

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

In the Matter of Mid Mo Sanitation LLC for)
a Certificate of Convenience and)
Necessity (Line Certificate) Authorizing it)
to Own, Operate, Maintain, Control and)
Manage a Sewer System in Callaway)
County, Missouri)

File No. SA-2022-0029

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through counsel, and for its *Staff Recommendation*, states the following:

Summary

1. Mid-MO Sanitation, LLC (Mid-MO) filed an application for a certificate of convenience and authority on August 4, 2021.¹

2. For the reasons stated below, Staff recommends granting a certificate of convenience and authority under Section 393.170.2, RSMo (Supp. 2020) to Mid-MO to operate, control, manage, and maintain the portion of its sewer system outside of its existing service territory, including its land application equipment and the full exercise all rights and privileges granted under an operating permit by the Missouri Department of Natural Resources.

3. The remainder of this filing addresses the Commission’s authority to grant the relief recommended by Staff.

4. Staff’s memorandum, attached hereto and incorporated by reference, addresses Mid Mo’s qualifications for a certificate using the Commission’s *Tartan* criteria,

¹ Application and Motion for Waiver, Case No. SA-2022-0029 (EFIS No. 1).

and recommends that the Commission issue a certificate of convenience and necessity to Mid-MO.

Background

5. In its application, Mid-MO cites Sections 393.170.1, 20 CSR 4240-2.060, 20 CSR 4240-3.305, and 20 CSR 4240-4.017 in support of its application.

6. Mid-MO is a sewer corporation and public utility as defined by Section 386.020, RSMo (Supp. 2020) and as such is under the jurisdiction of the Public Service Commission.² Mid-MO provides sewer service to approximately 28 customers in Callaway County, Missouri, pursuant to a certificate of convenience and necessity previously granted by the Commission in Case No. SA-2009-0319.³

7. In 2015, the Missouri Department of Natural Resources issued a new wastewater discharge permit for Lake Breeze Estates, which is within Mid-MO's service area granted in SA-2009-0319.⁴ Mid-MO developed an Engineering Facility Plan that identified a "no-discharge—land application system" as the best, most affordable option.⁵

8. The Missouri Department of Natural Resources approved Mid-MO's proposed land application system.⁶ Mid-MO subsequently constructed it and placed it into service.⁷

² Application and Motion for Waiver, SA-2022-0029 (EFIS No. 1).

³ Application and Motion for Waiver, SA-2022-0029 (EFIS No. 1).

⁴ Application and Motion for Waiver, SA-2022-0029 (EFIS No. 1).

⁵ Application and Motion for Waiver, SA-2022-0029 (EFIS No. 1).

⁶ Application and Motion for Waiver, SA-2022-0029 (EFIS No. 1).

⁷ Application and Motion for Waiver, SA-2022-0029 (EFIS No. 1).

9. The area where the land application equipment is located and effluent is applied is outside the service area granted to Mid-MO in Case No. SA-2009-0319.⁸ No other sewer service is available in the area, but Mid-MO is not seeking to provide retail sewer service in the area of its land application system.⁹ Instead, Mid-MO is seeking authority “to install, acquire, build, construct, own, operate, control, manage, and maintain a sewer system (line certificate) for the public within” the area identified in **Exhibit A**.¹⁰ There is a single owner of the real estate on which the application equipment is located, and no residents.¹¹

Commission Authority

10. Applications and pleadings before the Commission must be liberally construed.¹² The technical rules of pleading are not applied.¹³ Moreover, substantial compliance with the requirement of Chapter 386 “shall be sufficient to give effect to all the rules, orders, acts and regulations of the commission, and they shall not be declared inoperative, illegal or void for any omission of a technical nature in respect thereto.”¹⁴ The provisions of the Public Service Commission Act “shall be liberally construed with a

⁸ *Application and Motion for Waiver*, SA-2022-0029 (EFIS No. 1). A map is attached hereto as **Attachment A**.

⁹ *Application and Motion for Waiver*, SA-2022-0029 (EFIS No. 1).

¹⁰ *Application and Motion for Waiver*, SA-2022-0029 (EFIS No. 1).

¹¹ *Application and Motion for Waiver* at 3 ¶ 9, SA-2022-0029 (EFIS No. 1).

