

**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,) **File No. SA-2022-0029**
Operate, Maintain, Control and Manage a)
Sewer System in Callaway County, Missouri)

**ORDER DIRECTING NOTICE AND
ESTABLISHING TIME FOR FILINGS**

Issue Date: August 12, 2021

Effective Date: August 12, 2021

On August 4, 2021, Mid Mo Sanitation, LLC (Mid Mo) filed an Application and Motion for Waiver (Application) requesting a line certificate of convenience and necessity to own, operate, maintain, control, and manage a sewer system in Callaway County, Missouri. The Application states because of a compliance schedule issued by the Missouri Department of Natural Resources (“MDNR”) requiring Mid Mo to design and build a system that would remove ammonia from wastewater before it may be discharged to the waters of the state, Mid Mo has constructed and placed in service a system whose equipment is located and effluent is applied on land outside of the territory of Mid Mo’s area certificate. The Application requests a line certificate. The Application states that there is a single owner of the real estate for which the certificate is sought, but that no one resides there. The Application states that the area Mid Mo proposes to certificate is critical to Mid Mo’s ability to operate its MDNR compliant and permitted sewer system.

The application seeks a waiver of the 60-day notice requirement of Commission Rule 20 CSR 4240-4.017(1) (D).

The Commission will direct notice be given and set deadlines for intervention applications and responses. The Commission will also direct the Commission Staff to file a recommendation with regard to Mid Mo's application.

THE COMMISSION ORDERS THAT:

1. The Commission's Data Center shall provide a copy of this Order and Mid Mo's application to the county commission of Callaway County, Missouri.

2. The Commission's Public Policy and Outreach Department shall provide notice of Mid Mo's application to the members of the General Assembly representing residents of Callaway County, as well as to the news media serving residents of Callaway County.

3. Applications for intervention shall be filed no later than September 11, 2021. Any such filing shall be submitted through the Commission's electronic filing and information system or delivered to:

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

4. No later than September 11, 2021, the Commission's Staff shall file either a recommendation regarding Mid Mo's application or a status report indicating when it expects to file a recommendation.

5. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive style with a large, prominent "M" and "W".

Morris L. Woodruff
Secretary

Paul T. Graham, Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 12th day of August, 2021.

**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) Case No. _____
and Manage a Sewer System in)
Callaway County, Missouri.)

APPLICATION AND MOTION FOR WAIVER

COMES NOW Mid Mo Sanitation LLC. (Mid Mo), pursuant to Sections 393.170.1, RSMo. (line certificate), 20 CSR 4240-2.060, 20 CSR 4240-3.305 and 20 CSR 4240-4.017, and for its *Application and Motion for Waiver*, states as follows to the Missouri Public Service Commission (Commission):

BACKGROUND

1. This Application is being filed by Mid Mo to obtain from the Commission a certificate of convenience and necessity to own, operate, maintain, control and manage a sewer system (line certificate) in Callaway County, Missouri.

2. Mid Mo is a Missouri limited liability company duly organized and existing under the laws of the State of Missouri with its principal office and place of business located at 1101 Sioux Drive, Fulton, MO 65251. Attached hereto as **Appendix 1** is a Certificate of Good Standing issued by the Missouri Secretary of State related to Mid Mo. Mid Mo has no pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates having occurred within three years from the date of this Application. Mid Mo has no annual report or assessment fees which are currently overdue.

3. Mid Mo provides sewer service to approximately 28 customers in Callaway County, Missouri, pursuant to a certificate of convenience and necessity previously granted in Commission File No. SA-2009-0319. Mid Mo is a “sewer corporation” and a “public utility,” as those terms are defined in Section 386.020, RSMo, and is subject to the jurisdiction and supervision of the Commission as provided by law.

