**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 WITHDRAWL OF ORDER**

**GRANTING CERTIFICATE OF CONVENIENCE AND NECESSITY**

Comes Now, George M. Hall, Amicus Curiae/and person of interest, and makes and files this his Motion for Withdrawl of the Order Granting Certificate of Convenience and Necessity issued November 12, 2015 and effective December 12m 2015, in this case and respectfully submits the following:

1. In its order dated November 12, 2015, the Commission failed to mention, recognize, or even consider the two appeals currently pending before the United States Court of Appeals for the 8th Circuit in Appeal Nos. 13-3394/14-3195 which involve matters concerning the Benton County Sewer District #1and the purported Asset Purchase Agreement. Oral argument has taken place on these two appeals and the parties are awaiting the decision from the Court.
2. Item #57 of this Commission’s Docket entries in this case reflects that a Petition For Declaratory Judgment alleging ten (10) counts of unconstitutionality in reference to the Benton County Sewer District #1 was filed with the 30th Judicial Circuit Court of Benton County, Missouri in Case No. 15BE-CC00047 on November 24, 2015and further a Notice of Lis Pendens was filed with the Recorder of Deeds Office of Benton County, Missouri on November 30, 2015.
3. On October 1, 2015 a Notice of Claim of Interest In Property and Intent To Preserve Interest was filed Recorder of Deeds for Benton County Missouri against the real property of the Benton County Sewer District #1.
4. This Commission lacks jurisdiction for issuing a Certificate of Convenience and Necessity to Missouri American Water in this case. The Benton County Sewer District was dissolved by vote on April 2, 2013. The ballot language was for dissolution of the district, termination and ending. There was never a vote of the residents to privatize the public sewer district. Absent the vote to privatize, Missouri American Water has no standing to file an application for a certificate of convenience and necessity. If a vote to privatize is not necessary to invoke standing, then why doesn’t this Commission just give Missouri American water a blanket Certificate of Convenience and Necessity encompassing the entire State of Missouri and allow Missouri American Water to acquire all sewer and water utilities in the State including those that serve these very Commissioners and then let’s not forget to not allow intervention or representation of any interested or affected party? If this Commission is going to condone one unconstitutional act, it might as well do it on a grand scale and do it State wide.
5. The interests of the majority of the residents, who successfully voted for dissolution of the Benton County Sewer District #1, has had no representation and has been denied all representation before this Commission. By issuing the Certification of Convenience and Necessity in this case, this Commission has breached its fiduciary duties and has become an active participant and coconspirator to necessitate the covering up of a fraud and the commission of a fraud upon the majority voters of the Benton County Sewer District #1.
6. Because of the legal matters pending before the United States Court of Appeals for the 8th Circuit, the constitutional issues pending before the 3oth Judicial District Court of Benton County, Missouri, the lack of standing of Missouri American Water and the lack of jurisdiction of this Commission clearly outweigh the conspiring to cover up a fraud and the commission of a fraud upon the voters of the Benton County Sewer District #1 and the authorizing and approval of the selling of assets to Missouri American Water.

Wherefore, George M. Hall, Amicus Curiae and person of interest requests the Certificate of Convenience and Necessity be withdrawn in this case until the disposition of the aforementioned pending legal matters involving the Benton County Sewer District #1.

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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