

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

In the Matter of Hickory Hills Water	)	
and Sewer Co., Inc. Small Company	)	Case No. SR-2009-0154
Rate Increase	)	

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

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

1. On October 23, 2008, Hickory Hills Water and Sewer Co., Inc. (“Company”) filed its application seeking to increase water and sewer utility rates in its service territory.
2. MDNR is a state agency created by § 640.010, RSMo., and charged with the duty of administering the programs assigned to MDNR relating to environmental control, including the enforcement of the Missouri Clean Water Law, §§ 644.006–644.150, RSMo.
3. MDNR has an interest different than that of the general public, and its intervention will serve a public interest in that MDNR will be looking at the proposed filing from a formal policy perspective due to the outcome’s potential impacts on environmental quality. In addition, MDNR’s review will be in relation to the mandate set forth in § 640.011, RSMo, which requires MDNR, among other things, to provide “that no waste be discharged into any waters of the state without first receiving the necessary treatment or other corrective action to protect the legitimate beneficial uses of such

waters and meet the requirements of the Federal Water Pollution Control Act as amended.”

4. MDNR supports the rate increase requested by the Company because § 393.145.1, RSMo provides that “[e]very gas corporation, every electrical corporation, every water corporation, and every sewer corporation shall furnish and provide such service instrumentalities and facilities as shall be safe and adequate and in all respects just and reasonable.” The wastewater treatment lagoon at issue is currently in violation of the Missouri Clean Water Law.

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

Respectfully submitted,

JEREMIAH W. (JAY) NIXON
Attorney General

/s/ Jessica L. Blome
JESSICA L. BLOME
Assistant Attorney General
P.O. Box 899
Jefferson City, Missouri 65102
Bar No. 59710
573-751-8795
573-751-8464 (fax)
jessica.blome@ago.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or e-mailed to all counsel of record this 16th day of December, 2008.

/s/ Jessica L. Blome
JESSICA L. BLOME