¹² *State ex rel. Crown Coach Co. v. Pub. Serv. Comm’n*, 238 Mo. App. 287, 179 S.W.2d 123,126 (Mo. App. K.C. 1944) (citing *State ex rel. M., K. & T. R. Co. v. Pub. Serv. Comm’n*, 277 Mo. 175, 210 S.W. 386, *State ex rel. Kansas City Terminal R. Co. v. Pub. Serv. Comm’n*, 308 Mo. 359, 272 S.W. 957).

¹³ *State ex rel. Crown Coach Co. v. Pub. Serv. Comm’n*, 238 Mo. App. 287, 179 S.W.2d 123,126 (Mo. App. K.C. 1944) (citing *State ex rel. M., K. & T. R. Co. v. Pub. Serv. Comm’n*, 277 Mo. 175, 210 S.W. 386, *State ex rel. Kansas City Terminal R. Co. v. Pub. Serv. Comm’n*, 308 Mo. 359, 272 S.W. 957).

¹⁴ § 386.610, RSMo (2016).

view to the public welfare, efficient facilities and substantial justice between patrons and public utilities.”¹⁵

11. Reading Mid-MO’s application liberally, the Commission does have authority to grant, and the evidence supports granting, a CCN under Section 393.170.2, RSMo (Supp. 2020).¹⁶

12. Section 393.170 authorizes two types of authority: authority to begin construction (a line certificate) under 393.170.1, and authority to exercise any right or privilege under any franchise (an area certificate) under 393.170.2.¹⁷ The authority to exercise any right or privilege under Section 393.170.2 includes the right to operate a plant or system.¹⁸ Another authority is the right to operate wastewater systems granted by the Missouri Department of Natural Resources¹⁹

13. Reading Mid-MO’s application for a CCN liberally, with a view to the public welfare, efficient facilities, and substantial justice between patrons and public utilities, Mid-MO asks three separate times for authority to “operate, maintain, control and manage a sewer system.”²⁰ The authority to operate the system and exercise the permit granted by the Missouri Department of Natural Resources is an authority the Commission is

¹⁵ § 386.610, RSMo (2016).

¹⁶ *State ex rel. Cass County v. Pub. Serv. Comm’n*, 259 S.W.3d 544, 546 (Mo. App. W.D. 2008) (holding that the Commission “lacks statutory authority to grant a *post hoc* CCN approving construction.”).

¹⁷ § 393.170, RSMo (Supp. 2020); *Grain Belt Express Clean Line, LLC v. Pub. Serv. Comm’n*, 555 S.W.3d 469, 471-72 (Mo. banc 2018) (citing prior case law recognizing two types of CCNs under Section 393.170).

¹⁸ § 393.020 *Matter of Amendment of Commission’s Rule Regarding Applications for Certificates of Convenience and Necessity*, 618 S.W.3d 520, 527 (Mo. banc 2021) (affirming Commission authority to promulgate rule requiring CCN to “operate” an “asset.”).

¹⁹ *E.g.*, § 644.026(12)-(15) (permitting and regulation of among things sewer systems and parts thereof); 10 CSR 20-6.010 (Construction and Operating Permits).

²⁰ Application and Motion for Waiver, SA-2022-0029 (EFIS No. 1).

authorized to grant under Section 393.170.2.²¹ Mid-MO's application sufficiently invokes the Commission's authority under Section 393.170.2, and in the alternative the Commission may grant leave to amend the application to invoke Section 393.170.2 as appropriate.²²

14. Here, the Commission is authorized to grant a certificate to operate the land application equipment outside of Mid-MO's existing service area from effective date of a Commission order granting the certificate. *Cass County* applies only to line certificates under 393.170.1.²³ The reasoning of *Cass County* does not extend to area certificates under 393.170.2. First, unlike subsection 1, the authority to grant area certificates under 393.170.2 does not state that a utility shall not "begin" to exercise a franchise without having first obtained a certificate.²⁴ Second, unlike subsection 1, subsection 2 applies not just to any right or privilege "hereafter granted," but also to any right or privilege "heretofore granted but not heretofore actually exercised," and any right or privilege "which shall have been suspended for more than one year." Third and finally, unlike the action of beginning construction, which is a discrete event, the exercise of a right or privilege is a continuous activity. Thus, the Commission can authorize Mid-MO to "operate, maintain, control and manage a sewer system" for its application equipment

²¹ Staff has no objection to granting the certificate as requested by Mid-MO, but provides this analysis as an additional authority to grant Mid-MO a CCN for its land application system. See, *State ex rel. Cass County v. Pub. Serv. Comm'n*, 259 S.W.3d 544, 546 (Mo. App. W.D. 2008).