4. Communications respecting this Application should be addressed to the undersigned counsel and:

Mr. Bill Bright
Mid Mo Sanitation, LLC
1101 Sioux Drive
Fulton, MO 65251
573-219-6173 (telephone)

CERTIFICATE

5. On February 1, 2015, the Missouri Department of Natural Resources (MDNR) issued a new wastewater discharge permit for Lake Breeze Estates, which is served by Mid MO. That permit established a compliance schedule requiring Mid MO to design and build a suitable system that would remove nearly all ammonia from the wastewater before being allowed to be discharged to the Waters of the State. An Engineering Facility Plan was prepared and submitted to MDNR. The Plan examined various treatment options. The best, most affordable option was a "no discharge - land application system." That option has since been approved, constructed and placed into service.

6. The area used for land application is outside the territory of Mid Mo’s area certificate where it provides service to the public. Accordingly, seeks this line certificate for the area where the application equipment is located, and effluent is applied.

7. The line certificate requested is in the area in Callaway, Missouri, as set forth on the map attached to this Application as Appendix 2 (20 CSR 4240-3.3.305(A).4). A legal description of the area to be certificated is attached hereto as Appendix 3 (20 CSR 4240-3.3.305(A).3).

8. No other sewer service is currently available in this area (20 CSR 4240-3.3.305(A).1), nor does Mid Mo seek to provide sewer service in this area.

9. There is a single owner of the real estate (and no residents) that constitutes the area for which a certificate is sought (20 CSR 4240-3.3.305(A).2). Attached hereto as Appendix 4 is a document identifying that owner.

10. Plans and specifications for the application system and cost of the construction of the system have been provided to the Staff of the Commission in File No. SR-2021-0372. No financing has been required to construct the application system. There are no proposed rates or customers in the area to be certificated. Revenues and expenses during the next three (3) years of operation are currently the subject of Commission Case File No. SR-2021-0372. (20 CSR 4240-3.3.305(A).5).

11. Mid Mo not aware of any franchise (either city or county) that would be required in order for it to conduct the land application in this area. Mid Mo's system is permitted by the MDNR and meets all requirements of the MDNR. Mid Mo is not aware of any other governmental approval that it must obtain. (20 CSR 4240-3.305(B)).

12. The area Mid Mo proposes to certificate is critical for Mid Mo to operate its MDNR compliant and permitted sewer system. A grant of the application will further the public convenience and necessity. (20 CSR 4240-3.305(D)).

MOTION FOR WAIVER

13. Commission Rule 20 CSR 4240-4.017(1) requires “[a]ny person that intends to file a case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such case.” Because it did not file such a notice within the time period prescribed by that rule, Mid Mo seeks a waiver of the 60-day pre-filing notice requirement.

14. Under Rule 20 CSR 4240-4.017(1)(D), a waiver of the pre-filing notice requirement may be granted for good cause. In this regard, Mid Mo declares, as verified below, that it has had no communication with the Office of the Commission (as defined in 20 CSR 4240-4.015(10)) within the prior 150 days regarding any substantive issue likely to be in this case. Good cause for the requested waiver exists in accordance with Commission Rule 20 CSR 4240-4.017(1)(D) (“Good cause for waiver may include, among other things, a verified declaration from the filing party that it has had no communication with the office of the commission within the prior one hundred fifty (150) days regarding any substantive issue likely to be in the case....”)

15. Therefore, as authorized by Rule 20 CSR 4240-4.017(1)(D), Mid Mo moves for a waiver of the 60-day notice requirement and acceptance of this application at this time.

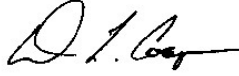
WHEREFORE, for the reasons previously stated, Mid Mo respectfully requests the Commission issue an order:

(A) Waiving the 60-day notice requirement of Rule 20 CSR 4240-4.017(1) for good cause shown; and,

(B) Granting Mid Mo a CCN authorizing it to install, acquire, build, construct, own, operate, control, manage, and maintain a sewer system (line certificate) for the public within the

area identified herein.

