

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the Matter of:	)	
	)	
Missouri-American Water Company's	)	
Request for Authority to Implement	)	<u>WR-2011-0337</u>
a General Rate Increase for Water and Sewer	)	<u>SR-2011-0338</u>
Service Provided in Missouri Service Areas	)	

**METROPOLITAN ST. LOUIS SEWER DISTRICT'S APPLICATION TO INTERVENE**

COMES NOW the Metropolitan St. Louis Sewer District ("MSD"), and pursuant to 4 CSR 240-2.075 and the Order Directing Notice, etc., dated July 5, 2011, respectfully requests that the Public Service Commission (the "Commission") permit MSD to intervene in the above rate proceeding. In support of its Motion, MSD states as follows:

1. MSD is a political subdivision of the State of Missouri and municipal corporation situated in the City of St. Louis, which provides an integrated sewer system for single and multi-family residences and commercial and industrial customers throughout the City of St. Louis and most of St. Louis County. MSD's address is 2350 Market Street, St. Louis, MO 63103; its telephone number is 314-768-2703; and its facsimile number is 314-768-6279.

2. On July 16, 2007, in conjunction with an application for a general rate increase filed by Missouri-American Water Company ("MAWC") in Commission Case Nos. WR-2007-0216 and SR-2007-0217, MSD and MAWC filed a Stipulation and Agreement as to MSD Rate Design Between MAWC and MSD, whereby both parties agreed that MAWC would provide water usage meter reading data and customer billing information to MSD and, in return, MSD would pay MAWC \$29,166 per month (\$350,000 annually) for such information (the "Stipulation").

3. Under the terms of the Stipulation, MSD and MAWC were required to execute an agreement setting forth the specific terms and conditions governing MAWC's provision of such water usage and billing data to MSD.

4. On September 20, 2007, the Commission issued an Order approving the Stipulation, and on or about November 29, 2007, MSD and MAWC entered into a Water Usage Data Agreement (the "Agreement") further specifying their rights, interests and obligations with respect to the provision of the water usage and billing data.

5. In addition to itemizing the specific data to be provided by MAWC, and setting forth the amount to be charged to MSD for such data, the parties also agreed, among other items, that the rate of compensation for the provision of such data would be incorporated in a revised tariff sheet, number RT 16.0, to be applicable for service on and after December 1, 2007.

6. MAWC also agreed to identify and provide to MSD, before MAWC filed its next general rate case, the total incremental costs MAWC incurs in making the water usage and billing data available to MSD.

7. In accordance with the Stipulation and Agreement, on March 28, 2008, MAWC filed a proprietary report entitled, "Analysis of Cost for Water Usage Data Services Provided to MSD Twelve Months Ending December 31, 2007" (the "Water Usage Data Cost Study"), and it initiated another rate case on March 31, 2008, Case No. WR-2008-0311.

8. On April 1, 2008, in Case No. WO-2008-0240, the Commission issued its Order approving the Agreement, effective April 11, 2008.

9. In Case No. WR-2008-0311 and in Case No. WR-2010-0131, the rate of compensation for providing water usage meter reading data and customer billing information to MSD established in the Agreement and formalized in the tariff of MAWC was adopted by the Commission in setting the rates of MAWC in those proceedings.

10. In the newly filed rate case, MAWC has not changed the level of compensation established by the Agreement for providing the water usage and billing data to MSD.

11. MSD has not yet determined what, if any, action it will take concerning the amount MAWC claims MSD should be charged for the provision of water usage and customer billing data.

12. In any event, the Commission's ultimate determination on this issue directly implicates MSD's rights and interests.

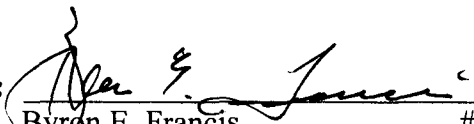
13. MSD has a right to protect its interests with respect to MAWC's provision of the water usage and customer billing data, and these interests are divergent from those of the general public and could be adversely affected by the final order issued in this case.

14. Accordingly, intervention by MSD in this rate proceeding is warranted under the circumstances.

WHEREFORE, the Metropolitan St. Louis Sewer District prays for an order from the Commission granting its request to intervene in this proceeding and awarding such further relief as the Commission deems just and proper under the circumstances.

