

Exhibit No.: ____
Witness: Steven Kerwin
Type of Exhibit: Surrebuttal Testimony
Issue: Application
Sponsoring Party: Timber Creek Sewer Company
Case No.: SA-2010-0063

MISSOURI PUBLIC SERVICE COMMISSION
UTILITY DIVISION

TIMBER CREEK SEWER COMPANY
CASE NO. SA-2010-0063

SURREBUTTAL TESTIMONY OF
STEVEN KERWIN

March 26, 2010

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

In the matter of the application of Timber)
Creek Sewer Company, for permission,)
approval, and a certificate of convenience)
and necessity authorizing it to construct,)
install, own, operate, control, manage and)
maintain a sewer system for the public,)
located in an unincorporated area in Platte)
County, Missouri.)

CASE NO. SA-2010-0063

AFFIDAVIT OF STEVEN KERWIN

STATE OF MISSOURI)
 CLAY) SS
COUNTY OF JACKSON-)

Steven Kerwin, of lawful age, on his oath states: That he has reviewed the attached written testimony in question and answer form, all to be presented in the above case, that the answers in the attached written testimony were given by him; that he has knowledge of the matters set forth in such answers; that such matters are true to the best of his knowledge, information and belief.



Steven Kerwin

Subscribed and sworn to before me this 2 day of March, 2010



Notary Public

[SEAL]

My Commission expires: 10-16-11

72477.1



DEBORAH L. CABRA
My Commission Expires
October 16, 2011
Clay County
Commission #07417857

**PREPARED DIRECT TESTIMONY OF
STEVEN KERWIN**

1 **Q: PLEASE STATE YOUR NAME AND ADDRESS.**

2 A: Steven Kerwin, 12150 92 Highway, Platte City, Missouri.

3
4 **Q: ON WHOSE BEHALF ARE YOU APPEARING?**

5 A: Timber Creek Sewer Company.

6
7 **Q. WHAT IS THE PURPOSE OF YOUR SURREBUTTAL TESTIMONY TODAY?**

8 A. The purpose of my testimony is to respond to the Direct/Rebuttal Testimony of
9 Charles W. Reineke on behalf of Intervenor Platte County Regional Sewer District
10 ("PCRSD"), who, on p. 7, recognizes that I have obtained approval for development
11 from the Platte County Planning and Zoning authorities and then states at p.8 that I
12 approached PCRSD the week of February 1, 2010, to explore connections of his
13 development to the PCRSD facilities.

14
15 **Q. PLEASE EXPLAIN YOUR PLANS FOR DEVELOPMENT FOR YOUR**
16 **PROPERTY LOCATED AT 12150 92 HWY, PLATTE CITY, MISSOURI.**

17 A. I am planning to build an indoor RV storage facility. The site will also have a sewage
18 dump station for the RVs when customers clean, maintain, and store their RVs. My

1 long term goal is to develop the southern portion of my property as commercial
2 development.

3
4 **Q. WHY ARE YOU INTERESTED IN CENTRAL SEWERS?**

5 A. I tried to get on-site sewage disposal and was unable to meet all the requirements
6 required by the Platte County Health Department and Platte County Planning and
7 Zoning. Platte County Planning and Zoning has required me to demonstrate the
8 ability to connect to central sewers before issuing a building permit.

9
10 **Q. DID YOU REQUEST SANITARY SEWER SERVICE FROM PLATTE**
11 **COUNTY REGIONAL SEWER DISTRICT?**

12 A. Yes. I first contacted Platte County Regional Sewer District the week of April 13th,
13 2009 for information and to discuss the possibility of connecting to their treatment
14 facility at the Red Rock Subdivision. I spoke with Chuck Reineke and asked him if it
15 would be possible for me to connect to their facility. He immediately responded with
16 "no".

17 In a follow up call, I asked Platte County Regional Sewer District to put its answer in
18 writing. I received an email from Chuck Reineke on April 21st, 2009 stating that a
19 connection would not be allowed unless pre-treatment was provided by me at my

1 expense before discharging to their sewer system. A copy of his email is attached as
2 **Schedule SK-1.**

3 In late January 2010, I was requested by my banker to contact Platte County Regional
4 Sewer District one more time to see if I would be able to save some costs by
5 connecting to the Red Rock subdivision treatment plant. I contacted Chuck Reineke
6 on February 1st, 2010 and he informed me that I would have to pay to take the
7 materials used in RVs to a chemist or engineer to do an analysis. After the analysis, I
8 would have to pay for an engineer to design a pre-treatment plant that I would have to
9 pay to have built on my property and pay to maintain.

10 This seemed ridiculous to me.

11
12 **Q. WHY DID YOU CONTACT TIMBER CREEK SEWER COMPANY FOR**
13 **SERVICE?**

14 A. I wanted to know what my options might be for sewage disposal and Timber Creek
15 Sewer Company has an excellent reputation for providing good advice. They reviewed
16 the responses I received from my engineer, Department of Natural Resources, Platte
17 County Planning and Zoning, Platte County Health Department, and the response from
18 Platte County Regional Sewer District. The Timber Creek operators have years of
19 experience with RVs wastewater and treatment of it. Also, one of Timber Creek's
20 operators frequently uses a 5th wheel RV and was very familiar with RV wastewater

1 storage and operation. Timber Creek informed me that pre-treatment would not be
2 needed at their facility, however, it would require the approval of the Commission for
3 it to serve me at that location since it was outside its certificated service area.
4

5 **Q. ARE YOU SUPPORTING TIMBER CREEK'S APPLICATION FOR A**
6 **CERTIFICATE TO SERVE THE PROPOSED SERVICE AREA?**

7 A. Yes. After several conversations and reviewing all the information, I am working with
8 Timber Creek and plan to connect to its facilities if it is granted the requested
9 authority by the Commission. I support its application, which I believe is needed not
10 only for my development but also for other members of the public in the proposed
11 service area, who are without sewer service. Timber Creek has been great to work
12 with in providing me guidance and assistance to get through a very challenging and
13 frustrating development experience.
14

15 **Q. DOES THAT CONCLUDE YOUR SURREBUTTAL TESTIMONY?**

16 A. Yes.

CReineke@pcrsd.com

To: vinylfencing@yahoo.com

Cc: Dan Luebert; Jackie Stewart

Subject: Request regarding connection of RV pumping facility to PCRSD Service Area #29 STEP system

April 21, 2009

You requested information regarding connection of an RV pumping facility to the above referenced sanitary sewer system.

A direct connection for this facility will not be allowed as the chemical content used in RV's that would be dumped into the system could potentially compromise the treatment process and effluent quality required at this facility.

PCRSD could accept flow from this facility if proper pre-treatment were provided.

In addition, you indicated that MoDNR has indicated they would approve a permit for a lagoon for this facility. As the continuing authority for sanitary sewage treatment at this location, PCRSD would require that plans for such a facility be submitted for approval by PCRSD prior to any construction begins. Once constructed, any facility permitted by MoDNR would become the property of PCRSD and would be operated accordingly.

If you are constructing a lagoon permitted by the Platte County Health Department, that facility would remain under their jurisdiction and would be owned and maintained by the property owner.

Sincerely,

Chuck Reineke
Executive Director
Platte County Regional Sewer District

4/21/2009

Schedule SK-1