive  
Troy, MO 63379

Jack and Brenda Gillespie  
248 Bennington Drive  
Troy, MO 63379

Larry and Mary Goetz  
269 Bennington Drive  
Troy, MO 63379

Phil and Stacie Young  
232 Bennington Drive  
Troy, MO 63379

Jim and Mary Blosson  
272 Bennington Drive  
Troy, MO 63379

Tim McElroy  
333 Rockport Drive  
Troy, MO 63379

Debra Wiler  
60 Citori Court  
Troy, MO 63379

## APPENDIX 5

### Rates

The following monthly water service charge will be in effect for Customers of LCSW:

Flat Rate - \$35 per customer/per month<sup>1</sup>

This rate does not include any municipal, state or federal taxes computed on either billing or consumption bases. Any such taxes applicable shall be added as separate items in rendering each bill.

The following additional schedule of service charges and fees will also apply:

Late Payment Fee – \$15 per month

Returned Check Fee - \$20.00

Reconnection Fee After Physical Disconnection during normal business hours -- \$75.00

Reconnection Fee After Physical Disconnection for times other than normal business hours -- \$100.00

**Estimated Number of Customers** = 106

**Expenses** - It is suspected that the expenses and required return on rate base for this operation will be generally equal to the revenues derived from the proposed rates. However, it is Applicant's understanding that the Commission Staff will perform an independent analysis of the appropriate rate for this Company. Applicant reserves the right to take a different position based upon its review of that Staff analysis.

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<sup>1</sup> It is anticipated that during the course of this case, LCSW will install meters. If this project is completed, LCSW would propose to utilize a customer charge combined with a volumetric rate, rather than a flat rate.

**APPENDIX 6**

[DNR PERMIT(S) – SEPARATELY FILED]