

# FLYNN DAVENPORT

LLC  
PATRICK S. FLYNN  
CYNTHIA M. DAVENPORT  
AMY SANCHEZ

April 26, 2006

FILED<sup>4</sup>

APR 27 2006

Colleen Dale  
Missouri Public Service Commission  
200 Madison  
Jefferson City, Missouri 65101

Missouri Public  
Service Commission

Re: Lincoln County Utilities Co., et al  
Case No. SM-2006-0369

Dear Ms. Dale:

First, my apologies to the Commission and its members for the delay in this filing. I pledge to be diligent in future filings.

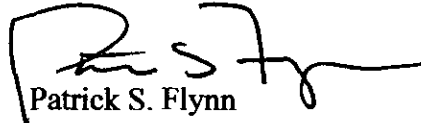
Please file the following with the Commission:

- 1) The original and eight copies of Motion for Leave to File Out of Time
- 2) The original and eight copies of the Supplemental Pleading and Response to Commission's Order Directing Filing
- 3) The Certificate of Service for the original application

I appreciate your assistance in these matters.

Sincerely,

FLYNN AND DAVENPORT LLC

  
Patrick S. Flynn

Enclosures

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

**FILED<sup>4</sup>**

APR 27 2006

In the Matter of Lincoln County Utilities Co.'s )  
Application to Sell Its Sewer/Treatment Facility )  
to the Public Water Supply District No. 1 of )  
Lincoln County, Missouri. )

Missouri Public  
Service Commission

**Case No. SM-2006-0369**

**SUPPLEMENTAL PLEADING AND RESPONSE TO COMMISSION'S ORDER**  
**DIRECTING FILING**

Comes now the Applicant, **Lincoln County Utilities Co.** and by and through their attorney, Patrick S. Flynn of Flynn & Davenport, LLC and files with the Public Service Commission its Supplemental Pleading and Response to Commission's Order Directing Filing as follows:

1) On March 27, 2006, Lincoln County Utilities Co. (Lincoln Utilities) filed their application with the Commission requesting authority to sell its sewer/treatment facility to the Public Water Supply District No. 1 of Lincoln County, Missouri (the Water District).

2) On March 31, 2006, the Public Service Commission entered its Order Directing Filing to Lincoln County Utilities Co.

3) Lincoln County Utilities Co. states pursuant to the Commission's order that its telephone number is (573) 929-3423 and that it is without an electronic mail address or fax number and indicates such contact can be made through its counsel as indicated below.

4) Lincoln County Utilities Co. files herein pursuant to the Commission's order its certificate of service of its application on the Office of the Public Counsel and the General Counsel of the Commission.

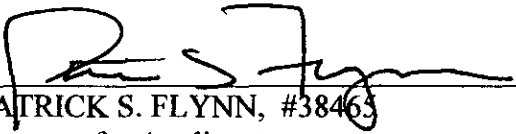
5) Lincoln County Utilities Co. pursuant to the Commission's order will file all future pleadings according to Commission Rule 4 CSR 240-2.080.

6) Lincoln County Utilities Co. states at the time of the filing of the petition it was not aware of any unpaid assessments with the Missouri Department of Natural Resources as stated in paragraph 9 of its original application. Since the filing, Lincoln County Utilities Co. has been advised that there are fee's due and owing. Lincoln County Utilities Co. is without sufficient funds in which to pay such fees and has entered into an agreement with the Missouri Department of Natural Resources to pay such fees out of the closing proceeds at the time of the sale as outlined in attached Exhibit 4. Lincoln County Utilities Co. requests the Commission to approve such payment.

7) Applicant states that if any items required under this rule have not been met upon this application that Applicant will furnish same prior to the granting of authority sought.

Wherefore, Applicant, Lincoln County Utilities Co., prays that the Public Service Commission grant its application to sell its assets to the Public Water Supply District No. 1 of Lincoln County, Missouri.

FLYNN & DAVENPORT LLC

  
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PATRICK S. FLYNN, #38463

Attorney for Applicant

P.O. Box 336

Troy, Missouri 63379

Phone: (636) 462-5539

Fax: (636) 528-5536

[pflynn@flynnanddavenport.com](mailto:pflynn@flynnanddavenport.com)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing was hand-delivered to the Office of Public Counsel and General Counsel of the Commission at 200 Madison Jefferson City, Missouri 65101 and by mail to Mark C. Piontek, Lewis, Rice & Fingersh, L.C. 1200 P.O. Box 1040 Washington, Missouri 63090 this 27<sup>th</sup> day of April, 2006.

  
\_\_\_\_\_  
Patrick S. Flynn

**EXHIBIT 4****ATTORNEY GENERAL OF MISSOURI****JEFFERSON CITY****65102****JEREMIAH W. (JAY) NIXON**  
**ATTORNEY GENERAL****P.O. Box 899**  
**(573) 751-3321**

April 5, 2006

Patrick S. Flynn  
Flynn & Davenport  
104 Professional Parkway  
Troy, MO 63379  
Fax No. 636-528-5536  
**VIA FACSIMILE AND MAIL**

Re: *Lincoln County Utilities Company*

Dear Mr. Flynn:

I am enclosing an invoice reflecting the amount owed for permit fees as previously discussed. The invoice reflects the \$3000 permit fee for the current year, the accrued penalty through April 1, 2006 on that amount, and the unpaid penalty amount for two month late payment last year (\$120).

The Department has agreed that these amounts may be paid out of closing proceeds.

Sincerely,

**JEREMIAH W. (JAY) NIXON**  
**ATTORNEY GENERAL**

A handwritten signature in black ink, appearing to read "H. Todd Iveson".

H. Todd Iveson  
Assistant Attorney General  
(573) 751-8370

HTI:ka

Enclosure

c: Michael Abbott, WPCP

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

In the Matter of Lincoln County Utilities Co.'s     )  
Application to Sell Its Sewer/Treatment Facility    )  
to the Public Water Supply District No. 1 of        )  
Lincoln County, Missouri.                            )

**Case No. SM-2006-0369**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the Application for the above was hand-delivered to  
the Office of Public Counsel and General Counsel of the Commission at 200 Madison  
Jefferson City, Missouri 65101 this 27<sup>th</sup> day of APRIL, 2006.

FLYNN & DAVENPORT LLC



PATRICK S. FLYNN, #38465

Attorney for Applicant

P.O. Box 336

Troy, Missouri 63379

Phone: (636) 462-5539

Fax: (636) 528-5536

[pflynn@flynnanddavenport.com](mailto:pflynn@flynnanddavenport.com)