

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²

MAY 31 2000

Missouri Public
Service Commission

In the Matter of the Application of Ozark)
Water and Wastewater Management Co., Inc.)
to Seel and Transfer its Franchise, Treatment)
Plant and Substantially All its Assets to)
Northern Christian County Regional)
Wastewater Facility, Inc. a Non-Profit Sewer)
Corporation under §393.825, RSMo)

Case No. SM-2000-608

MISSOURI DEPARTMENT OF NATURAL RESOURCES,
REQUEST TO INTERVENE AFTER
THE INTERVENTION DATE

The Missouri Department of Natural Resources, (MDNR), by and through its counsel, requests the Missouri Public Service Commission (the "Commission") issue an order allowing MDNR to intervene in this matter.

Suggestions

1. On March 29, 2000, Ozark Water and Wastewater Management Co., Inc., filed an application with the Commission for approval of a sale of substantially all its assets to Northern Christian County Regional Wastewater Facility, Inc.. The Commission issued an Order and Notice allowing parties to file an application to intervene on or before April 24, 2000.

2. 4 CSR 240.2.075(4) allows intervention on a showing that (A) the applicant has an interest in the proceeding which is different from that of the general public; (B) The applicant is a municipality or other political subdivision; (C) Granting the proposed intervention would serve the public interest.

3. 4 CSR 240.2.075(5) allows intervention after the intervention date upon a showing of good cause.

4. The MDNR did not receive a copy of the Order and Notice, but learned that OWWM had filed the application with the Commission as the result of setting up and conducting a meeting concerning Ozark Water and Wastewater Management Co., Inc.'s non-compliance with the Consent Judgment and Injunction entered in *State of Missouri, ex. rel Nixon v. Jed Forrester and Ozark Water and Wastewater Management Co., Inc.*, Case No. CV197-4CC, filed in Christian County, Missouri, and Ozark Water and Wastewater Management Co. Inc.'s request to transfer its Missouri State Operating Permit to the Northern Christian County Regional Wastewater Facility, Inc.

5. The MDNR requested a copy of the application from the Commission staff prior to April 24, 2000, but due to some confusion, it did not receive a copy of the application and the Commission's order on intervention until May 11, 2000. After reading through the application, and meeting with various parties, it determined that it should request the Commission for leave to intervene out of time.

6. The MDNR could not have met the Commission's intervention deadline on the basis that it was not provided a copy of the application and the Commission's order until after the deadline had passed.

7. The MDNR's interest in this proceeding is different from that of the general public; the Missouri Department of Natural Resources is a political subdivision of the state which is seeking to protect the Consent Judgment entered in the

aforementioned case, to achieve compliance on the part of Ozark Water and Wastewater Management Co. Inc. with both the Consent Judgment and Missouri's environmental laws at the English Village wastewater treatment facility. Granting the proposed intervention would serve the public interest.

8. The Department of Natural Resources is vested with the powers and duties regarding compliance with the Clean Water law pursuant to §§640.010 and 644.076 RSMo. These powers and duties include:

- (1) Administering the Missouri Clean Water Law;
- (2) Causing litigation to be brought in order to enforce the Missouri Clean Water law;

9. The MDNR's interest to carry out the Missouri Clean Water Law is necessarily different from that of the general public.

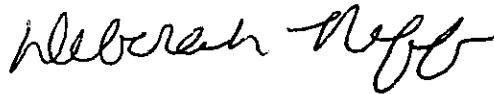
10. The MDNR's intervention in the present matter will serve a public interest in that the MDNR will be reviewing the proposed action to ascertain its impact on the remediation of the violations to the Missouri Clean Water Law which are presently occurring at the English Village wastewater treatment facility which is owned by Ozark Water and Wastewater Management Co., Inc.

11. The MDNR has not come to a conclusion as to whether it supports or opposes this proposed action.

WHEREFORE, the MDNR requests an order from this Commission to allow it to intervene in this proposed approval of a sale of substantially all its assets to Northern Christian County Regional Wastewater Facility, Inc.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was mailed, postage pre-paid, this 31st day of June, 2000, to:

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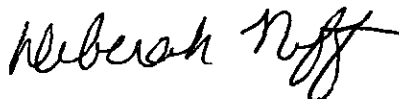
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