²² 20 CSR 4240-2.080(18).

²³ *State ex rel. Cass County v. Pub Serv. Comm'n*, 259 S.W.3d 544, 549 (Mo. App. W.D. 2008).

²⁴ Compare § 393.170.1 to § 393.170.2, RSMo (Supp. 2020); see also, *State ex rel. Cass County v. Pub Serv. Comm'n*, 259 S.W.3d 544, 549 (Mo. App. W.D. 2008).

outside of its existing service area, and from the effective date of a Commission order granting a certificate.²⁵

15. Mid-MO is not seeking and does not need a certificate to operate the sewer system already within its existing service area.²⁶

WHEREFORE, for the reasons stated above and in Staff's accompanying memorandum, Staff respectfully request the Commission to enter an order:

- A. deciding that Mid-MO does not need a certificate of convenience and necessity to continue to operate, maintain, control, and manage the portion of its sewer system already within its service area, under Section 393.170.2, and *Cass County*;
- B. deciding that the Commission is authorized by statute to grant and will grant an area certificate under Section 393.170.2 to operate, maintain, control, and manage the portion of its sewer system, including the land application equipment outside of its currently existing service area, under Section 393.170.2, and to exercise all parts of the operating permit granted to Mid-MO by the Missouri Department of Natural Resources, with the conditions and actions identified in Staff's Memorandum; and
- C. granting such other and further relief the Commission deems appropriate.

²⁵ To the extent that Mid Mo operated the equipment prior to the effective date of the Commission's order, the Commission cannot and should not grant a *post hoc* certificate.

²⁶ *Application and Motion for Waiver* at 3 ¶ 9, SA-2022-0029 (EFIS No. 1).

Respectfully submitted,

/s/ Curt Stokes

Curt Stokes #59836

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Jefferson City, MO 65102

(573) 751-4227 (Telephone)

(573) 751-9285 (Facsimile)

Curtis.Stokes@psc.mo.gov

**Attorney for Staff of the
Missouri Public Service Commission**

CERTIFICATE OF SERVICE

I certify that copies of the foregoing have been emailed to all parties and/or counsel of record on this 10th day of September, 2021.

/s/ Curt Stokes

MEMORANDUM

TO: Missouri Public Service Commission Official Case File
File No. SA-2022-0029

FROM: Andrew Harris - Water and Sewer Department
Matt Barnes - Water and Sewer Department
Amanda Coffey - Engineering Analysis Department

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|--------------------------|------------------|--------------------------|------------------|
| <u>/s/ Andrew Harris</u> | <u>9/10/2021</u> | <u>/s/ Curtis Stokes</u> | <u>9/10/2021</u> |
| Case Manager | Date | Chief Deputy Counsel | Date |

SUBJECT: Staff's Recommendation to Approve Certificate of Convenience and Necessity

DATE: September 10, 2021

EXECUTIVE SUMMARY

Staff's position, based on its review as described herein, is that the proposal for a new Certificate of Convenience and Necessity ("CCN") to install, acquire, build, construct, own, operate, control, manage, and maintain a sewer system for the public, pursuant to Mid-MO Sanitation LLC's ("Mid-MO") current sewer tariff PSC MO No. 1, is necessary and convenient for the public service.

Staff therefore recommends approval with the conditions and actions as outlined herein.

CASE BACKGROUND

On August 4, 2021, Mid-MO filed its *Application and Motion for Waiver* (Application) with the Missouri Public Service Commission (Commission). Mid-MO seeks a Certificate of Convenience and Necessity to install, acquire, build, construct, own, operate, control, manage, and maintain an additional parcel of land for its sewer system in unincorporated Callaway County, Missouri. In the Application, Mid-MO states that it seeks a line certificate for an area where Missouri Department of Natural Resources (MDNR) has issued a permit for a "no discharge – land application system" that has been constructed and placed into plant service.