Respectfully submitted,



Dean L. Cooper MBE #36592
BRYDON, SWEARENGEN & ENGLAND P.C.
312 E. Capitol Avenue
P.O. Box 456
Jefferson City, MO 65012
(573) 635-7166 telephone
dcooper@brydonlaw.com


**ATTORNEYS FOR MID MO
SANITATION, LLC**

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic mail, on August 4, 2021, to the following:

Office of the General Counsel
Governor Office Building
Jefferson City, MO 65101
staffcounsel@psc.mo.gov

Office of the Public Counsel
Governor Office Building
Jefferson City, MO 65101
opc@opc.mo.gov



AFFIDAVIT

State of Missouri)
)
County of CALLAWAY) ss

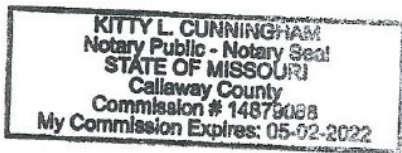
I, William (Bill) Bright, having been duly sworn upon my oath, state that I am the Member of Mid Mo Sanitation, LLC (Mid Mo), that I am duly authorized to make this affidavit on behalf of Mid Mo, that I have knowledge of the matters stated herein, and that said matters are true and correct to the best of my information, knowledge and belief. Additionally, no representative of mid Mo has had any communication with the office of the Missouri Public Service Commission as defined in Commission Rule 20 CSR 4240-4.015(10) within the one hundred fifty (150) days immediately preceding the filing of the Application regarding any substantive issue likely to be addressed in this case.

William A. Bright

Subscribed and sworn before me this 2nd day of August, 2021.

Kitty L. Cunningham
Notary Public

My Commission Expires 5/2/2022



STATE OF MISSOURI



John R. Ashcroft
Secretary of State

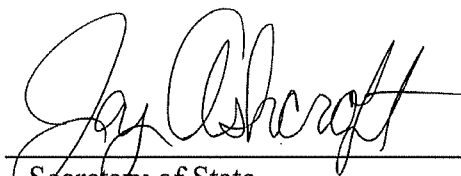
CERTIFICATE OF GOOD STANDING

I, John R. Ashcroft, Secretary of State of the STATE OF MISSOURI, do hereby certify that the records in my office and in my care and custody reveal that

Mid MO Sanitation LLC
LC0039697

A Missouri entity was created under the laws of this State on 6/5/2000, and is Active, having fully complied with all the requirements of this office.

