

John W. Ellinger

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FILED

FEB 07 2000

February 4, 2000

Missouri Public
Service Commission

Mr. Dale Hardy Roberts, Secretary
Chief Regulatory Law Judge
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102

Re: Application of Lake Water & Sewer Company
Case No. SA-2000-295 and
Southwood Shores Condo Owners Association, Inc.

Dear Mr. Roberts:

Enclosed herewith please find an original and 14 copies of Southwood Shores Condo Owners Association, Inc.'s Motion to Intervene in the above captioned case.

It would be greatly appreciated if you would mark the extra copy of the front page of the Motion "filed" and returning same to us in the enclosed, self-addressed, stamped envelope.

Thank you very much.

Sincerely yours,


John W. Ellinger

JWE;clf

Enclosures

cc: Mr. Gary W. Duffy
cc: Office of the Public Counsel
cc: Department of Natural Resources
cc: Ms. Alisa Legg, Southwoods Shores

FILED³

FEB 07 2000

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Missouri Public
Service Commission

In the Matter of the Application of Lake Region)
Water & Sewer Company for a Certificate of)
Public Convenience and Necessity Authorizing It)
to Construct, Install, Own, Operate, Control,)
Manage, and Maintain a Centralized Sewage Col-)
lection and Treatment System in an Area in an)
Unincorporated Area in Camden County, Missouri,)
as an Expansion of Its Existing Certificated)
Area.)

Case No. SA-2000-295

MOTION FOR LEAVE OF COMMISSION TO
INTERVENE OUT OF TIME

Comes now Southwood Shores Condo Owners Association, Inc.,
a Missouri not for profit corporation, who moves to intervene
in the above captioned matter out of time, for the following
reasons:

1. That the association did not receive notice of the
filing of Lake Region Water and Sewage Company's application
for certificate of convenience and necessity through any of
the sources set forth in the commission's order dated October
26, 1999, nor was it informed of the pendency of such matter
by any of the persons or entities so notified by the commission's
order.

2. That the association was not aware of the pendency
of this matter until an article in the Lake Sun was brought
to the attention of Alisha Legg, Property Manager for the
association, a copy of which is attached to this motion as
Exhibit "A", which only referred to sewer service and did not
indicate the pendency of any application before the Public
Service Commission; and, that only upon inquiry to others did
she become aware that an application was pending; and, that

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this was discovered on January 14, 2000.

3. That the association maintains its own sewer system in the area sought to be franchised by the Lake Region Water and Sewage Company, at considerable savings to its members and condominium owners, a copy of its rate calculations being attached hereto as Exhibit "B".

4. That the sewer system of the Movant is a duly approved and tested sewer system.

5. That the policy of the Department of Natural Resources, State of Missouri, has been to require private sewer systems to connect to regional systems, where available; and, to do so would be a considerable expense to its members and condominium owners, without any additional benefit; and, at considerable additional expense, if the association were required to pay for a lift station because of the terrain.

6. That Movant's claim of interest is meretorious.

WHEREFORE, Movant desires to intervene in this proceeding for the purpose of opposing the application of Lake Region Water and Sewer Company and to request that the area surrounding Southwood Shores Condo Owners Assn., Inc., be excluded from the area to be served by the applicant; or, for such other relief as may be appropriate.

Submitted this Hth day of February, 2000.



John W. Ellinger, #17837
Attorney for Movant-Intervenor
Southwood Shores Condo Owners
Assn. Inc.
708 East McCarty Street
Jefferson City, Missouri 65101
573-634-2311

CERTIFICATION

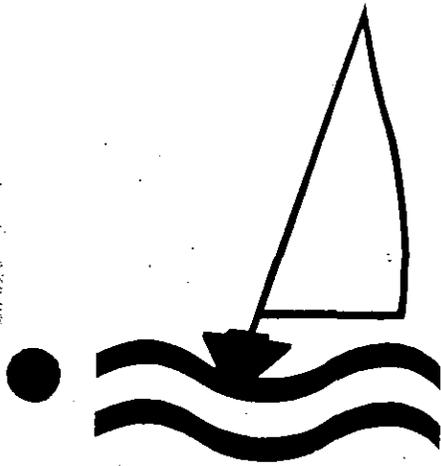
The undersigned hereby certifies that a copy of the foregoing has been served by First Class, U. S. Mail, postage prepaid upon Mr. Gary W. Duffy, Brydon, Swearingen & England, P.C., 312 East Capitol Avenue, P.O. Box 456, Jefferson City, Missouri 65102-0456, Office of the Public Counsel, P.O. Box 7800, Jefferson City, Missouri 65102 and upon the Department of Natural Resources, Office of the General Counsel, 205 Jefferson Street, P.O. Box 176, Jefferson City, Missouri 65102-0176, this 24 day of February, 2000.