On August 12, 2021, the Commission issued its *Order Directing Notice and Establishing Time for Filings*, in which it directed interested parties wishing to intervene in this case to submit applications for intervention no later than September 11, 2021, and also no later than September 11, 2021, the Commission's Staff to file either a recommendation regarding Mid-MO's application or a status report. No party has requested to intervene in this case.

BACKGROUND OF MID-MO

Mid-MO is a regulated public sewer utility that provides sewer service to 28 residential customers in the Lake Breeze subdivision and four (4) commercial customers in the unincorporated

community¹ of Millersburg in Callaway County, Missouri. Mid-MO is owned and operated by William Bright (Mr. Bright).

The sewer system operates under Permit No. MO-0120995, issued by the MDNR with an effective date of January 1, 2020, and an expiration date of September 30, 2024.

STAFF'S INVESTIGATION

Staff inspected the Mid-MO sewer system on May 6, 2021, as part of its investigation in Mid-MO's currently ongoing rate case (Case No. SR-2021-0372), filed with the Commission on April 30, 2021. The sewer system is comprised of 2-inch poly vinyl chloride (PVC) pressure lines that convey sewage from each individual grinder pump station to a collection manhole at the lagoon site, with the grinder pump stations being owned and maintained by each customer. The treatment facility consists of a 3-cell lagoon for sludge settling and retention, a lift station for conveyance of wastewater through a 2-inch PVC pressure line to a holding cell, with a diesel-powered pump for periodic conveyance of effluent to a traveling spray gun irrigation system for land application. As part of the conversion from a discharge facility to a no-discharge facility with land application, Mr. Bright personally purchased a 32-acre parcel of land for construction of the holding cell as well as land application area for the effluent from the holding cell. Mid-MO is utilizing the parcel for these purposes, and a proposed lease agreement between Mr. Bright and Mid-MO for a period of 30 years for continued use has been received by Staff. Staff has requested a modification of the proposed lease agreement that addresses permitted use activities on the land application area. An acceptable finalized lease agreement is included among Staff's recommendations for approval of a CCN. Mid-MO is seeking a CCN necessity for this parcel where construction occurred and plant is operating outside of the certificated area.

In Operating Permit MO-0120995 issued by MDNR on February 1, 2015, Mid-MO received a three-year compliance schedule to attain compliance with new ammonia limits. Mr. Bright consulted with Gary Cunningham of Environmental Management Solutions, LLC to evaluate options for compliance with the new limits. While no other sewer service provider was available, nearby land was available, and a no-discharge land application design was selected as a best option. MDNR received a construction permit application for Mid-MO on July 13, 2016, and issued a construction permit on October 3, 2016. After completion of construction, MDNR issued a permit modification for the new land application system on September 1, 2018. The current permit for Mid-MO was issued January 1, 2020, with an expiration date of September 30, 2024.

While the upgrades completed by Mid-MO were prudent for compliance with new ammonia limits, Mid-MO did not apply to the Commission for a CCN prior to commencing construction outside of its service area. Staff became aware of these sewer plant upgrades while conducting its review in Mid-MO's ongoing rate case and advised Mid-MO to file a CCN application for the new area that is used to provide adequate sewer service by land application of partially treated wastewater in compliance with the operating permit. There is no space within this new area for residential or commercial customer expansion and the use is limited to the permitted land application of wastewater.

¹ Millersburg is not an incorporated city listed in the Missouri 2019-2020 Official Manual (available at <https://www.sos.mo.gov/bluebook/2019-2020>). Unincorporated towns and villages are contemplated under Missouri law, *see* Section 71.090, RSMo (2016) (procedure to change name of unincorporated town or village).,

Rate Base

The approval of this CCN will add \$204,409 to the plant in service and \$175,688 to the total rate base. Staff recommends that a CCN to operate the land application equipment be approved before allowing the company to include this investment in its Commission approved customer rates resulting from Mid-MO's pending rate increase request in Case No. SR-2021-0372. Staff will recommend depreciation rates in Case No. SR-2021-0372, however, Staff does not anticipate that the granting of this CCN will impact the depreciation rates.