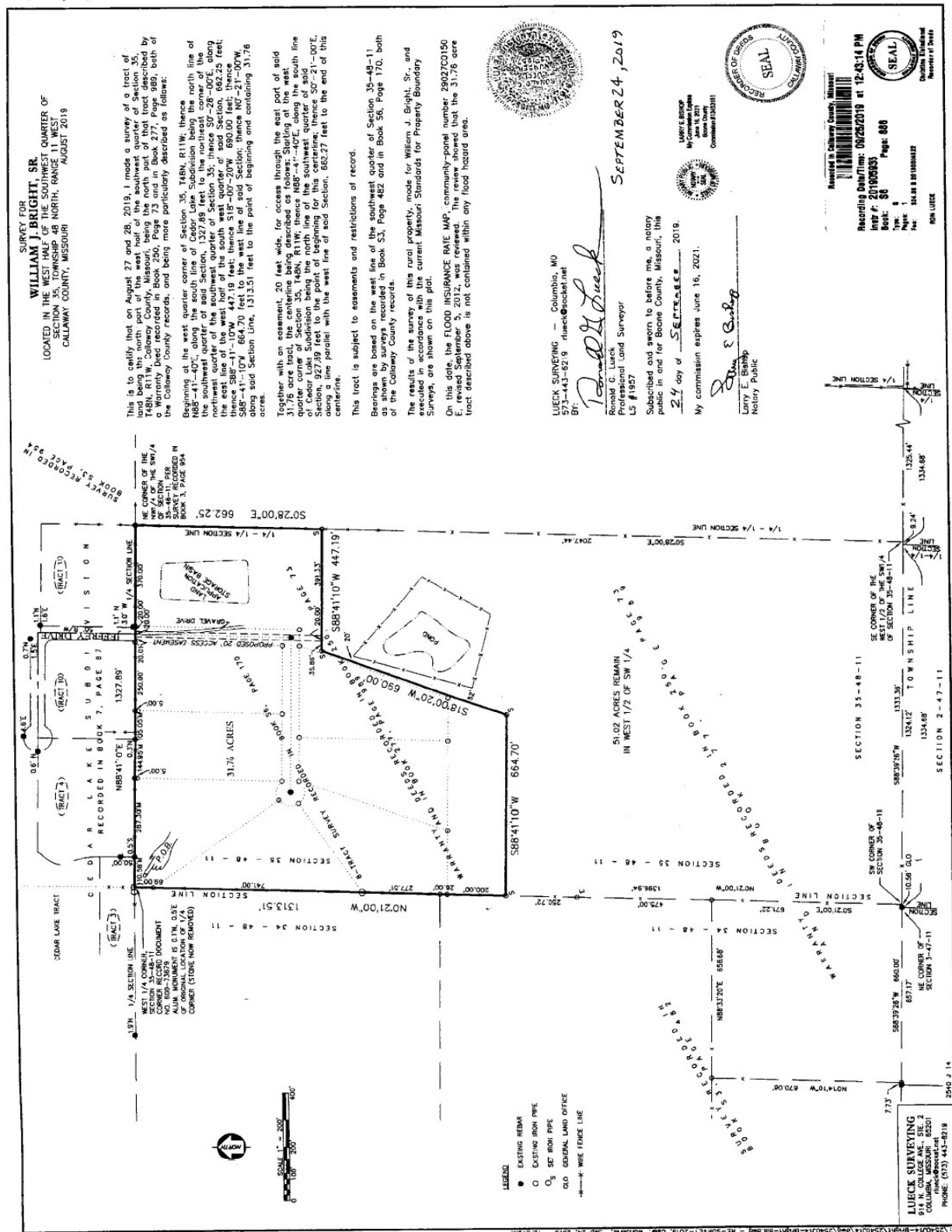
IN TESTIMONY WHEREOF, I hereunto set my hand and cause to be affixed the GREAT SEAL of the State of Missouri. Done at the City of Jefferson, the 2nd day of August, 2021.


Secretary of State

Certification Number: CERT-IN98207



APPENDIX 2



**SURVEY FOR
WILLIAM J. BRIGHT, SR.**
LOCATED IN THE WEST HALF OF THE SOUTHWEST QUARTER OF
SECTION 35, TOWNSHIP 48 NORTH, RANGE 11 WEST,
BOONE COUNTY, MISSOURI
AUGUST 2019

This is to certify that on August 27 and 28, 2019, I made a survey of a tract of land being the north part of the west half of the southwest quarter of Section 35, Township 48N, Range 11W, Boone County, Missouri, being the north part of that tract described by a Warranty Deed recorded in Book 250, Page 73 initially by William J. Bright, Sr., both of the Boone County records, and being more particularly described as follows:

Beginning at the west quarter corner of Section 35, T48N, R11W, thence north line of N88°41'40"E, along the south line of 1327.89 feet to the southeast corner of the south quarter of the southwest quarter of Section 35, thence S0°28'00"E, along the east line of the west half of the south quarter of said Section, 662.25 feet, thence S88°41'10"W, 447.19 feet, thence S18°33'51"W, 1313.51 feet, thence S88°41'10"W, 447.19 feet, to the point of beginning and containing 31.76 acres.