John W. Ellinger

LAKE SUN

Ed. "A"



Serving the Lake of the Ozarks Region Since 1879

Leader

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Vol. 121, No. 008

Thursday, January 13, 2000

Lake Ozark moves on bend sewers

By Ceil Abbott

LAKE OF THE OZARKS — A vote by the Lake Ozark Board of Aldermen clears the way for negotiations that would bring city sewers to Horseshoe Bend residents. Lake Region Water and Sewer officials say that service could start as early as this summer.

After several weeks of study, Lake Ozark officials have arrived at what

they feel is an acceptable service rate to charge Lake Region and the two entities will begin negotiating other aspects of a contract which will eventually bring sewer service to both Horseshoe Bend and Shawnee Bend.

A beginning rate of \$1.08 per 1000 gallons of sewage appeared to be acceptable to both parties, however, Lake Ozark did reserve the right to

review that rate every six months and change it if necessary. Lake Region Water and Sewer president Fritz Ritter told aldermen he expected the negotiations to go well and his company could be piping as much as 200,000 gallons per day into city sewer mains by summer.

According to Lake Ozark Mayor Gary Weber, Lake Region told him

connecting Shawnee Bend to the city mains could take as much as a year longer. Central to that goal is the question of who will stand the expense of attaching the sewer mains to the understructure of Lake of the Ozarks Community Bridge.

The Missouri Department of Natural Resources has been pushing local
(Continued on page 4, col. 1)

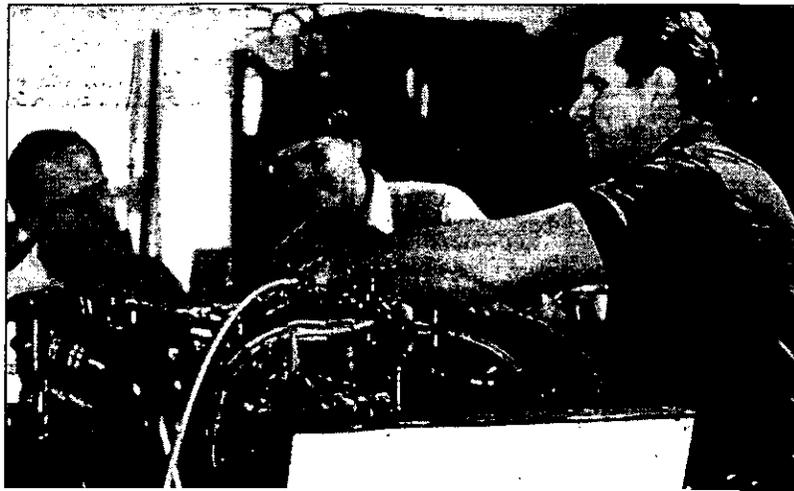
Turkey Bend hearings on track - this time

Osage Beach ready to roll on run up to April vote on annexation

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Floating through her time

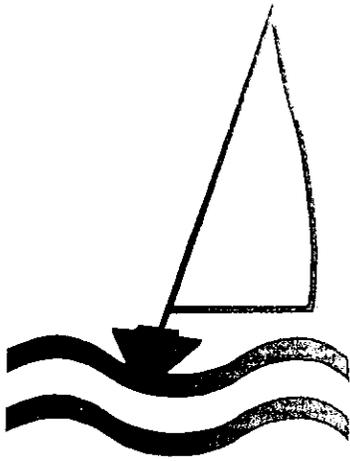
Camden inmate may face charges for flooding jail

By Joyce L. Miller

CAMDEN COUNTY — A Camden County inmate may face a long list of charges after allegedly setting off the sprinkler system, flooding the jail and sending water down to the administrative offices of the sheriff's department.

For the second time in as many months, employees of the sheriff's department and county maintenance workers were called into action to clean up a big mess.

