

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

In the Matter of the Joint Application of)
Missouri-American Water Company and DCM)
Land, LLC, for a Variance from the Company’s) **File No. WE-2021-0390**
Tariff Provisions Regarding the Extension of)
Company Mains.)

MOTION FOR EXPEDITED TREATMENT

COMES NOW DCM Land, LLC (“DCM Land”), and pursuant to 20 CSR 4240-2.080(14), states as follows to the Missouri Public Service Commission (the “Commission”):

BACKGROUND INFORMATION

1. DCM LAND is one of the Joint Applicants in this matter, which seeks a variance from Missouri-American Water Company’s (“MAWC’s”) Commission-approved Tariff Sheet, 1st Revised Sheet No. R 48, Rule 23 Extension of Company Mains, A.2. and 3., to allow DCM Land’s Cottleville Trails development to be economically viable and nearer in cost to what would be incurred if the development were served by the public water district that, also, serves the area.

2. As noted in the original Application filed in this matter on May 6, 2021, DCM Land is currently developing Cottleville Trails for residential use, with 354 single family residences, and 175 apartment units planned for the initial development (“Phase 1”); and 217 additional attached, single family residences planned for future development (“Phase 2”).

3. As noted in DCM Land’s prior Motion for Expedited Treatment filed July 13, 2021 (“Prior MET”), DCM Land’s contracts with builders who will construct the homes in Cottleville Trails required the initial closings on lot sales to be no later than October 31, 2021(the “Initial Closing Date”); but the Initial Closing could not occur, until this proceeding was completed and the water source was confirmed.

4. In its Order of October 24, 2021, the Commission granted DCM's Prior Met (October 24, 2021 Order at p. 5); and such approval was not challenged in OPC's Application for Rehearing.

5. DCM was not able to close on its sale of lots with the builders who are under contract to purchase them by the October 1, 2021 Initial Closing Date discussed in the Prior Met; and DCM is now incurring approximately \$38,000 per month in interest carrying costs for its development loan.

6. Closing on the first group of lots is now currently set for May 1, 2022.

**20 CSR 4240-2.080 (14)
REQUIREMENTS**

7. DCM Land hereby, respectfully, requests that the Commission take the issues that have been presented to it for rehearing up at its first available opportunity and not delay ruling past March 31, 2022, in order to allow sufficient time for DCM Land to meet the May 1, 2022 Closing Date.

8. Being able to proceed with the first closing on May 1, 2022 will avoid the damage to DCM Land that will occur if it is required to pay an additional \$38,000.00 in carrying costs due to delay past the requested date.

9. There will be no negative effect on the general public and MAWC's existing customers will be benefited, because the sooner the homes are built and the additional customers the development will generate are on-line, the sooner there will be a greater customer base across which to spread MAWC's fixed costs. In addition, MAWC has indicated in its data request response to Staff in PSC 00006 that fire protection will be improved to the Old Town Cottleville area, and access to water service provided to several additional properties, because MAWC is requiring DCM Land to install a 12" main in place of an existing 2" main in Old Town Cottleville,

as a part of this development. Thus, both MAWC's existing customers and the public will be benefited, the sooner the development occurs.

10. This Motion has been filed as soon as it could have been, because, until the Commission issued its agenda for its March 9, 2022 meeting, it was not known that the conclusion of this proceeding might be likely to extend past the May 1, 2022 closing date, unless this Motion is granted.

WHEREFORE, having shown good cause for the requested expedited treatment, DCM Land respectfully requests the Commission enter its decision in this matter, no later than Mach 31, 2022.

Respectfully submitted,

/s/Sue A. Schultz
Sue A. Schultz, #37219
Anthony J. Soukenik #34097
600 Washington Ave., 15th Fl.
St. Louis, MO 63101
Telephone: (314) 231-3332
Facsimile: (314) 241-7604
sschultz@sandbergphoenix.com
asoukenik@sandbergphoenix.com

ATTORNEYS FOR DCM LAND, 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 8th day of March, 2022, to:

Missouri Public Service Commission
staffcounsel@psc.mo.gov

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

Missouri-American Water Company
Timothy.Luft@amwater.com
dcooper@brydonlaw.com

Missouri Public Service Commission
kevin.thompson@psc.mo.gov

/s/Sue A. Schultz _____

VERIFICATION

State of Missouri)
)
County of St. Charles) ss

I, Jeffrey D. Kolb, under penalty of perjury, and pursuant to Section 509.030, RSMo, state that I am a Manager of DCM Land, LLC, that I am duly authorized to make this affidavit on behalf of DCM Land, LLC, that I have knowledge of the matters stated herein, and that said matters are true and correct to the best of my knowledge and belief. Additionally, no representative of DCM Land, LLC, has had any communication with the office of the Missouri Public Service Commission as defined in Commission Rule 20 CSR 4240-4.015(10) within the immediately preceding 150 days regarding the subject matter of this Application.



Jeffrey D. Kolb