Smith Lovis Rogers with Becket

Mobile Smith
Regiment & Lovis A.

Birid B. Rogers

Bruco H. Backet

February 20, 1980

Honorable Michael Hearst
Secretary
Public Service Commission of Missouri & 10th Floor
Jefferson State Office Building
P. O. Box 360
Jefferson City, MO 65101

Re: Application of Water's Edge Sewer Company

PUBLIC SERVICE COMMISSION

Dear Mr. Hearst:

Please find enclosed original and nine (9) copies of Application of Water's Edge Sewer Company for approval and a Certificate of Convenience and Neccessity for a sewer system in Boone County, Missouri, together with seven (7) exhibits in support of the application.

Complete copies of this application have also been sent to the Public Counsel of the Public Service Commission, to the Department of Natural Resources, to the Boone County Court in Columbia, Missouri, and the Registered Office and Agent of the Boone Water and Waste Treatment Co., Inc. to-wit: 1708 Lakewood Drive, Columbia, Missouri c/o Kenneth Flood, Registered Agent.

If any additional requirements are necessary, I would appreciate being so advised.

Sincerely yours

Raymond C. Lewis, Jr.

gp

cc: Mr. Dan Hagan

Boone Water & Waste Treatment Co. c/o Kenneth Flood
The Public Counsel, Public Service Commission of Missouri

Boone County Court
Department of Natural Resources

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In The Matter Of:

The Application of WATER'S EDGE SEWER COMPANY for Permission and Approval and for 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 Boone County, Missouri.

Case No. <u>SA-80-208</u>

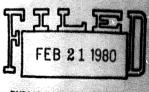
APPLICATION

COMES NOW the applicant Water's Edge Sewer Company pursuant to Section 393.170 Revised Statutes of Missouri and in support of its application states:

- and existing under the laws of the State of Missouri with its principal office and place of business at 701 Lake of the Woods Road, Post Office Box 1221, Columbia, Missouri 65205. Said corporation is a public utility proposing to render sewer service to the public under the jurisdiction of this Commission. A copy of its Certificate of Incorporation and Articles of Incorporation are attached to this application as Exhibit 1 and incorporated herein.
- 2. Communications in regard to this application should be addressed to:

Dan Hagan P.O. Box 1221 Columbia, Missouri 65205

Raymond C. Lewis, Jr. Attorney at Law 901 East Broadway Columbia, Missouri 65201



PUBLIC SERVICE COMMISSION

3. Applicant requests permission and approval and a Certificate of Public Convenience and Necessity to install, own, acquire, construct, operate, control, manage and maintain a sewer system for the public in an unincorporated area in Boone

County, Missouri as set forth on the map attached to this application as Exhibit 2 and legally described by meets and bounds in the legal description attached to this application as Exhibit 3, both of which exhibits are incorporated herein.

- 4. That a feasibility study has been completed and is attached to this application as Exhibit 4 and incorporated herein.
- 5. There are no municipalities located within the proposed area. The Boone County Court does not issue franchises for the operation of sewer companies. A letter from the Boone County Court is attached to this application and made a part hereof as Exhibit 5.
- 6. Said sewer system meets all requirements of the Commission and the Department of Natural Resources. This corporation has submitted its application and plans to the Department of Natural Resources as shown by the attached Exhibit 6 and is incorporated herein and made a part hereof.
- bodies being operated or rendering service within the area proposed to be served except Boone Water and Waste Co., Inc. The Treatment said Boone Water and Waste Co., Inc. is not operating in the entire proposed service area of this applicant but does have a certificate covering approximately fifty-one (51) acres and is actually serving an area of approximately thirty (30) acres. The said Boone Water and Waste Co., Inc. facilities are inadequate and said facilities are not up to standards of the Department of Natural Resources. The Department of Natural Resources, through its representatives, has requested this applicant to serve the entire area covered by this application. It is anticipated by the time this application is heard, the certificate of the Boone Water and Waste Co., Inc. will have been abandoned; but if such

is not the case, this applicant is willing to amend its application herein to exclude any portions of its proposed service area for which a certificate already exists.

