

In the Matter of the Application of)
188 North Summit, LLC to Surrender its)
Certificates of Convenience and Necessity) File No. _____
to Provide Water and Sewer Service)
and be Decertified as a Public Utility)

COMES NOW 188 North Summit, LLC (hereinafter "Applicant," "188NS" or "the Company") pursuant to 4 CSR 240-2.060, Section 386.250 RSMo 2016 and 4 CSR 240-4.020(2)(B), and respectfully requests the Commission to 1) approve surrender of its certificates of convenience and necessity to provide water and sewer service; 2) decertify the Company as a public utility subject to the jurisdiction of the Commission; 3) grant the Contingent Motion for Waiver requested herein; and 4) to the extent it may be required cancel the Company's approved tariffs for water and sewer service. In support of its Application, 188NS submits the following:

1. 188 NS is a Missouri limited liability company with its current registered office at 20 South Central Avenue, Clayton, Missouri, and is in good standing. A certified copy of 188NS's certificate of good standing is attached hereto as Appendix A.

2. In File Nos. SM-2018-0017 and WM-2018-0018 188NS applied for and obtained from the Commission certificates of convenience and necessity to provide water and sewer service to the residents of a mobile home park, which is owned by 188NS, located in Holts Summit, Missouri.

3. 188NS has no overdue Commission annual reports or assessment fees. There is no pending action or final unsatisfied judgment or decision against 188NS from any state or federal agency or court which involves customer service or rates, which action, judgment or decision has occurred within three years of the date of this Application.

4. Communications in regard to this Application should be addressed to:

Mark Govan
1 White Oak Drive
Lafayette, CA 94549.
govan.mark@gmail.com

and

Mark W. Comley
Newman, Comley & Ruth P.C.
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P.O. Box 537
Jefferson City, MO 65102
573-634-2266 (Telephone)
573-636-3306 (FAX)
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DESCRIPTION OF SERVICES

5. The Company provides water and sewer service in a limited service area that is comprised of rental spaces in a mobile home park. The Company owns the mobile home park and is the landlord of the affected mobile home park rental spaces. The water and sewer utility services provided to the renters/customers in the service area are ancillary to the Company's mobile home park business. The water system consists of a distribution system, with meters for each occupied mobile home space, and a metered connection with Callaway County Water District 1. The sewer system consists of a gravity collection system, and a connection for sewage treatment with the City of Holts Summit. The Company provides water and sewer service to approximately 55 residents within its mobile home park.

6. Each mobile home in the park is individually metered for water usage. Mobile home park management reads the meter monthly and bills customers based only upon their actual usage, in arrears. Sewer usage is billed by the City of Holts Summit based upon the amount of water delivered through Callaway County Water District 1's meter at the mobile home park.

7. The Company does not offer or provide water or sewer service to any individual not residing within its mobile home park. As stated in preceding portions of this application, the provision of water and sewer service to the Company's mobile home tenants is incidental to the Company's core business as landlord of the property. The Company therefore does not offer its water and sewer service to members of the public indiscriminately.

8. The Commission has held previously that it lacks jurisdiction, or will decline jurisdiction, over entities that offer water or sewer services in the manner described above. *See, e.g., Re: Norman Goad Construction Company*, 21 Mo.P.S.C. (N.S.) 614 (1977); *Orler v. Folsom Ridge, LLC*, WC-2006-0082, *et al., Report and Order*, June 14, 2007. The Company asserts that its water and sewer service to the mobile home tenants is not a public service over which the Commission has jurisdiction and the Company's certificates of convenience of necessity may be canceled and the Company decertified.

9. Upon decertification the Company:

- a. Will continue to read water meters monthly and bill customers based only upon their actual usage, in arrears.
- b. Charge a zero markup on water and sewer and will use the formula on the Company's monthly billing from Callaway County Water District 1 and the City of Holts Summit Sewer. This should result in monthly savings because

the charges as anticipated will be less than those authorized by the Company's approved tariffs.

- c. Will not assess customers late fees, connection fees, or any other fees aside from their individual usage.

10. The Company has not disconnected, and in the future will not disconnect, any resident in the mobile home park from water and/or sewer service for non-payment of charges for utility service.

