

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

In the Matter of Missouri-American)	
Water Company for Certificates of)	
Convenience and Necessity Authorizing)	
it to Install, Own, Acquire, Construct,)	File No. WA-2019-0364
Operate, Control, Manage and Maintain)	SA-2019-0365
a Water System and a Sewer System in)	
an area of Miller County, Missouri (Isla)	
del Sol Condominium Association, Inc.,)	
f/k/a Atlantis Island).)	

NOTICE OF VOLUNTARY DISMISSAL

COMES NOW Missouri-American Water Company (“MAWC”), by and through the undersigned counsel, and pursuant to Missouri Public Service Commission (“Commission”) Rule 20 CSR 4240-2.116(1) states the following to the Commission as its *Notice of Voluntary Dismissal*:

1. On May 26, 2019, MAWC filed an *Application and Motion for Waivers* (“*Application*”) for certificates of convenience and necessity for MAWC to install, own, acquire, construct, operate, control, manage and maintain a water system and a sewer system in Miller County, Missouri, in a development known as Isla del Sol Condominiums. The Commission assigned two case numbers for these filings (WA-2019-0364 and SA-2019-0365), and later consolidated the two cases with Case No. WA-2019-0364 as the lead case.

2. To provide service to the proposed area, MAWC entered into an *Asset Purchase Agreement* to purchase the water distribution system and sewer system from Rockwood Bank (Seller). A copy of the *Asset Purchase Agreement* was attached to the *Application* as Appendix D-C.

3. On September 16, 2019, the Commission received an ex parte contact that called into question the ownership of the assets subject to the *Asset Purchase Agreement*. The Commission issued a *Notice of Ex Parte Contact* and directed MAWC and the Commission's Staff to file suggestions on the status of MAWC's *Application*. On September 26, 2019, MAWC and the Staff filed responses stating the ownership of the assets that are the subject of MAWC's *Application* are at issue¹ and agreeing the Commission should stay its proceedings.

4. On September 27, 2019, the Commission issued its *Order Staying Proceedings* directing MAWC to file a status report no later than November 1, 2019, and on the first of each month thereafter.

5. On June 5, 2020, the Commission issued its *Order Amending Status Report Schedule*, wherein it directed that MAWC file status reports every three months.

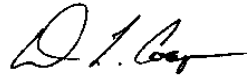
6. The asset ownership issues have not been resolved as of this date. The litigation involving the Isla del Sol Condominium Association, Inc. and Rockwood Bank continues.

7. Commission Rule 20 CSR 4240-2.116(1) states that "An applicant . . . may voluntarily dismiss an application . . . without an order of the commission at any time before prepared testimony has been filed or oral evidence has been offered, by filing a notice of dismissal with the commission and serving a copy on all parties." Prepared testimony has not been filed, nor oral evidence offered, in this case. Accordingly, MAWC hereby provides its *Notice of Voluntary Dismissal*.

WHEREFORE, MAWC respectfully requests that the Commission recognize this *Notice of Voluntary Dismissal* without prejudice pursuant to Commission Rule 20 CSR 4240-2.116(1).

¹ Case No. 19SL-CC04128 - St. Louis County Circuit Court.

Respectfully submitted,



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
dcooper@brydonlaw.com

Timothy W. Luft, MBE #40506
Corporate Counsel
MISSOURI-AMERICAN WATER COMPANY
727 Craig Road
St. Louis, MO 63141
(314) 996-2279 telephone
(314) 997-2451 facsimile
timothy.luft@amwater.com

**ATTORNEYS FOR MISSOURI-AMERICAN
WATER COMPANY**

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been sent by electronic mail this 1st day of June, 2021, to:

Karen Bretz
General Counsel's Office
staffcounsel@psc.mo.gov
karen.bretz@psc.mo.gov

Office of the Public Counsel
opcservice@opc.mo.gov