According to Sheriff John Page, alarms in the building went off about 1:15 p.m. Tuesday afternoon when a



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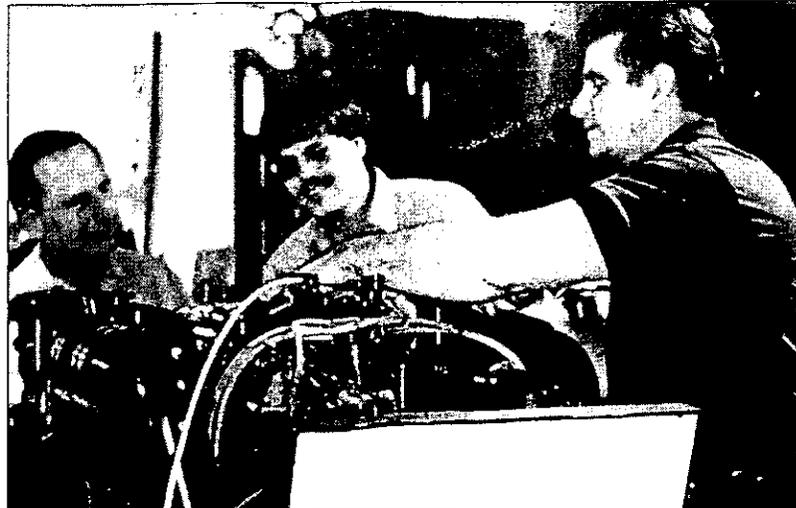
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FROM THE FRONT

Bend sewers

(Continued from page 1)

officials to find a way to pipe sewage from Shawnee Bend across the lake since before the bridge was built. In fact after the bridge design was accepted officials of the Lake of the Ozarks Community Bridge had the design modified at the request of DNR officials who wanted the structure strengthened to handle the weight of utilities.

Last fall after Lake Region applied to DNR for a permit to build a sewage plant on Shawnee Bend, Lake Ozark officials expressed concern that sewage would never be piped

across the lake prompting Ritter to immediately put his intentions in writing.

Since Ritter made that promise to connect both Shawnee Bend and Horseshoe Bend developments to Lake Ozark city sewers, events have moved swiftly, however, no decision has been made on what entity will finance the bridge project. Weber is adamant that it will not be the city

"The city will not stand the cost of installing the mains on the bridge. Lake Region will have to either pay for that project themselves or find somebody

else to do it," Weber said.

In addition to the cost of the material and construction of the bridge project there is an annual fee that must be paid to the Missouri Department of Transportation for using the structure.

At one point the bridge commission considered installing the mains, but bridge Commissioner Larry Gridley said later that commissioners had decided the project was cost prohibitive.

Lake Region will be responsible for installing the necessary piping to bring both

Horseshoe and Shawnee Bend sewers to where Lake Ozark mains currently end and meters will be installed at those locations. Lake Region will be billed on a monthly basis for the entire costs of sewage usage in both development areas.

Although the Lake Ozark Board of Aldermen have passed an intent to annex Horseshoe Bend and city officials are shooting for putting the annexation question on the August ballot, there has been no discussion on how sewer service will be handled if the area becomes part of the town.

Two views

(Continued from page 1)

straight check, the state should spend the money to improve medical benefits at a time when surviving veterans need it most.

"Health costs, including prescriptions drugs are where these folks need the help," Luetkemeyer said. "I think the money could be better spent improving programs for living veterans."

Under Chrismer's plan, survivors of eligible veterans would be able to collect the money. It would be distributed in order of spouse at the time of service and follow lineage down to great-grandchildren.

"Instead of divvying the bonus to heirs, Luetkemeyer believes living veterans of both wars should get whatever medical

won't be eligible to receive such a check.

He supports the payment if state lawmakers can get it for others.

One lake area veteran clearly recalls when the original law "disappeared."

A member of the Homer M. Goode Veterans of Foreign Wars Post in Lake Ozark who declined to be named calls it one of a string of failed attempts to pay service members.

Although he served between the Korean War and Vietnam Conflict, the veteran crossed paths with as many as 10,000 military personnel records as a records clerk in St. Louis.

"It was when the Army and Air Corps separated in 1955," he said. "People were mailing in to try and get discharge paperwork and found out that the law

"It is worth it to honor them," he said.

Luetkemeyer questions the sincerity of a gesture to replace one so stale.

"I would think veterans would be asking the state, "Why give us this now? Where were you 50 years ago when I served my country?" he said.