Together with an easement, 20 feet wide, for access through the east part of said tract, with the centerline being described as follows: Starting at the quarter corner of Section 35, T48N, R11W, thence N88°41'40"E, along the south line of Cedar Lake Subdivision being the north line of the southwest quarter of Section 35, 927.89 feet to a point on the east line of said Section, 662.27 feet to the end of this easement.

This tract is subject to easements and restrictions of record.
Bearings are based on the west line of the southwest quarter of Section 35-45-11 as shown by surveys recorded in Book S3, Page 482 and in Book S6, Page 170, both of the Boone County records.

The results of this survey of the rural property, made for William J. Bright, Sr., and executed in accordance with the current Missouri Standards for Property Boundary Surveys, are shown on this plat.

On this date, the FLOOD INSURANCE RATE MAP, community-panel number 29027C0190 E, revised September 5, 2012, was reviewed. The review showed that the 31.76 acre tract described above is not contained within any flood hazard area.

LUECK SURVEYING - Columbia, MO
B73-443-8278 - rlueck@lueck.net

Donald G. Lueck
Ronald G. Lueck
Professional Land Surveyor
LS #1987

SEPTEMBER 24, 2019

Subscribed and sworn to before me, a notary public in and for Boone County, Missouri, this 24 day of SEPTEMBER, 2019.
My commission expires June 16, 2021.

Larry E. Bahr
Larry E. Bahr
Notary Public



Recorded in Boone County, Missouri
Recording Date/Time: 09/26/2019 at 12:43:14 PM
Map #: 2019090933
Book: 81
Page: 88
Type: 1
Fee: \$24.88 + \$1.00/acre
NON LUECK
Quality Inspected
Notary of Deeds

- LEGEND
 ● EXISTING REMAIN
 ○ EXISTING IRON PIPE
 ○ SET IRON PIPE
 ○ SET IRON PIPE
 ○ OLD GENERAL LAND OFFICE
 --- WIRE FENCE LINE



LUECK SURVEYING
814 N. COLLEGE AVE., STE. 2
COLUMBIA, MISSOURI 65201
PHONE: (573) 443-8218

APPENDIX 3

The following described real estate situated in Callaway County, Missouri, to-wit:

A tract of land being the north part of the west half of the southwest quarter of Section 35, T48N, R11W, Callaway County, Missouri, being the north part of that tract described by Warranty Deeds recorded in Book 250, Page 73 and in Book 277, Page 989, both of the Callaway County records, as shown on the survey recorded at Book S6, Page ~~888~~, Callaway County Records, and being more particularly described as follows: *886*

Beginning at the west quarter corner of Section 35, T48N, R11W; thence N88°-41'-40"E, along the south line of Cedar Lake Subdivision being the north line of the southwest quarter of said Section, 1327.89 feet to the northeast corner of the northwest quarter of the southwest quarter of Section 35; thence S0°-28'-00"E, along the east line of the west half of the south west quarter of said Section, 662.25 feet; thence S88°-41'-10"W 447.19 feet; thence S18°-00'-20"W 690.00 feet; thence S88°-41'-10"W 664.70 feet to the west line of said Section; thence N0°-21'-00"W, along said Section Line, 1313.51 feet to the point of beginning and containing 31.76 acres,

APPENDIX 4

The sole owner of the Area to Certificated:

William J. Bright
1101 Sioux Drive
Fulton, MO 65251


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 12th day of August, 2021.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

August 12, 2021

File/Case No. SA-2022-0029

**Missouri Public Service
Commission**

Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Office of the Public Counsel

Marc Poston
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opcservice@opc.mo.gov

County of Callaway, Missouri

County Commission Clerk
10 E Fifth St.
Callaway County Courthouse
Fulton, MO 65251
rmiller@callawaycounty.org

Mid MO Sanitation, LLC

Dean L Cooper
312 East Capitol
P.O. Box 456
Jefferson City, MO 65102
dcooper@brydonlaw.com

**Missouri Public Service
Commission**

Curtis Stokes
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
curtis.stokes@psc.mo.gov

Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.