

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

The Office of the Public Counsel,	)	
	)	
Complainant,	)	
	)	
v.	)	<b><u>File No. WC-2016-0252</u></b>
	)	
Moore Bend Water Utility, LLC	)	
	)	
Respondent.	)	

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

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

1. On March 31, 2016, the Office of Public Counsel (OPC) filed a formal Complaint with the Commission against Moore Bend Water Utility, LLC (Moore Bend). The Commission gave notice of the Complaint by Order on April 1, 2016.
2. Pursuant to Rule 4 CSR 240-2.075 (1), "[a] motion to intervene... shall be filed within thirty (30) days after the commission issues its order giving notice of the case, unless otherwise ordered by the commission." This motion to intervene is timely made.
3. MDNR is a state agency charged by § 640.010 RSMo with administering and executing the policies of environmental programs and commissions assigned to MDNR, including the Missouri Safe Drinking Water Law, § 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. MDNR 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. MDNR’s review and participation will relate to its authority to enforce the Safe Drinking Water Law. In addition to ensuring that past violations are properly addressed, MDNR also has an interest in Moore Bend attaining and maintaining compliance in the future. MDNR also has an interest in intervening in this proceeding to clarify that the well produces stable water, that the system has certified to MDNR that the distribution system service lines are not leaded, and that all sampling events since 2003 have shown no detect or less than 2 ppb for lead at this water system, which is well below the lead action level.

6. MDNR generally supports OPC’s request for a Commission order: (1) finding that Moore Bend has failed to comply with Safe Drinking Water regulations; (2) directing Moore Bend to make necessary improvements to its systems in order to provide a safe and adequate drinking water supply; and (3) finding that Moore Bend should be required to pay civil penalties as provided by law.

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

Don Willoh  
Assistant General Counsel  
Missouri Department of Natural Resources  
PO Box 176  
Jefferson City, Missouri 6510-0176

with a copy to:

Lance Dorsey, Chief  
Compliance & Enforcement Section  
Public Drinking Water Branch  
Missouri Department of Natural Resources  
PO Box 176  
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WHEREFORE, the Missouri Department of Natural Resources respectfully requests that it be allowed to intervene in the above-styled matter.

Respectfully submitted,

/s/ 

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#### CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been served electronically on all counsel of record this 28<sup>th</sup> day of APRIL, 2016.

/s/ 

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