

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

In the Matter of the Joint Application of Rogue)
Creek Utilities, Inc. and Missouri-American)
Water Company, for MAWC to Acquire Certain) File Nos. WM-2019-0018
Water and Sewer Assets of Rogue Creek) SM-2019-0019
Utilities, Inc.)

**MISSOURI DEPARTMENT OF NATURAL RESOURCES'
APPLICATION TO INTERVENE**

COMES NOW Missouri Department of Natural Resources (DNR) and pursuant to Rule 4 CSR 240-2.075, respectfully requests that the Commission issue an order granting DNR's Application to Intervene. For its Application, DNR states as follows:

1. On July 24, 2018, Missouri-American Water Company (MAWC) and Rogue Creek Utilities Inc. (Rogue Creek) filed a Joint Application, seeking in part, the Commission's authority for MAWC to purchase certain water and sewer assets from Rogue Creek, and an order granting MAWC a Certificate of Convenience and Necessity to provide water and sewer services to customers and areas formally served by Rogue Creek.

2. The Commission gave notice of the Application by Order on July 25, 2018, and ordered any application to intervene be filed no later than August 24, 2018. This motion to intervene is timely made.

3. DNR is a state agency charged by Section 640.010, RSMo, with administering and executing the policies of environmental programs and

commissions assigned to DNR, including the Missouri Clean Water Law, Section 644.006 *et seq.*, RSMo, and the Missouri Safe Drinking Water Law, Section 640.100 *et seq.*, RSMo.

4. Rule 4 CSR 240-2.075(3) sets forth the standard by which the Commission may grant a motion to intervene. The Commission may grant the motion if the proposed intervenor "...has an interest which is different from that of the general public and which may be adversely affected by a final order arising from the case; or ... the proposed intervention would serve the public interest."

5. DNR has both an interest different than that of the general public, and its intervention will serve a public interest in that it seeks to protect public health and the environment. DNR's review and participation will relate to its primacy for enforcement of the Missouri Clean Water Law and Safe Drinking Water Law. In addition to ensuring that past violations are properly addressed, DNR also has an interest in the Rogue Creek water and waste water systems attaining and maintaining compliance in the future.

6. DNR supports the joint application for MAWC to purchase Rogue Creek's water and sewer assets and for MAWC to provide water and sewer services in the areas now served by Rogue Creek. Further, good cause exists for a waiver of the 60-day notice requirement in Rule 4 CSR 240-4.017(1), allowing the processing of this Application in an expedited manner. DNR has found

various points of non-compliance in the drinking water and waste water systems since at least 2011. The most recent Emergency Order is attached as Exhibit A. The sooner MAWC assumes ownership of the system, the sooner it will be able to fully assess the proposed actions outlined on page 6 of the Joint Application. The proposed actions will assist the systems in obtaining environmental compliance and maintaining such compliance going forward.

DNR does not take a position on the proposed ratemaking treatment.

7. Communications, correspondence, orders, and decision in this matter should be addressed to the undersigned counsel and:

Mr. Paul Dickerson
Missouri Department of Natural Resources
Water Protection Program
Water Pollution Control
Compliance and Enforcement Section
P.O. Box 176
Jefferson City, MO 65102-0176

Mr. Lance Dorsey
Missouri Department of Natural Resources
Water Protection Program
Public Drinking Water Branch
Compliance and Enforcement Section
P.O. Box 176
Jefferson City, MO 65102-0176

WHEREFORE, the Missouri Department of Natural Resources respectfully requests that it be allowed to intervene in the above-styled matters.

Respectfully submitted,

JOSHUA D. HAWLEY
Attorney General

/s/ Jennifer L. Hernandez
Jennifer L. Hernandez
Assistant Attorney General
Missouri Bar No. 59814
P.O. Box 899
Jefferson City, MO 65102
Phone: (573)751-8345
Fax: (573) 751-5660
Email: jennifer.hernandez@ago.mo.gov

**ATTORNEYS FOR
MISSOURI DEPARTMENT OF
NATURAL RESOURCES**

Certificate of Service

I hereby certify that a true and accurate copy of the foregoing was filed in the Commission's Electronic Filing and Information System and served by electronic mail to all counsel of record this 24th day of August, 2018.

/s/ Jennifer L. Hernandez