

MILTON J SCHNEBELEN
PHYLLIS SCHNEBELEN
CARA L DETRING

LAW OFFICES OF

SCHNEBELEN AND DETRING
WEST FIRST AND SOUTH JEFFERSON
FARMINGTON, MISSOURI 63640

TELEPHONE
314-756-8721

November 14, 1986

Stanfield
Public Service Commission
P. O. Box 360
Jefferson City, Missouri 65102

Re: L & K Sewer Systems, Inc.
transfer to M.P.B., Inc.

Dear Sir:

Enclosed please find the Original and fourteen copies of the Application of M. P. B., Inc. to acquire the sewage treatment facility of L & K Sewer Systems, Inc. which is already under the jurisdiction of the Public Service Commission.

Please file the enclosed Application.

Thank you.

Sincerely yours,

Cara L. Detring
Cara L. Detring

cc: MPB, Inc.
L & K Sewer Systems, Inc.
Office of Public Counsel

FILED

NOV 17 1986

PUBLIC SERVICE COMMISSION

RECEIVED
NOV 17 1986
9861 47 AON

CRj

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the matter of the application of L and K Sewer
Systems, Inc. to sell and transfer its franchise,
works, or system to M.P.B., Inc., a corporation
of the State of Missouri.)

Case No. SM-87-52

APPLICATION

11-24-86
Per
Case Setting
AFS

Comes now, L and K Sewer Systems, Inc. (Applicant), pursuant to
Section 393.170, R.S.Mo. (1978), and states as follows:

1. Applicant is a Missouri corporation duly organized and existing under the laws of the State of Missouri with its principal office and place of business located at 1400 S. Highway 141, Fenton, Missouri 63026. It is a public utility as defined in Section 386.020 R.S.Mo. 1969. As such it is subject to the jurisdiction, supervision and control of the Commission for the collection, treatment and disposal of sewage in its service area in Franklin County, Missouri.

2. M.P.B., Inc. is a private corporation of the State of Missouri, established and existing pursuant to Chapter 351 R.S.Mo. 1969. It is presently managing the existing facilities of Applicant and providing sewage treatment service in its service area in Franklin County, Missouri. Said service includes all the area presently certified to Applicant. It too is a public utility as defined in Section 386.020 R.S.Mo. 1969, and has other sewage treatment systems and is under the jurisdiction of the Public Service Commission.

3. Correspondence, communications, orders and decisions in this matter should be addressed to:

FILED

NOV 17 1986

PUBLIC SERVICE COMMISSION

Patrick C. Boos
M. P. B., Inc.
761 Pine Haven
Fenton, Missouri 63026

Alois J. Koller
L and K Sewer Systems, Inc.
1400 S. Highway 141
Fenton, Missouri 63026

Cara L. Detring, Attorney
West First & South Jefferson Sts.
Farmington, Missouri 63640

4. Applicant proposes to sell and transfer all of its franchise, works or system necessary and useful in the rendition of sewer treatment service to its customers in its certified area. The property is more particularly set forth in Schedule 1 attached hereto and made a part hereof. A copy of the proposed contract and agreement is attached to this application and made a part hereof as Schedule 2.

5. A certified copy of the resolutions authorizing the proposed transaction of the Board of Directors of Applicant and M.P.B., Inc. is attached to this application as Schedules 3 and 4.

6. The proposed transaction is not detrimental to the public interest in that M.P.B., Inc. is able to operate and presently is operating the facility and will continue service. M.P.B., Inc. currently has other sewage treatment facilities that are within the jurisdiction of the Public Service Commission and is familiar with and will follow all of the rules and regulations of the Commission and the Department of Natural Resources.

7. M.P.B., Inc. will apply for the transfer of the Discharge Permits from the Department of Natural Resources upon approval of the transfer by the Commission.

WHEREFORE, Applicant respectfully requests an order and decision of this commission:

1. Approving the sale and transfer of all of the franchise, works, and system of L and K Sewer Systems, Inc., to M.P.B., Inc.

