BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

)

)

)

)

)

In the Matter of the Joint Application of Hickory Hills Water & Sewer Co. and Missouri-American Water Company for MAWC to Acquire Certain Water and Sewer Assets of Hickory Hills and, in Connection Therewith, Issue Indebtedness and) Encumber Assets.

No. WA-2016-0019

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:

On July 28, 2015, Hickory Hills Water & Sewer Co. and Missouri-American 1. Water Company filed an application as described in the above caption.

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. MDNR has a pending case against Hickory Hills in the Circuit Court of Moniteau County, Case No. 12MT-CC00027, asserting, inter alia, violations of water quality standards, failure to upgrade the wastewater treatment facility, and

substandard operation of the facility. 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." Intervention is necessary in order for MDNR to fulfill its statutory mandate.

4. The parties have filed a motion to consolidate PSC Case Nos. WA-2016-0019 and SA-2016-0020. Although MDNR does not have a drinking water enforcement case filed against Hickory Hills, MDNR does have statutory authority over drinking water regulation. MDNR does not oppose the motion to consolidate.

5. At this time, MDNR is uncertain, but expects that it will support the joint application.

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

2

Respectfully submitted,

CHRIS KOSTER Attorney General

<u>/s/Timothy A. Blackwell</u> TIMOTHY A. BLACKWELL Assistant Attorney General P.O. Box 899 Jefferson City, Missouri 65102 Bar No. 35443 (573) 751-8846 (573) 751-8796 (fax) <u>Tim.Blackwell@ago.mo.gov</u>

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing has been mailed, hand-delivered, transmitted by facsimile or e-mailed to all counsel of record this 18th day of August, 2015.

<u>/s/ Timothy A. Blackwell</u> TIMOTHY A. BLACKWELL