

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

In the Matter of Application of Canyon Treatment )	
Facility, LLC for permission, approval and a )	
Certificate of Convenience and Necessity )	
Authorizing it to Acquire, Construct, Manage, )	Case No. SA-2010-0219
Or Maintain a Sewer System for the public )	
Located in Stone County, Missouri. )	

**APPLICATION TO INTERVENE**

COME NOW VPG Partners VI, LLC ("VPG"), pursuant to 4 CSR 240-2.060 and 2.075 of the Commission's Rules of Practice and Procedure, and hereby applies to intervene and become a party in respect to the application filed by Canyon Treatment Facility, LLC ("Canyon") in the above captioned proceeding. In support of this Application, VPG respectfully states as follows:

1. VPG is a Missouri Limited Liability Company formed for the purpose of owning, developing and managing real estate. VPG's principal office in the state of Missouri is 3179 N. Gretna Rd., Branson, Missouri 65616. VPG has previously provided, within the context of Case No. SC-2010-0161, a copy of its certificate of good standing. VPG has no pending actions or final unsatisfied judgments or decisions which involve customer service or rates, nor is VPG delinquent in any reports or fees.

2. Correspondence or communications regarding this application, including service of all notices and orders of this Commission should be addressed to:

David L. Woodsmall  
FINNEGAN, CONRAD & PETERSON, L.C.  
428 East Capitol Avenue, Suite 300  
Jefferson City, MO 65102-0148  
Voice: 573-635-2700  
Fax: 573-635-6998  
Email: [dwoodsmall@fcplaw.com](mailto:dwoodsmall@fcplaw.com)

AND

Joshua Neally  
VPG Partners VI, LLC  
3179 N. Gretna Road  
Branson, Missouri 65616

3. On January 21, 2010, Canyon filed its Application for Certificate of Convenience and Necessity to provide regulated sewer service in Stone County, Missouri. On January 22, 2010, the Commission issued its Order Directing Notice, Setting Intervention Deadline and Directing Status Update. That Order established a deadline of February 15, 2010 for the filing of any requests for intervention. As such, this Application is timely.

4. VPG owns and operates Stormy Point Village, a vacation resort in Stone County, Missouri. Stormy Point Village is comprised of 135 residential dwellings and is located immediately outside the city limits of Branson, Missouri within the area served by Canyon. To date, VPG has paid in excess of \$540,000 for tap-on fees under the auspices of receiving sewer service from Canyon or its affiliates. Furthermore, VPG has conveyed approximately 1.8 acres to Canyon and its affiliates for the construction of sewer facilities.

5. Given its location within the area served by Canyon as well as the size of its facilities, VPG has an interest in this case that differs from that of the general public. Ultimately, VPG is interested in ensuring that Canyon provides safe and adequate sewer service at just and reasonable rates.

6. While generally supporting Canyon's request for a certificate of convenience and necessity, VPG is concerned with at least three specific aspects of the Application. First, given Canyon's sole reliance on the use of contributed plant, VPG is

concerned with Canyon's financial ability to complete this project in the event that the estimated level of interest is not realized or the requested cost of tap-on fees is reduced. Second, VPG is concerned with the long-term feasibility and Canyon's interest in maintaining a project in which it maintains no invested capital on which to earn a return. Finally, VPG is concerned with the method by which Canyon will recognize tap-on fees and other contributed property previously provided by VPG.

WHEREFORE, for the reasons stated herein, VPG respectfully requests that the Commission issue an order permitting VPG to intervene as a party in this case.

Respectfully submitted,



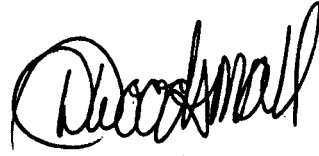
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David L. Woodsmall (MBE #40747)  
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**Attorneys for VPG Partners VI, LLC**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have this day served the forgoing pleading by email, facsimile or First Class United States Mail to all parties by their attorneys of record as provided by the Secretary of the Commission.

A handwritten signature in black ink, appearing to read "David L. Woodsmall", written in a cursive style.

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David L. Woodsmall

Dated: January 25, 2010

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Case No. SA-2010-0219

**AFFIDAVIT**

STATE OF MISSOURI )  
 ) SS  
COUNTY OF TANEY )


I, Joseph Patrick Joyce, having been duly sworn upon my oath, state that I am the Managing Member of VPG Partners VI, LLC and that I am duly authorized to make this application on behalf of VPG and that the matters set forth in this application are true and correct to the best of my information, knowledge and belief.

  
\_\_\_\_\_  
Joseph Patrick Joyce

Subscribed and sworn before me this 25 day of January, 2010.



M. G. ABBOTT  
My Commission Expires  
February 3, 2013  
Taney County  
Commission #00746724

  
\_\_\_\_\_  
Notary Public

My commission expires on 2.3.2013