Customer Rates

The customers of Mid-MO currently pay the following for sewer service:

Residential Flat Rate of \$64.66 per unit/per month.

Commercial Flat Rate of \$96.98 per unit/per month.

Area

The proposed modified map and associated legal description are shown in **Attachment A and B to this Memorandum**. Staff recommends that this proposed service area be approved, and that this service area be depicted in Mid-MO's tariff, as further discussed herein.

Tariff and Rate Matters

Staff recommends that Mid-MO submit the following revised tariff sheets that revise the map and legal description of the service area to be approved:

1st Revised Sheet No. 3 Cancelling Original Sheet No. 3;

1st Revised Sheet No. 4 Cancelling Original Sheet No. 4; and

1st Revised Sheet No. 5 Cancelling Original Sheet No. 5.

Tartan Energy Criteria

Staff utilizes the Tartan Criteria when analyzing requests for a new CCN, or in this case, expansion of an existing CCN. The Tartan criteria contemplate: 1) need for service; 2) the utility's qualifications; 3) the utility's financial ability; 4) the feasibility of the proposal; and, 5) promotion of the public interest:

(1) Need for Service

There is both a current and future need for sewer service in Millersburg, Missouri. Mid-MO is serving customers only within its currently existing service area. While the land application system is located outside of that service area, it is necessary to continue serving the customers in Mid-MO's system. No other sewer utilities, such as a public sewer district, are available to provide

service. As a result, there is a need for Mid-MO to expand the certificated area to allow Mid-MO to operate the land application system.

(2) Applicant's Qualifications

Mid-MO has demonstrated technical and managerial qualifications to develop and operate its sewer system, which serves fewer than fifty customers, in that it has been doing so effectively for twelve years. The owner of Mid-MO owns and operates a successful electrical contracting business, providing him additional experience in business operations, and has contracted with an established certified operator to run the sewer system. When the issue of constructing land application equipment outside of Mid-MO's current service area was raised, Mid-MO filed this case to remedy that issue.

(3) Applicant's Financial Ability

The initial investment in the Mid-MO sewer treatment facilities, prior to the recent upgrades, has been recouped in the sale of commercial and residential lots. The Company has funded the land application system upgrades through bank financing and its owners' funding support, and it is Staff's position that Mid-MO will generate sufficient revenues to remain viable with the approval of just and reasonable rates resulting from its pending rate case, Case No. SR-2021-0372.

(4) Economic Feasibility

Based upon its evaluation of estimated expenses, rates, charges, etc., it is Staff's position that the proposal to operate the land application system located within the requested expansion of Mid-MO's CCN is economically feasible. Staff has reviewed the likely rate impact of the land application equipment in Mid-MO's currently pending rate case, and Staff anticipates that the rates proposed by Staff as a result of the additional land application equipment will be just and reasonable.

(5) Promotion of the Public Interest

Staff's position is that Mid-MO's application to expand its existing certificated area promotes the public interest because the plant currently located outside of its service territory is necessary for compliance with ammonia limits and the operation of Mid-MO's existing central sewer system, and thus necessary for the provision of safe and adequate service. The expansion of the service area to include the land application system ensures that safe and adequate service for the future, and achieves compliance with MDNR regulations.

OTHER ISSUES

As mentioned above, Mid-MO has a pending small company rate case before the Commission. Granting a CCN to operate its land application system would ensure that Mid MO is able to collect a return of and a return on its prudently incurred investments that have been reviewed and approved by the Commission.

Mid MO is in good standing with the Secretary of State's Office, and is current on their PSC assessment.

