

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
February 23, 2001**

CASE NO: WO-2001-441

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

Charles Brent Stewart
Stewart & Keevil, L.L.C.
1001 Cherry Street, Suite 302
Columbia, MO 65201

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Dean L. Cooper
Brydon, Swearngen & England P.C.
312 East Capitol Avenue
Jefferson City, MO 65102

Enclosed find certified copy of an ORDER AND NOTICE in the above-numbered case(s).

Sincerely,

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

**Uncertified copy:
To the St. Charles County Commission.**

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Missouri-)
American Water Company and the Public Water)
Supply District No. 2 of St. Charles County,) Case No. WO-2001-441
Missouri, for Approval of a Territorial)
Agreement Concerning Territory in St. Charles)
County, Missouri.)

ORDER AND NOTICE

On February 13, 2001, Missouri-American Water Company (MAWC) and the Public Water Supply District No. 2 of St. Charles County, Missouri (the District), hereinafter jointly referred to as Applicants, pursuant to Section 394.312, RSMo 1994, filed a Joint Application requesting that the Commission find that the proposed Territorial Agreement is not detrimental to the public interest and approve the Territorial Agreement.

Applicants have mutually agreed to displace competition between themselves as allowed by law and have set out the terms of their agreement in a document entitled "Territorial Agreement," which is attached to the application and marked as Appendix 2. The Territorial Agreement contains maps and legal descriptions which, according to the application, represent the boundaries of each of the Applicants' respective service areas. The application notes that the Agreement will apply only to new customers, and no existing customers of either the District or MAWC will have their water service supplier changed by the Agreement.

Notice of this application should be sent to interested persons, an intervention date set and an expedited procedural schedule established, as the Commission must rule on the Application within 120 days from February 13, 2001 (June 13, 2001), unless otherwise ordered by the Commission for good cause shown. The Commission determines that notice of this application shall be given by the Commission's Records Department sending a copy of this order to the County Commission of the county covered by the Territorial Agreement. The Commission further determines that the Information Officer of the Commission should provide notice to the members of the General Assembly representing the Applicants' service areas and to the newspapers which serve Applicants' service areas, as listed in the newspaper directory of the current *Official Manual of the State of Missouri*.

Proper persons wishing to intervene shall have 20 days from the date of this order to file an application to intervene with the Secretary of the Commission and shall send a copy of the application to intervene to all parties as directed below.

The Applicants, Staff of the Missouri Public Service Commission, and the Office of the Public Counsel shall file a proposed procedural schedule including a date for evidentiary hearing as ordered below.

IT IS THEREFORE ORDERED:

1. That the Records Department shall send a copy of this order to the St. Charles County Commission.

2. That the Information Officer of the Missouri Public Service Commission shall send notice to the members of the General Assembly representing the Applicants' service areas and to the newspapers which serve Applicants' service areas as listed in the newspaper directory of the current *Official Manual of the State of Missouri*.

3. That any interested person wishing to intervene in this case shall file an application to intervene on or before March 15, 2001, with:

Dale Hardy Roberts, Secretary
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102

and serve a copy on:

Dean L. Cooper
Brydon, Swearengen & England P.C.
312 East Capitol Avenue
Post Office Box 456
Jefferson City, Missouri 65102
ATTORNEY FOR MISSOURI-AMERICAN WATER COMPANY

Charles Brent Stewart
Stewart & Keevil, L.L.C.
1001 Cherry Street, Suite 302
Columbia, Missouri 65201
ATTORNEY FOR PUBLIC WATER SUPPLY DISTRICT
NO. 2 OF ST. CHARLES COUNTY, MISSOURI

and

Office of the Public Counsel
Post Office Box 7800
Jefferson City, Missouri 65102

4. That the Applicants, Staff of the Missouri Public Service Commission and Office of the Public Counsel shall file a proposed procedural schedule on or before March 26, 2001, and such procedural

schedule shall provide for a hearing to take place on or before May 11, 2001.

5. That this order shall become effective on March 5, 2001.

BY THE COMMISSION

A handwritten signature in black ink, reading "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

(S E A L)

Vicky Ruth, Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 23rd day of February, 2001.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 23rd day of February 2001.



Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge