

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

In the Matter of Missouri-American Water company §
For a Certificate of Convenience and Necessity §
Authorizing it to Install, Own, Acquire, Construct, § **File No. SA-2015-0065**
Operate, Control, Manage and Maintain a Sewer §
System in Benton County, Missouri §

AMICUS CURIAE BRIEF

Comes now George M. Hall, and makes and files this his Amicus Curiae Brief objecting to the Application of a Certificate of Convenience and Necessity submitted by Missouri-American Water in this instant case, and respectfully submits the following:

1. On December 17, 2014, this Commission denied George M. Hall's Motion For Out Of Time Intervention but has permitted filing of an Amicus Curiae Brief no later than January 9, 2015.

2. Amici curiae, by reference, incorporates Documents #13, 14, 18, 21, 30, 31, 34, and 35 which are all made a part of the file in this case and submits them as argument in this brief.

STANDING AND JURISDICTION

3. Amici curiae submits Missouri-American water lacks standing to apply for a Certificate of Convenience and Necessity which is the basis of this current case and as such this Commission does not retain subject matter jurisdiction to hear this instant matter.

4. It is submitted in this case, and accepted by all parties, the resident voters of the Benton County Sewer District #1 on April 2, 2013 cast there ballots to dissolve the Benton County Sewer District #1 and the overwhelming majority did in fact dissolve the Benton County Sewer District #1 for all purposes.

5. Missouri Revised Statutes Chapter 67, § 67.950 (3) provides:

“If the question receives a majority of the votes cast **the district shall be dissolved for all purposes** except the payment of outstanding bonded indebtedness, if any.”

6. The Federal Court, the USDA, the United States Attorney’s Office, the Missouri Department of Natural Resources, the Missouri Attorney General’s Office and Missouri-American Water, and Staff Counsel are imposing and presenting to this Commission as fact, “the Benton County Sewer District #1 has outstanding bonded indebtedness.” This assertion by the parties is a foul and reeks of such obnoxious theatrics one must refrain from suffering uncontrollable waves of dismay. It is undisputed in this case, the 30th Circuit Court of Benton County, Missouri ordered it placed on the ballot for voter approval the Benton County Sewer District #1 be funded by Revenue Bonds which are not an indebtedness. The voters approved funding by this means and no other, especially not the unauthorized fraudulently obtained loan to fund the construction of the District which was

done obtained by a select few and distinct individuals. What the parties in this matter will not and can not produce is a vote of the residents authorizing the district to incur indebtedness for the construction of the sewer district and the approval for a loan to be obtained from the USDA.

7. The Federal Court case which resulted in the Asset Purchase Agreement approving the sale to Missouri American is invalid in two respects. First and foremost, the judiciary has no authority to interfere with a vote of the people as was done herein. The United States Supreme Court decision rendered April, 2014, as previously submitted as an exhibit by Amici Curiae, and clearly the law of the land held the judiciary and government have no authority to interfere with a vote of the people. The order of the Federal court thus disallowing the dissolution is clearly erroneous, void and contrary to the ruling of the superior United States Supreme Court.

Second, the Asset Purchase agreement submitted as an exhibit to Missouri-American's application is wholly void in that the subject matter does not exist because the agreement was not entered on a specific date. A contract should always have a date as to when the contract is to become effective and legally binding. No such date exists in the APA submitted by Missouri-American thus there are no assets for sale or purchase since the

subject matter does not exist.

8. No one owns the assets of the dissolved Benton County Sewer District #1 and while the Receiver may have possession, no legal entity or competent Court having jurisdiction ever awarded ownership of the District assets to the Receiver Scott Totten. One cannot legally sale or transfer title of property without first having vested ownership and or title to same.

9. Missouri-American Water lacks standing in its desire to overtake the malfunctioning centralized sewer system by way of its application to this Commission. Absent this standing, this Commission does not have subject matter jurisdiction over the matter.

OTHER MATTERS

10. Other matters that need further discussion are the Feasibility Study submitted by Missouri American, and the need for an investigation in this instant matter. The Feasibility as submitted is severely tainted and flawed. Missouri-American Water is assuming 350 customers and no customer growth. What about customer declines? All parties agree no one has to be a customer of Missouri-American Water. If 150 residents install their own residential systems whether it be standard septic, advanced green systems, cluster systems, incerno toilet systems, or reconnect to systems that are in place, results in leaving Missouri-American only 200

customers. To achieve the 2nd and 3rd year revenues of \$290,359.00 then the rate would have to be a staggering and unreasonable monthly charge of \$120.98.

An investigation is needed to determine the number of residents that will not become customers of Missouri-American Water. The parties in this case have misstated a fact of extreme relevance. The parties submit that at the public hearing the testimony reflects a majority of the citizens wanted to have a sewer system operated by Missouri America Water. From reviewing the Transcript and the video of the public hearing, only one person testified the desire for the sewer system operated by Missouri America. Were the parties in this case sleeping, using the restroom, bored and daydreaming, or just not caring since the sale of the District Assets has been predetermined and they were just going through the motions?

CONCLUSION

In this great nation of ours, there are two (2), three worded phrases that are considered sacred; **“Thou Shall Not”** and **“We The People”**.

From the Holy Bible, **“Thou Shall Not Steal”** has been ignored in this case. There exists such a kleptocracy in this case wherein the vote of the people is being stolen, the assets are being stolen, and the proceeds from the projected sale are being stolen as well as the Constitutional Rights of the

people being stolen. If it is any comfort, at least Amici Curiae and the residents of the dissolved Benton County Sewer District #1, know who the thieves are and they themselves know who they are.

From the Preamble to the Constitution, “**We The People**” has been eviscerated in this case. Here the people are being enslaved to the powers to be and in direct defiance to the requirement of Government serving the people.

If this Commission condones such actions, then this Amici Curiae finds it to be an embarrassment and humiliation to consider himself a citizen of the State of Missouri. Wherefore, Amici Curiae requests the Application of Missouri American Water be in all matters denied.

Respectfully submitted,

 /s/ *George M. Hall*
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DECLARATION

I, George M. Hall, Proposed Amici Curiae in the foregoing document state, under the penalty of perjury, that I am the Amici Curiae in the foregoing, I have read the foregoing and that the factual allegations contained therein are true and correct to the best of my knowledge,

information and belief.

By: ---George M. Hall---
George M. Hall

CERTIFICATE OF SERVICE

I, George M. Hall hereby certify that a true and correct copy of the foregoing was mailed, faxed, or e-mailed to the following:

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