8. The area requested is rapidly being developed into lots and subdivisions by developers and plans are being made to build residential homes and other establishments within the area, all of which will need adequate sewer service. A public need, therefore, exists for adequate sewer service within the proposed area and the public convenience and necessity will be promoted by the granting of the authority herein requested. Applicant has attached a list of the names and addresses of ten residents or owners of land in the proposed service area as Exhibit 7, which exhibit is incorporated herein by reference.

WHEREFORE, applicant requests the Commission to grant its permission and approval and a certificate of convenience and necessity authorizing it to install, acquire, build, construct, own, operate, control, manage and maintain a sewer system for the public within the area referred to in paragraph 3 hereof and for such further orders as the Commission may deem just and proper.

Raymond C. Lewis, Jr.
Smith, Lewis, Rogers & Beckett

901 East Broadway Columbia, Missouri 65201

Attorney for Applicant

STATE OF MISSOURI)
) ss.
COUNTY OF BOONE)

AFFIDAVIT

COMES NOW Dan Hagan, President of Water's Edge Sewer
Company, and states that the facts set forth in the foregoing

application are true and correct.

Subscribed and sworn to before me this 5th day of Jebruary, 1980.

Jais of Seith Novary Public.

My commission expires July 11, 1983.



STATE of MISSOURI JAMES C. KIRKPATRICK, Secretary of State

EXMORT 1

Corporation Division

Certificate of Incorporation

WHEREAS, duplicate originals	of Articles of Incorporation of	**********
WATER'S EDGE	SEWER COMPANY	
have been received and filed	in the office of the Secretary of State, which Articles,	in all re-
spects, comply with the requir	ements of The General and Business Corporation Law	r.
NOW, THEREFORE, I, JAMES	S C. KIRKPATRICK, Secretary of State of the State of	Missouri,
by virtue of the authority veste	ed in me by law, do hereby certify and declare	
WATER'S EDGE	SEWER COMPANY	********
a body corporate, duly organ	nized this day and that it is entitled to all rights and p	privil eges
granted corporations organize	ed under The General and Business Corporation Lav	v; that the
address of its initial Registere	ed Office in Missouri is	
105 E. Ash S	t. Columbia 65201	
that its period of existence is	Perpetual ; an	id that the
	es is	
1,000	Common No Par	******
	IN TESTIMONY WHEREOF, I have hereunto set my	v hand and
THE PERSON NAMED IN	affixed the GREAT SEAL of the State of Missouri, a	
N. Carlotte	of Jefferson, this16th. day of January	
3/12	1	A#
計劃機能的機能	A arithma	,
Ellis Die	James Chulepa	y of State
The state of the s		
AMMAN.		
RECEIVED OF: WATER'S	S EDGE SEWER COMPANY	
Fifty Three	And No/00 Dollars, \$ 53.	.00
For Credit of General Revenue	e Fund, on Account of Incorporation Tax and Fee.	
	<i>N</i>	,
No. 00217329	James Ckelepa Segretur	y of State

CORP No 13 or Jan



State of Missouri... Office of Secretary of State JAMES C. KIRKPATRICK, Secretary of State

Articles of Incorporation

(To be submitted in duplicate by an attorney)

HONORABLE JAMES C. KIRKPATRICK SECRETARY OF STATE STATE OF MISSOURI JEFFERSON CITY, MO. 65101

The undersigned natural person(s) of the age of eighteen years or more for the purpose of forming a corporation under The General and Business Corporation Law of Missouri adopt the following Articles of Incorporation:

ARTICLE ONE	
The name of the corporation is:	
the name of the corporation in	
ARTICLE TWO	
The address, including street and number, if any, of the corporation's initial registered office in this	state is:
105 to Ash Street, Color to Miscouri Color	
and the name of its initial agent at such address is:	
AN INCLUDIO DE LOS CONTROL DE LOS CO	A CONTROL OF THE PARTY OF THE P
ARTICLE THREE	
Constitution which the garparation shall have authors	ty to issue shall
The aggregate number, class and par value, if any, of shares which the corporation shall have authoribe:	cy co issue and
The corporation shall have the power to issue 1,000	sharen
of posper value correr stock.	
and the second second second and addition with the limited and addition with the limited second seco	ling aanvanibla
The preferences, qualifications, limitations, restrictions, and the special or relative rights, including rights, if any, in respect of the shares of each class are as follows:	mig converting
111 seed at all la geograp stack tritical and areferen	nces.
/11 shock shell be common stock without any preferer qualifications, limitations or restrictions and without an convension rights.	'n

TILED ALLO CERTIFICATE OF INCORPORATION ISSUED

JAN 16 1980

ARTICLE FOUR

The extent, if any; to which the preemptive right of a shareholder to acquire additional shares is limited or denied.