STAFF’S RECOMMENDATIONS AND CONCLUSIONS

It is Staff’s position that the expansion of the service area as outlined in Mid-MO’s Application fulfills the Tartan Criteria. Additionally, the land application system located within the requested expansion is currently in operation, and necessary to comply with Department of Natural Resources requirements and for the operation of Mid-MO’s system. Based on its review as described herein, Staff’s position is that the request for a certificate of convenience and necessity to operate the sewer system in an expanded area to include the land application area is necessary and convenient for the public service. Staff therefore recommends approval with the following conditions and actions listed below:

1. Grant Mid-MO’s request for a CCN, authorizing it to operate, maintain, control, and manage the portion of its sewer system outside of its currently existing service area to include the land application area;
2. Require Mid-MO to submit newly created and / or revised tariff sheets, to become effective upon approval from the Commission, that include an updated map and legal description to reflect its authority to operate its sewer system in the land application area:
 - a. P.S.C. MO No. 1 1st Revised Sheet No. 3 Cancelling Original Sheet No. 3;
 - b. P.S.C. MO No. 1 1st Revised Sheet No. 4 Cancelling Original Sheet No. 4; and
 - c. P.S.C. MO No. 1 1st Revised Sheet No. 5 Cancelling Original Sheet No. 5.
3. Require Mid-MO to keep its financial books and records for plant-in-service and operating expenses in accordance with the NARUC Uniform System of Accounts;
4. Adopt the Depreciation Rates for Mid-MO as outlined in Attachment C of this memorandum;
5. Require a modification of the proposed lease agreement between Mr. Bright and Mid-MO that addresses use activity limitations on the land application area in accordance with Mid-MO’s Operating Permit; and
6. Make no finding that would preclude the Commission from considering the ratemaking treatment to be afforded any matters pertaining to the granting of the CCN to Mid-MO, including expenditures related to the certificated service area, in any later proceeding;

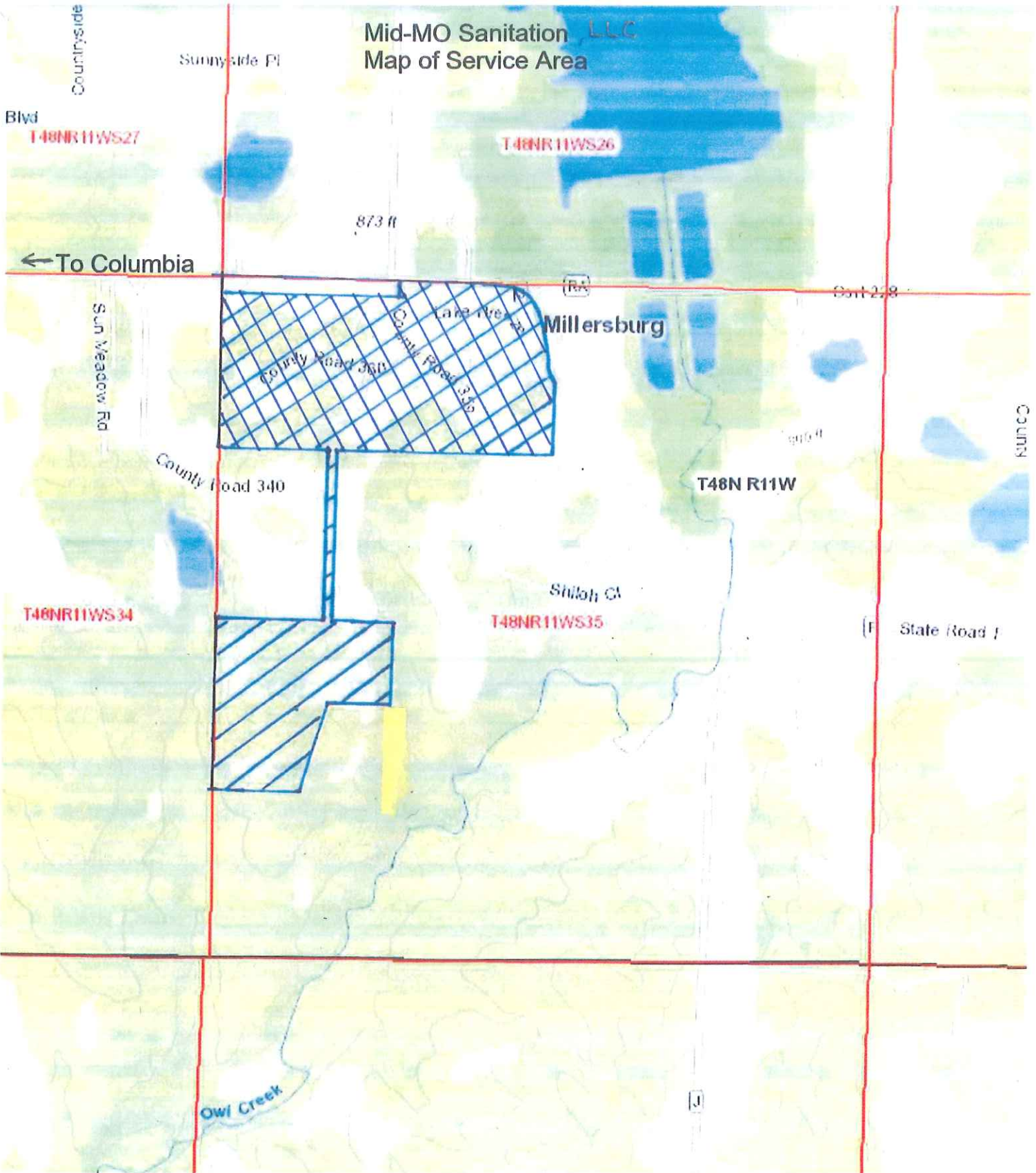
Staff will submit a further recommendation regarding compliance tariff sheets after filing by Mid-MO in this matter.

