

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

In the Matter of the Application of)
Missouri-American Water Company,)
for the approval of an Agreement with the)
City of Kirkwood, Missouri to Construct) Case No. WO-2005-
Transmission Mains and Points of Delivery)
and to Sell and Deliver Water for Resale)
and Related Tariff Sheets.)

APPLICATION FOR THE APPROVAL OF AGREEMENT AND TARIFF

COMES NOW Missouri-American Water Company (“MAWC”) and, in support of its Application for approval of an agreement with the City of Kirkwood, Missouri (hereinafter “Kirkwood”) providing for the construction of transmission mains and points of delivery and to sell and deliver water for resale, and related tariff sheets, respectfully represents and states:

PARTIES

1. MAWC is a Missouri corporation with its principal office and place of business at 535 N. New Ballas Road, St. Louis, Missouri 63141. MAWC is a Missouri corporation in good standing. MAWC provides water service to approximately 445,000 customers in and around the City of Kirkwood and parts of St. Louis County, Missouri. Consistent with the Commission’s Order Approving Stipulation and Agreement in Case No. WM-2001-309, St. Louis County Water Company and Jefferson City Water Works Company were merged into Missouri-American Water Company effective December 31, 2001. MAWC is a “water corporation” and a “public utility” as those terms are defined in Section 386.020 RSMo. 2000, and is subject to the jurisdiction and supervision of the Commission as provided by law. MAWC currently has no overdue Commission annual reports or assessment fees.

2. Pleadings, notices, orders and other correspondence concerning this

Application should be addressed to:

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FACTS

3. The statutory provisions under which MAWC makes this Application are §393.140 and §393.150, RSMo 2000. Section 393.140 gives the Commission general jurisdiction over and access to the company books and records, and §393.150 states in pertinent part:

393.150. Commission may fix rates after hearing-stay increase-burden of proof.--

1. Whenever there shall be fixed with the commission by any ... water corporation ... any new form of contract or agreement ... relating to ... any privilege ... the commission shall have, and it is hereby given, authority, to enter upon a hearing concerning the propriety of such ... form of contract or agreement ...; and after full hearing; whether completed before or after the ... form of contract or agreement ... goes into effect, the commission may make such order

in reference to such ... form of contract or agreement ... or practice as would be proper in a proceeding ...

Case law indicates that the Commission may act upon such an application without a hearing under the file and suspend provisions of §393.150, if and when it so determines.

4. The reasons for this Application are as follows:

- A. The City of Kirkwood requested water service and providing for the construction of transmission mains and points of delivery in order to sell and deliver water for resale within the City of Kirkwood.
- B. Attached as Appendix A are an original and a copy of the executed agreement between MAWC and Kirkwood.
- C. Attached as Appendix B are an original and three (3) copies of the following proposed tariff sheet:

RT 6.6

This tariff sheet is designed to implement the provisions of the Agreement attached as Appendix A.

5. MAWC requests that the Commission authorize it to enter into an Agreement in substantial form as that attached hereto as Appendix A at this time.

WHEREFORE, MAWC respectfully requests that the Commission issue its order:

- (a) Authorizing MAWC to enter into an Agreement in substantial form as that attached hereto as Appendix A;
- (b) Approving MAWC's tariff sheets attached hereto as Appendix B to be effective on March 24, 2005, or, a date ten (10) working days after the effective date of a Commission Order; and,
- (c) Granting such further relief as is consistent with this application.

Respectfully submitted.

/s/ Karl Zobrist

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ATTORNEYS FOR APPLICANT

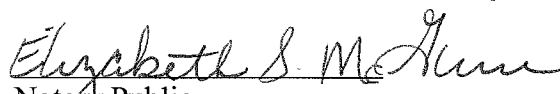
STATE OF MISSOURI)
)
COUNTY OF JACKSON) ss

I, Karl Zobrist, state that I am an attorney representing Missouri-American Water Company (“MAWC”); that I have read the above foregoing document; that the statements contained therein are true and correct to the best of my information, knowledge, and belief; and, that I am authorized to make this statement on behalf of MAWC.



Karl Zobrist

Subscribed and sworn to before me this 22nd day of February, 2005.




Notary Public

My Commission Expires:

(SEAL) **ELIZABETH S. MCGUIRE**
Notary Public - Notary Seal
STATE OF MISSOURI
Bates County
My Commission Expires: Jan. 28, 2006

STATE OF ILLINOIS)
)
COUNTY OF ST. CLAIR) SS

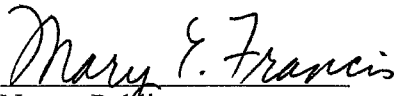
I, Mary G. Sullivan, state that I am an attorney representing Missouri-American Water Company ("MAWC"); that I have read the above foregoing document; that the statements contained therein are true and correct to the best of my information, knowledge, and belief; and, that I am authorized to make this statement on behalf of MAWC.



Mary G. Sullivan

Subscribed and sworn to before me this 22nd day of February, 2005.





Notary Public

My Commission Expires:

03/04/07

(SEAL)