11. Following decertification the Company's obligation to provide water and sewer services to the residents in the mobile home park will be governed by the terms and provisions of its lease with the tenants.

CONTINGENT MOTION FOR WAIVER

12. This case is not likely to be a contested case within the meaning of Commission Rule 4 CSR 240-4.020(2). However, in the event that the Commission nevertheless concludes that the filing of this Application is likely to be a contested case, the Company requests a waiver of the sixty (60) day notice for good cause shown as permitted by Commission Rule 4 CSR 240-4.020(2)(B).

13. Due to the nature of the relief requested, it would serve no purpose to wait sixty days before filing the application for Commission approval. Accordingly, to the extent that the Commission may find it to be applicable, the Company requests a waiver from the provisions of Commission Rule 4 CSR 240-4.020(2) to allow for the filing of this Application.

WHEREFORE, 188 NS respectfully requests that the Commission enter the following relief:

- A. Approve and accept the surrender of the Company's certificates of convenience and necessity for water and sewer service;
- B. Decertify the Company as a regulated public utility subject to the jurisdiction of the Commission and if required cancel the Company's approved tariffs for water and sewer service.
- C. Grant the Company's request for waiver of the notice requirement under Commission Rule 4 CSR 240-4.020(2).

Respectfully submitted,

/s/ Mark W. Comley

Mark W. Comley, Mo. Bar #28847

Newman, Comley & Ruth P.C.

601 Monroe Street, Suite 301

P.O. Box 537

Jefferson City, MO 65102-0537

(573) 634-2266 (voice)

(573) 636-3306 (facsimile)

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Attorneys for 188 North Summit, LLC

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent via e-mail on this 22nd day of May, 2019, to General Counsel's Office at staffcounsel@psc.mo.gov; and Office of Public Counsel at opcservice@ded.mo.gov.

/s/ Mark W. Comley

VERIFICATION

STATE OF CALIFORNIA)
) ss.


COUNTY OF Contra
Costa)

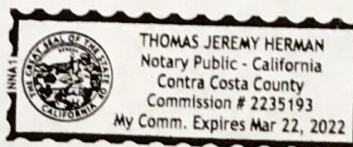
I, Mark Govan, being first duly sworn upon oath, do hereby depose and state that I am the Manager of 188 North Summit, LLC, the Applicant in this proceeding; and am authorized to execute this verification; that I have read the above and foregoing application and know the contents thereof; that the contents are true in substance and in fact, except as those matters which are stated upon information and belief, and as to those, I believe the same to be true.

Mark Govan

Subscribed and sworn to before me, a Notary Public, this 21st day of May 2019.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.


Notary Public



STATE OF MISSOURI



John R. Ashcroft
Secretary of State

CORPORATION DIVISION
CERTIFICATE OF GOOD STANDING

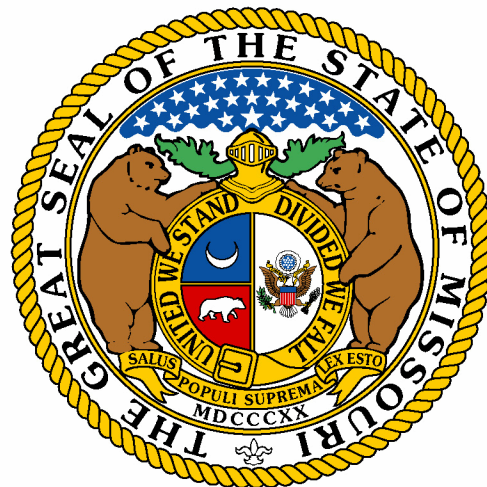
I, JOHN R. ASHCROFT, Secretary of State of the STATE OF MISSOURI, do hereby certify that the records in my office and in my care and custody reveal that

188 NORTH SUMMIT, LLC
LC001542715

was created under the laws of this State on the 8th day of June, 2017, and is active, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I hereunto set my hand and cause to be affixed the GREAT SEAL of the State of Missouri. Done at the City of Jefferson, this 22nd day of May, 2019.


Secretary of State



Certification Number: CERT-05222019-0067