**BEFORE THE PUBLIC SERVICE COMMISSION**

**OF THE STATE OF MISSOURI**

In the Matter of Missouri-American Water Company §

For a Certificate of Convenience and Necessity §

Authorizing it to Install, Own, Acquire, Construct, § **File No. SA-2015-0065**

Operate, Control, Manage and Maintain a Sewer §

System in Benton County, Missouri §

**MOTION FOR REHEARING**

Comes Now, George M. Hall, Amicus Curaie/person of interest, and makes and files this his Motion for Rehearing pursuant to 4 CSR 240-2.160(1) and submits the following:

1. On November 11, 2015 this Commission issued a Certificate of Convenience and Necessity to Missouri American Water in this case. The effective date of the Certificate is December 12, 2015.
2. This Commission granted the CCN without holding any hearing and has severely erred in its decision.
3. George M. Hall, submits all of previous argument and points which are part of the record in this case.
4. George M. Hall submits rehearing is warranted in this matter because the Commission did not have jurisdiction to issue the CCN in this case since Missouri American Water lacked standing to apply for any such certificate in reference to the purchasing and acquiring the public sewer district known as the Benton County Sewer District #1.
5. The Benton County Sewer District was a public sewer district created by the vote of the residents in its boundary area. On April 2, 2013 by overwhelming majority vote, the residents of the Benton County Sewer District #1 dissolved the Benton County Sewer District #1 pursuant to the provisions of state law, RSMo 67.950.
6. The residents voted to dissolve (terminate and end) the public sewer district. There was no vote of the residents to privatize the district nor is the privatization of the district warranted under the provisions of RSMo 67.950. Absent a vote to privatize the public sewer district known as the dissolved Benton County Sewer District #1, Missouri American Water had no standing to apply for the CCN in this case. No standing to apply, leaves this Commission without jurisdiction to award any such CCN.
7. The sale of the Benton County Sewer District #1 assets for the purchase price is illegal, unreasonable, and unconstitutional pursuant to the Missouri Constitution.
8. The Benton County Sewer District construction was funded with public taxpayer funds in an amount of approximately $4,000,000.00. The purchase price of $750,000 is $3,250,000 less than the public funds used to construct the district. If the sale proceeds under its current terms, Missouri American Water increases its bottom line assets by a minimum of $4,000,000.00 by illegal conversion of public property and public funds.
9. The Missouri Constitution, Article VI, Section 25 provides in part:

“**No…….political subdivision of the state shall be authorized to lend its credit or grant public money or property to any private individual, association or corporation……”**

1. The attempted sale of the Benton County Sewer District #1 to American Water for $750,000.00 would be granting public money and property to a private corporation all in contravention of Article 6, Section 25 of the Missouri Constitution.
2. There have been no waivers of collection of public funds by the United States Legislature or the Missouri Legislature in reference to the public funds expended in the construction of the Benton County Sewer District #1. Thus any sale of the public assets for any lesser amount would be unconstitutional, illegal and unreasonable. (The grant monies (public taxpayer dollars) used to construct the Benton County Sewer District #1 was approximately $2,500,000.00). George M. Hall maintains that Missouri American Water under the Missouri Constitution cannot benefit from these public funds without submitting this amount in the purchase price. The records in this case establish that the Benton County Sewer District #1 owes approximately $1,100,000.00 on a purported loan. This combined with the public taxpayer funds (grant money) of $2,500,000.00 would require a purchase price of the public sewer district for a minimal amount of $3,600,000.00 to be legal and constitutional.
3. The CCN issued in this case is preempted by pending litigation. There are two appeals pending before the United States District Court for the 8th Circuit wherein oral argument has been conducted and parties are awaiting the decision of the Court. There is currently filed with the 30th Judicial District Court of Benton County, Missouri a petition for declaratory judgment raising 10 constitutional issues arguing that the Benton County Sewer District is and was unconstitutional in its formation, funding, operations and existence and raising the claim that the District was ***void ab initio.*** These pending constitutional legal matters clearly outweigh the selling of any assets of the Benton County Sewer District #1 to Missouri American Water.
4. The Commission has systematically and arbitrarily denied George M. Hall and the majority of the voters in the Benton County Sewer District #1 the right to be heard, the right to representation and denied them due process. There has been no representation before the Commission of the majority voters who dissolved the Benton County Sewer District #1 or those individuals like George M. Hall who refuse to concede to the whims of Missouri American Water or those who refuse to give up their claim of interest in property since there is no outstanding bonded indebtedness owed by the Benton County Sewer District #1, see RSMo 67.950.

WHEREFORE, George M. Hall, requests that this Commission grant a rehearing on the matters concerning the issuance of a CCN in this case, that George M. Hall be allowed to present his claims at a rehearing, and that after such rehearing, this Commission deny the application of Missouri American Water for a CCN to purchase and operate the dissolved Benton County Sewer District #1 and for such other relief the Commission deems proper and just.

Respectfully submitted,

**/s/ George M. Hall**

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**CERTIFICATE OF SERVICE**

I hereby certify that on this the 11th day of December 2015, a true and correct copy of the forgoing Motion was e-mailed to the following individuals:

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By: **/s/ George M. Hall**