2. Authorizing L and K Sewer Systems, Inc. to discontinue providing

sewer service in its certified area as of the date of sale and transfer of such property to M.P.B., Inc.; and

3. For such other relief deemed meet and proper to accomplish the purposes of this application.

M.P.B., INC.

By: Patrick C. Boos

Attest: Cara L. Goring

L AND K SEWER SYSTEMS, INC.

By: Alois J. Koller

Attest: _____

STATE OF MISSOURI)
) ss.
COUNTY OF JEFFERSON)

Alois J. Koller, President of L and K Sewer Systems, Inc., having been by me first duly sworn, says that the statements and allegations contained in said application are true to the best of his knowledge, information, and belief.

Alois J. Koller
Alois J. Koller

Subscribed and sworn to before me this 10th day of November, 1986.

My term expires: 4/17/90

Donna A. Schilling
Notary Public

STATE OF MISSOURI)
) ss.
COUNTY OF JEFFERSON)

Patrick C. Boos, President of M.P.B., Inc., having been by me first duly sworn, says that the statements and allegations contained in said application are true to the best of his knowledge, information, and belief.

Patrick C. Boos
Patrick C. Boos

Subscribed and sworn to before me this 14th day of November, 1986.

My term expires:

Cara L. Goring, Notary Public
State of Missouri, County of St. Francis
My Commission Expires: August 18, 1987

Cara L. Goring
Notary Public

Cancelling P.S.C.MO. No. _____

SCHEDULE 1

L AND K SEWER SYSTEMS, INC.

Name of Issuing Corporation

For VILLA RIDGE ESTATESFRANKLIN COUNTY, MISSOURILEGAL DESCRIPTION OF
CERTIFICATED AREAFEB 26 1975MISSOURI

The legal description of the area to be served by the
Applicant is, to-wit:

The East half of the Northeast qr. in Section Twenty-Two (22), lying North of Missouri State Highway "AT" (formerly U.S. Highway No. 50-60) and Southeast of Missouri State Highway "M". All that part of the West half of the Northwest qr. in Section Twenty-Three (23), lying North of Missouri State Highway "AT" (formerly U.S. Highway No. 50-66).

All in Township Forty-three (43) North, Range One (1) East of the 5th P.M. containing in the aggregate 148.40 acres, according to plat of survey by E. F. Kappelmann, Registered Land Surveyor, made during month of June 1973.

In addition to the above the following land which adjoins the above is included and on which the sewer plant itself is expected to be put, to-wit:

Lot Twenty (20) of the Subdivision of the West half of the Northeast qr. of Section Twenty-two (22), Township Forty-three (43) North, Range One (1) East of the 5th P.M., as per survey by John C. Smith, County Surveyor, on April 13, 1931, of record in Surveyor's Record 9, page 287.

SUBJECT to easements, restrictions and conditions of record.

FILED

APR 24 1975

Public Service Commission

*Indicates new rate or text
+Indicates change.

DATE OF ISSUE Feb. 24, 1975
month day yearDATE EFFECTIVE APR 24, 1975
month day yearISSUED BY ALOIS J. KOLLPresident, 1400 S. Highway 141, Fenton, Mo.
at office

CONTRACT

THIS CONTRACT made and entered into this 5 day of ~~August~~ ^{September} 1980, by ^{MK} ~~per~~ and between L AND K SEWER SYSTEMS, INC., party of the first part, hereinafter referred to as L and K, and H.P.B., INC., party of the second part, hereinafter referred to as MPB.

WITNESSETH: For and in consideration of the sum of Ten Dollars and other valuable consideration, paid by MPB, the receipt of which is hereby acknowledged by L and K, and the further consideration of the mutual promises herein contained, the parties do hereby contract with each other as follows:

1. L and K is the owner of a sewage treatment facility that services the subdivision known as Villa Ridge Estates, located in ^{Jefferson} ~~Jefferson~~ County, Missouri. L and K no longer wants to maintain said sewage treatment facility and MPB has agreed to purchase and maintain said sewage treatment facility.