Respectfully submitted,

ARMSTRONG TEASDALE LLP

BY:   
Byron E. Francis #23982  
J. Kent Lowry #26564  
7700 Forsyth Boulevard, Suite 1800  
St. Louis, Missouri 63105  
(314) 621-5070  
(314) 612-2245 (Facsimile)

**ATTORNEYS FOR METROPOLITAN  
ST. LOUIS SEWER DISTRICT**

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing document was served via email and/or pursuant to the PSC's electronic filing system (EFIS), on this 19<sup>th</sup> day of July, 2011, upon all individuals, parties and intervenors and/or their counsel who have entered their appearances in this case on EFIS, and specifically upon the following:

Steven C. Reed, Secretary  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102-0360  
[steven.reed@psc.mo.gov](mailto:steven.reed@psc.mo.gov)

General Counsel Office  
Missouri Public Service Commission  
200 Madison Street, Suite 800  
Jefferson City, MO 65102  
[gencounsel@psc.mo.gov](mailto:gencounsel@psc.mo.gov)

Rachel Lewis  
Missouri Public Service Commission  
200 Madison Street, Suite 800  
Jefferson City, MO 65102  
[Rachel.lewis@psc.mo.gov](mailto:Rachel.lewis@psc.mo.gov)

W. R. England  
Dean L. Cooper  
Brydon, Swearngen & England, P.C.  
P.O. Box 456  
312 East Capitol Avenue  
Jefferson City, MO 65102-0456  
[trip@brydonlaw.com](mailto:trip@brydonlaw.com)  
[dcooper@brydonlaw.com](mailto:dcooper@brydonlaw.com)

Lewis R. Mills, Jr.  
Public Counsel  
Office of the Public Counsel  
P. O. Box 2230  
200 Madison Street, Suite 650  
Jefferson City, MO 65102  
[opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov)

Kevin A. Thompson  
Chief Staff Counsel  
Missouri Public Service Commission  
P. O. Box 360  
200 Madison Street, Suite 800  
Jefferson City, MO 65102  
[Kevin.thompson@psc.mo.gov](mailto:Kevin.thompson@psc.mo.gov)

David Woodsmall  
AG Processing, Inc.  
428 E. Capitol Ave., #300  
Jefferson City, MO 65101  
[dwoodsmall@fcplaw.com](mailto:dwoodsmall@fcplaw.com)

Stuart Conrad  
AG Processing, Inc.  
3100 Broadway, Suite 1209  
Kansas City, MO 64111  
[stucon@fcplaw.com](mailto:stucon@fcplaw.com)

Marc H. Ellinger  
Thomas R. Schwarz  
City of Joplin  
308 E. High Street, #301  
Jefferson City, MO 65101  
[mellinger@blitzbardgett.com](mailto:mellinger@blitzbardgett.com)  
[tschwarz@blitzbardgett.com](mailto:tschwarz@blitzbardgett.com)

Leland Curtis  
City of Warrensburg  
130 S. Bemiston, #200  
St. Louis, MO 63105  
[lcurtis@lawfirmemail.com](mailto:lcurtis@lawfirmemail.com)

Lisa C. Langeneckert  
Missouri Energy Group  
515 North 6<sup>th</sup> Street  
One City Centre, 15<sup>th</sup> Fl.  
St. Louis, MO 63101  
[llangeneckert@sandbergphoenix.com](mailto:llangeneckert@sandbergphoenix.com)

John J. Reichart  
Peter Thakadiyil  
Missouri-American Water Company  
727 Craig Road  
St. Louis, MO 63141  
[John.richart@amwater.com](mailto:John.richart@amwater.com)  
[Peter.thakadiyil@amwater.com](mailto:Peter.thakadiyil@amwater.com)

C. Terry Allen  
St. Louis Fire Sprinkler Association  
P. O. Box 1702  
612 E. Capitol Ave.  
Jefferson City, MO 65102  
[terry@tcallenlawoffices.com](mailto:terry@tcallenlawoffices.com)

Sherrie A. Schroder  
A. Michael Evans  
Utility Workers Union of America Local 335  
7730 Carondelet Ave., #220  
St. Louis, MO 63105  
[saschroder@hammondshinners.com](mailto:saschroder@hammondshinners.com)  
[mevans@hammondshinners.com](mailto:mevans@hammondshinners.com)

Lisa Gilbreath  
Karl Zobrist  
Triumph Foods, LLC  
4520 Main Street, Suite 1100  
Kansas City, MO 6411  
[Lisa.gilbreath@snrdenton.com](mailto:Lisa.gilbreath@snrdenton.com)  
[Karl.zobrist@snrdenton.com](mailto:Karl.zobrist@snrdenton.com)

Mark Comley  
City of Jefferson, Missouri  
601 Monroe Street, Suite 301  
P. O. Box 537  
Jefferson City, MO 65102-0537  
[comleym@ncrpc.com](mailto:comleym@ncrpc.com)

Angela Cloven  
Gary Lentz  
Empire District Electric Company  
602 S. Joplin Avenue  
P. O. Box 127  
Joplin, MO 64802  
[acloven@empiredistrict.com](mailto:acloven@empiredistrict.com)  
[glentz@ssdlawyers.com](mailto:glentz@ssdlawyers.com)

Michael Roomberg  
Ladenburg Thalmann & Co., Inc.  
520 Madison Avenue  
New York, NY 07093  
[mroomberg@ladenburg.com](mailto:mroomberg@ladenburg.com)