Attachments:

A: Proposed Revised Sewer Service Area Map

B: Proposed Revised Sewer Service Area Legal Description

Mid-MO Sanitation, LLC
Map of Service Area



 EXISTING

 REQUESTED

Mid-MO Sanitation, LLC Service Area Boundary Description

The following described real estate situated in Callaway County, Missouri, to-wit: Lots One (1) through Thirty-two (32) excepting Lots One (1), Two (2), Twenty-two (22) and Thirty-two (32) of Lake Breeze Estates as shown by plat recorded in Plat Book 9, Page 63, Records of Callaway County, Missouri. As well as the following described real estate also situated in Callaway County, Missouri, to-wit: Lot One (1), Lot Thirty-two (32), Lot Thirty-two-A (32A), and Lot Two (2), except the South Part of Lot Two (2) which lies South of and West of the Twenty Foot Easement crossing through the Platted Lot Two (2), being more particularly described as follows: The south and west part of Lot 2, Lake Breeze Estates, Callaway County, Missouri, as shown in Plat Book 9, Page 63 of the Callaway County records, located in the north half of the northeast quarter of the northwest quarter of Section 35, T48N, R11W, Callaway County, Missouri, being more particularly described as follows: Beginning at the southwest corner of said Lot 2, Lake Breeze Estates, being the northwest corner of Lot 32 of said subdivision, being the northwest corner of Lot 32C of a Replat of said Lot 32, recorded in Plat Book 9, Page 162, and being on a curve having a radius of 170.66 feet; thence, along the west line of said Lot 2 and Filed Missouri Public Service Commission SA-2009-0319; YS-2009-0845 P.S.C. MO No. 1 Original Sheet No. 5 Mid MO Sanitation LLC For: Callaway County Name of Issuing Company Certificated Service Area Rules and Regulations Governing the Rendering of Sewer Service * Indicates new rate or text + Indicates change Date of Issue June 1, 2009 Date Effective July 1, 2009 Month Day Year Month Day Year Issued By William Bright, Manager 1101 Sioux Drive, Fulton, MO 65251 Name and Title of Issuing Officer Company Address said curve to the right, 98.72 feet (a chord N15° 016' -35"W 97.,34 feet) to the PT of said curve; then N1° -15' -40"E, along said west lot line, 122.20 feet to the west end of the centerline of a utility easement, 20 feet wide as shown on said subdivision of Lake Breeze Estates; then S89° -26' -00"E, along said easement centerline, 739.65 feet; thence S10° -31' -30"E, along said easement centerline, 219.55 feet to the northeast corner of said Lot 32, being the northeast corner of Lot 32A of said Replat; thence N89° - 26' - 00"W, along the north line of said Lot 32 and the replat thereof, 756.75 feet to the point of beginning and containing 3.75 acres;

With inclusion of the following area where assets have been constructed or placed for land application of partially treated wastewater:

Beginning at the intersection of the east line of the right of way line extension of Jeffrey Drive and the north line of the SW quarter of the NW quarter of Section 35 in Township 48 North, Range 11 West, thence south 1,320 feet m/l to the intersection of the north line of the SW quarter of said section; thence E along said line 370 feet m/l to the NE corner of the NW quarter of the SW quarter of Section 35; thence south along the east line of the west half of the SW quarter of said Section, 662 feet m/l; thence west 447 feet to a point; thence S18 degrees W 690 feet; thence west 665 m/l to the west line of said Section; thence north along said Section line 1,315 m/l to the west quarter Section corner; thence east 920 feet m/l along the north line of the SW quarter to the intersection of the west line of the right of way extension of Jeffrey Drive; thence north 1,320 feet m/l to the north line of the SW quarter of the NW quarter.