2. MPB is a company which provides sewer service in the Jefferson County area.

NOW THEREFORE, L and K does hereby contract with MPB to sell to MPB for the nominal sum of \$1.00 and other valuable consideration, the sewage treatment facility, easements, and site. See attached Amendment 'A' ^{per B} ~~per B~~

MPB shall take over the maintenance of the sewage treatment facility and shall bring the plant into full compliance with the standards of Department of Natural Resources and the Public Service Commission.

As additional consideration for the sale of the facility to MPB, MPB agrees to attempt to collect all back charges owed by customers of the facility for service and turn such collected charges over to L and K. All charges up to the date of transfer to MPB shall be the property of L and K. All charges as of the date of transfer and thereafter shall be the property of MPB.

L and K shall convey the sewage treatment site to MPB by General Warranty Deed free and clear of all liens and encumbrances, together with all easements thereto. L and K shall convey the sewage treatment plant and lines to MPB by Bill of Sale, free and clear of all encumbrances, liens, and shall warrant and defend title to said plant and lines against all claims.

This contract is contingent upon obtaining approval from the Public Service Commission of the transfer.

MPB shall take over management of the facility as of _____, 1986 and shall be entitled to management fees of \$_____ in the event that MPB is unable to receive title to said sewage treatment facility either due to L and K's failure to perform, or disapproval of the transfer from the Public Service Commission.

IN WITNESS WHEREOF, the undersigned officers of each respective corporation has set their hands the day and year first above written.

Attest: [Signature]
Secretary

L. AND K SEWER SYSTEMS, INC.

By: [Signature]
Alois J. Koller, President

Attest: [Signature]
Secretary

M.P.B., INC.

By: [Signature]
Patrick C. Boos, President

STATE OF MISSOURI)
) ss.
COUNTY OF JEFFERSON)

On this 5th day of August, 1986, before me appeared

ALOIS J. KOLLER

to me personally known, who being by me duly sworn, did say that he is the President of L and K Sewer Systems, Inc., a Corporation of the State of Missouri, and that said instrument was signed on behalf of said Corporation, by authority of its Board of Directors; and said Alois J. Koller knowledgeed said instrument to be the free act and deed of said Corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by official seal in the county and state aforesaid, the same day and year last above written.

My term expires: 4/17/90

[Signature]
Notary Public

STATE OF MISSOURI)
) ss.
COUNTY OF JEFFERSON)

On this 5th day of August, 1986, before me appeared

PATRICK C. BOOS

to me personally known, who being by me duly sworn, did say that he is the President of M.P.B., INC., a Corporation of the State of Missouri, and that said instrument was signed on behalf of said Corporation, by authority of its Board of Directors; and said Patrick C. Boos knowledgeed said instrument to be the free act and deed of said Corporation.

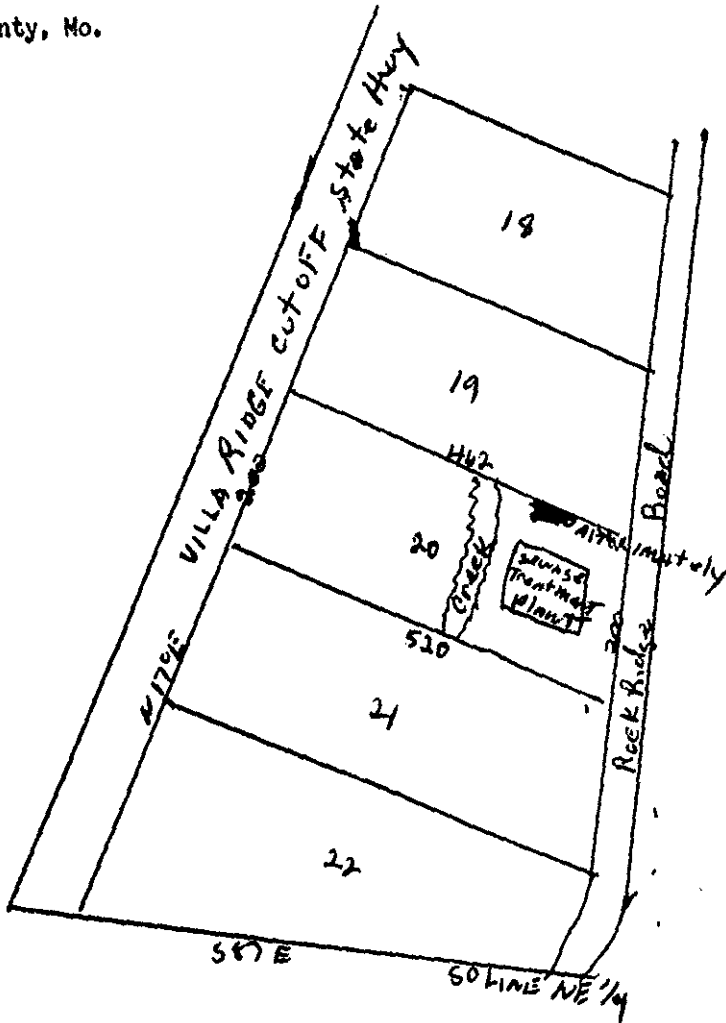
IN WITNESS WHEREOF, I have hereunto set my hand and affixed by official seal in the county and state aforesaid, the same day and year last above written.

