

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

In the matter of the application of Emerald Pointe)
Utility Company for authority to issue up to and including) File No. SF-2013-0346
\$1,062,000 of indebtedness.)

SUPPLEMENT TO APPLICATION

COMES NOW Emerald Pointe Utility Company (Emerald Pointe or Company) by and through its undersigned counsel, pursuant to §§ 393.180 and 393.190, RSMo, and Missouri Public Service Commission (Commission) Rules 4 CSR 240-2.060, 2.080, 3.320, 3.615 and 4.020(2)(B), and supplements its Application as described below:

1. On December 27, 2012, Emerald Pointe filed its Application seeking an order from the Commission granting it the authority to issue up to \$1,000,000.00 of secured indebtedness. That indebtedness is associated with the construction of a sewer line and to eliminate the existing wastewater treatment facility and to convert it to a lift station. On December 28, 2012, the Commission issued its Order Directing Staff to File Recommendation and Establishing Time to Respond to Staff's Recommendation. Therein, Staff was directed to file its recommendation by February 5, 2013.

SUPPLEMENT

2. As part of the sewer line project, Emerald Pointe is required to install power generators at two lift stations along the sewer line. Discussions with White River Valley Electric Cooperative, Inc. have resulted in White River's offer to loan Emerald Pointe the \$62,000 required to purchase two commercial power generators for placement at the lift stations at an attractive interest rate. Emerald Pointe hereby seeks to supplement its Application to include for

Commission consideration a request for Commission to create the additional described indebtedness.

SUPPLEMENT FINANCING DETAIL

3. A certified copy of a Secretary's Certificate noting approval by the Company's Board of Directors authorizing the proper officers of the Company to do all things necessary to authorize the financing transactions contemplated by this Application and as more particularly described herein is included as **Appendix 1S** and incorporated herein by reference.

4. On or before March 1, 2013, Emerald Pointe intends to execute a Promissory Note with White River Valley Electric Cooperative, Inc. The Promissory Note interest rate will be 3.15% per annum and will require monthly payments for a five year period. The loan will result in a security interest in the two commercial power generators to be purchased with the funds. Attached as **Appendix 2S** is a copy of the Promissory Note and the associated Commercial Security Agreement.

FILING REQUIREMENTS AND RELATED MATERIALS

5. Marked as **Appendix 3S-HC**, attached hereto and made a part hereof for all purposes, is information regarding Emerald Pointe's financial information for the twelve month period ending September 30, 2012. Marked as **Appendix 4S-HC** and attached hereto and made part hereof for all purposes, are financial statements with adjustments showing the *pro forma* effect of the contemplated financing. A schedule of capitalization expenditures for the prior five years was provided with the original Application in this case. The issue is subject to the fee schedule in section 386.300, RSMo.

6. Subjecting Emerald Pointe's operating properties to the lien will not be detrimental to the public interest, and in fact will be beneficial to the public interest because the

public health, safety and welfare will be served by the ability of Emerald Pointe to obtain access to the financing on the most favorable terms available. The proposed financing transactions will have no material impact on the tax revenues of the political subdivisions in which any of the structures, facilities or equipment of the companies involved are located.

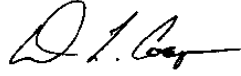
7. Based on discussions with Staff, it is the Company's understanding that Staff believes it can address this supplemental request within the time line currently in place for this case.

WHEREFORE, the Company requests that the Commission, in addition to the previously filed Application, approve the subject of this Supplement to Application, and issue an order that:

- (a) Authorizes Emerald Pointe to enter into, execute and deliver loan agreements with White River Valley Electric Cooperative, Inc. to incur indebtedness provided that the aggregate principal amount of all such debt obligations shall not exceed \$62,000, collectively bearing a commercially reasonable interest rate, and having such designation and redemption, purchase and other terms as shall be determined by Emerald Pointe;
- (b) Authorizes Emerald Pointe to create and make effective a first lien on all of the franchises, certificates of convenience and necessity, plant and system of Emerald Pointe, to secure its obligations under the loan as provided in **Appendix 2S**;
- (c) Authorizes Emerald Pointe to enter into, execute, deliver and perform the necessary promissory notes, loan agreements and other documents necessary to effectuate the described transactions; and,
- (d) Authorizes Emerald Pointe to take such other actions as may be reasonably

incidental, necessary or appropriate to complete the transaction.

Respectfully submitted,



Dean L. Cooper MBE# 36592
BRYDON, SWEARENGEN & ENGLAND P.C.
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102-0456
Telephone: (573) 635-7166
Facsimile: (573) 635-0427
dcooper@brydonlaw.com

**ATTORNEYS FOR EMERALD POINTE
UTILITY COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been sent by electronic mail this 22nd day of January, 2013, to:

Rachel Lewis
Office of the General Counsel
Missouri Public Service Commission
Governor State Office Building
Jefferson City, Missouri 65101
gencounsel@psc.mo.gov
Rachel.lewis@psc.mo.gov

Office of the Public Counsel
Governor State Office Building
Jefferson City, Missouri 65101
opcservice@ded.mo.gov