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

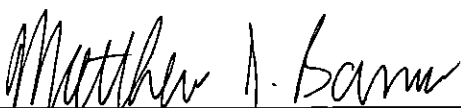
In the Matter of the Missouri-American Water)
Company for Certificates of Convenience and) **File No. SA-2022-0029**
Necessity Authorizing it to Install, Own,)
Acquire, Construct, Operate, Control,)
Manage and Maintain Sewer Systems in and)
Around the City of Trimble, Missouri)

AFFIDAVIT OF MATTHEW J. BARNES

STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

COME NOW Matthew J. Barnes, and on his oath declares that he is of sound mind and lawful age; that he contributed to the foregoing *Staff Recommendation in Memorandum form*; and that the same is true and correct according to his best knowledge and belief, under penalty of perjury.

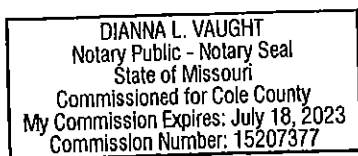
Further the Affiants sayeth not.

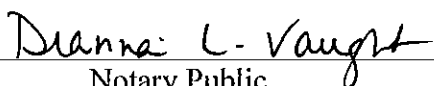


Matthew J. Barnes

JURAT

Subscribed and sworn before me, a duly constituted and authorized Notary Public, in and for the County of Cole, State of Missouri, at my office in Jefferson City, on this 10th day of September, 2021.





Notary Public

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

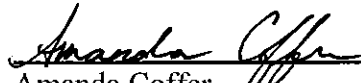
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Necessity Authorizing it to Install, Own,)
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Manage and Maintain Sewer Systems in and)
Around the City of Trimble, Missouri)

AFFIDAVIT OF AMANDA COFFER

STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

COME NOW Amanda Coffe, and on her oath declares that she is of sound mind and lawful age; that she contributed to the foregoing *Staff Recommendation in Memorandum form*; and that the same is true and correct according to her best knowledge and belief, under penalty of perjury.

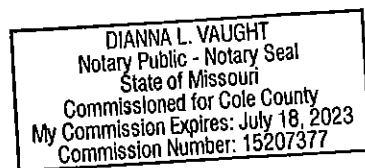
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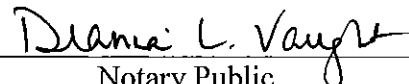


Amanda Coffe

JURAT

Subscribed and sworn before me, a duly constituted and authorized Notary Public, in and for the County of Cole, State of Missouri, at my office in Jefferson City, on this 10th day of September, 2021.





Notary Public

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Missouri-American Water)
Company for Certificates of Convenience and)
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File No. SA-2022-0029

AFFIDAVIT OF ANDREW HARRIS

STATE OF MISSOURI)
)
) ss.
COUNTY OF COLE)

COME NOW Andrew Harris, and on his oath declares that he is of sound mind and lawful age; that he contributed to the foregoing *Staff Recommendation in Memorandum form*; and that the same is true and correct according to his best knowledge and belief, under penalty of perjury.

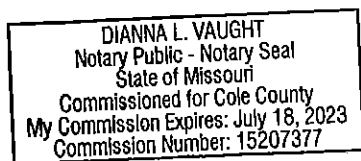
Further the Affiants sayeth not.

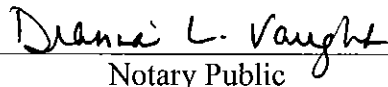


Andrew Harris

JURAT

Subscribed and sworn before me, a duly constituted and authorized Notary Public, in and for the County of Cole, State of Missouri, at my office in Jefferson City, on this 10th day of September, 2021.





Notary Public