Pryor and Luetkemeyer also disagree on another of Chrismer's proposed pieces of legislation — HB 1273.

Pryor supports the measure to appropriate \$1 per Missouri resident who served during WWII to help fund the National WWII Memorial in Washington, D.C.

"I think it is a great idea," he said.

Although Luetkemeyer agrees the memorial is a worthy project, he wants to see private enterprise foot the bill rather

Muni audit

city.

The audit says Dunn "did not abstain from to approve payment Dunnaway Excavation which amounted to than \$9,000 in 1998.

"I don't do it anymore," Dunnaway said. "A make sure all abstaining votes have do with that are recorded.

City records show longer votes when company is awarded contracts with the city.

One of the latest cases in February 1999

Dunnaway Excavation a bid for road maintenance.

The year-long contract for work to be complete the direction of the when specific repairs needed.

The city, according auditor, didn't send tax revenues to the that it collected on from those living on the city.

"We recommend the state Sales Tax Department be contacted in or change the sales report properly remit any collected to the city," Tilley said.

FORMULA FOR DETERMINING SEWER SERVICES CHARGES FOR CALENDAR YEAR 19
 TO COMMERCIAL TRACTS OF SOUTHWOOD SHORES AS SET FORTH IN ENTRANCE ROAD AND
 SEWAGE TREATMENT AGREEMENT RECORDED IN BOOK 292 PAGE 759
 OF CAMDEN COUNTY RECORDS

Tract # _____ Being Used As _____
 Name of Owner: _____

ANSWER

1. Determine annual treatment plant cost for current year 1999

Treatment Plant - electricity	<u>4782.67</u>	
Monthly Service Contract, Testing	<u>4500.00</u>	
Sludge removal	<u>1080.00</u>	
Repairs	<u>1550.02</u>	
Insurance	<u>545.00</u>	
Water Consumption to service treatment plant	<u>100.00</u>	
Reserve: equipment replacement	<u>1600.00</u>	
Reserve for painting, repair of treatment plant buildings	<u>5000.00</u>	
Other miscellaneous costs	<u>50.00</u>	Permit + 651-40 Chlorine
Subtotal:		<u>19859.11</u>

Overhead 15 % of subtotal to cover administrative costs 2978.87

Total annual treatment plant costs = \$22837.98 (1)

2. Determine water consumption of a two (2) bedroom dwelling unit. As per CSR 20-8 of the Missouri DNR, a 2 bedroom unit has a population equivalent of 3.0* persons. Same regulation provides for 75 gallons/day/person (copy attached) P.E. 3 x 75 gal./day =

225 gal. (2)

*NOTE THAT THIS NUMBER IS NOT COMPUTED, BUT OBTAINED FROM STATE REGULATIONS AND WILL NOT CHANGE UNLESS THE REGULATION CHANGES. THIS REGULATION MUST BE CHECKED EACH YEAR.

3. Existing monthly condominium assessment for current year \$ 130.00/month x number of units 268 (268 max.) = total monthly condominium assessment

\$34,840.00 (3)

4. Annual operating costs of sewage treatment plant from (1) above

\$22837.98 (4)

5. Divide annual operating costs from (4) above by 12 = average monthly treatment plant operating costs =

\$1903.17 (5)

6. Divide total monthly condominium assessment from (3) above \$ 34840.00 by average monthly treatment plant operating cost from (5) above \$ 1903.17 =

18.31 % (6)

7. Multiply percentage from (6) above 18.31 % x individual monthly condominium assessment \$ 130.00 = percentage (in dollars) of the monthly assessment per individual units (this is the portion of each owner's monthly condo assessment attributable to sewer service)

\$23.80 (7)

8. Determine the ~~annual water consumption of the applicable~~ commercial use (from actual meter readings) = 602,000 gallons/year divided by 365 days = gallons/day

1649.32 (8)

9. Divide the average gallons/day from (8) above 1649.32 gallons by the average daily consumption of a 2 bedroom unit from (2) above 225 =

7.33 (9)

10. Multiply the dollar number from (7) above \$ 23.80 by the number from (9) above 7.33 =

174.45 (10)

This is the monthly charge for this tract for the year of _____. THIS NUMBER TO BE INSERTED IN DOCUMENT TO BE RECORDED IN CAMDEN COUNTY EVERY YEAR BY JANUARY 1ST.

(THIS FORM PREPARED 3/11/88)

EX "B"