My term expires: 4/17/90

[Signature]
Notary Public

AMMENDMENT A

The sewage treatment facility site being "the eastern portion of Lot # 20 fronting on Rockbridge Road approximately 200 ft. and running back to the existing creek." The legal description of Lot 20 of the Villa Ridge Subdivision is W $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 22, TWP. 43N., R 1 E of Franklin County, Mo.



LYK
RFB

SPECIAL MEETING OF THE BOARD OF DIRECTORS OF
L AND K SEWER SYSTEMS, INC.

Be it resolved by the Board of Directors of L and K Sewer Systems, Inc., a Missouri Corporation, that L and K Sewer Systems, Inc. is hereby authorized to sell its sewer system and treatment plant to M.P.B., Inc. located in Franklin County, Missouri, which services the area lying North of Missouri State Highway "AT" in the East half of the Northeast Quarter in Section 22, the West half of the Northwest quarter in Section 23, all in Township 43 North, Range 1 East. The corporation is hereby authorized to operate, manage and otherwise run said sewer facilities and is hereby authorized to apply for permits, licenses or other documentation from the State authorities governing public utilities. That officers authorized to sign and execute documents for L and K Sewer Systems, Inc. are Alois J. Koller, President, and Wilma Meyer, Secretary .

The above resolution was passed in a special meeting of the Board of Directors of L and K Sewer Systems, Inc. held on Nov. 10, 1986 at which all members of the Board of Directors were present and waived formal notice of the meeting.

, Secretary

I hereby certify that the above is a true and accurate copy of the resolution as passed by the Board of Directors on Nov. 10, 1986.

Wilma Meyer
Secretary

(SEAL)

SPECIAL MEETING OF THE BOARD OF DIRECTORS OF
M.P.B., INC.

Be it resolved by the Board of Directors of M.P.B., Inc., a Missouri Corporation, that M.P.B., Inc. is hereby authorized to purchase the sewer system and treatment plant now owned by L and K Sewer Systems, Inc., located in Franklin County, Missouri, which services the area lying North of Missouri State Highway "AT" in the East half of the Northeast Quarter in Section 22, the West half of the Northwest quarter in Section 23, all in Township 43 North, Range 1 East. The corporation is hereby authorized to operate, manage and otherwise run said sewer facilities and is hereby authorized to apply for permits, licenses or other documentation from the State authorities governing public utilities. That officers authorized to sign and execute documents for M.P.B., Inc. are Patrick C. Boos, President, and Melvin Pfeffer, Vice President, and Carla Boos, Secretary (any one of them) on this transaction.

The above resolution was passed in a special meeting of the Board of Directors of M.P.B., Inc. held on September 4, 1986 at which all members of the Board of Directors were present and waived formal notice of the meeting.

Carla Boos, Secretary

I hereby certify that the above is a true and accurate copy of the resolution as passed by the Board of Directors on September 4, 1986.

Carla Boos
Carla Boos, Secretary

(SEAL)