There are to promytive rights of any shareholder to acquire additional clares of the stock of this corporation.

ARTICLE FIVE

The name and place of	residence of each	incorporator is a	s follows:
-----------------------	-------------------	-------------------	------------

Name

Dan Hagan

Street

1701 Tale of the Woods Road, ow Columbia, Missouri 65201

James McKinnev

e/o Foone County Park, 6th and Preadway,

Columbia, Micsouri 65201

ARTICLE SIX (Designate which and complete the applicable paragraph)

shall be fixed by, or in the manner provided in the bylams. Any changes in the number will be reported to the State within thirty calendar days of such change.	Sanbati	ama,
or		

The number of directors to constitute the board of directors is ______. (The number of directors to constitute the board of directors must be stated herein if there are to be less than three directors. The persons to constitute the first board of directors may, but need not, be named).

The original Board of Tirectors shall consist of the following persons:

Dan Pagen James McKinney

ARTICLE SEVEN

The duration of the corporation is _____perpetual.

The corporation is formed for the following purposes:

The nature of the business and the objects and purposes for which the corporation is formed and thich way be transacted, promoted and carried on by the corporation are to do any and all of the things herein mentioned as fully and to the same extent as natural persons might or could do, viz:

To construct, purchase, build, lease, own, maintain, improve, replace, rebuild, repair, sell, dispose of, mortgage or otherwise encumber, and in all respects manage, control and operate, a sewage system or sewage systems, including but not limited to, sewage treatment plants, sewage disposal plants, lacooms, sewers, pumping stations and any and every kind of appurtonance thereto, including the power to sell connections thereto to the public and to make charges for such connections and for the services rendered in recard thereto:

To buy or otherwise acquire, to own, hold to lease, to sell or otherwise dispose of, and to northans or otherwise encumber, real property and personal property of all kinds:

To own, hold, build, conscruct, and erect, buildings, and structures of all types, and to buy, sell, lease, own, manage, operate, maintain, repair, restore and rebuild the same:

To borrow money and for such purpose to arecute notes, bonds, debentures or any other form of evidence of indebtedness, and to secure the payment of the same by mortgage, deed of trust or other form of encumbrance, pledge or other form of hypothecation;

To execute deeds, mortgages, deeds of trust, contracts and other types of written instruments:

To purchase, acquire, own, hold, sell, assign, transfer or otherwise dispose of, mortgage, pledge or otherwise encumber, shares of stock of this company or of any other corporation or corporations of this state, or any other state, county, nation or government, or any interest therein, and while owner thereof to exercise all rights, powers and privileges or ownership pertaining thereto;

To lose or otherwise invest its funds, from time to time, secured or unsecured, for such time and upon such terms and conditions as its Board of Directors may authorize:

To buy or otherwise acquire, sell or otherwise dispose of, pledge or otherwise hypothecate, stocks, honds, notes, defentures, accounts receivable, and all other types of securities, evidences of indebtedness or choses in action,

To sell or otherwise dispose of stocks, honds, debentures or other securities issued by the company, or any other corporation, and to pay compansation for services rendered in connection therewith:

To engage in the real estate business, and in connection therewith to buy or otherwise acquire, sell or otherwise dispose of real estate, buildings, houses, residences, office buildings, and all other structures of every type whatsoever:

To have and to exercise all powers necessary or incident to carrying out its corporate purposes; to exercise all other powers permitted by law, and to possess and enjoy all rights and powers which now or at any time hereafter may be granted to or exercised by a corporation of this character.

IN WITNESS WHEREOF, these Articles of Incor	rporation have been signed this day
of January 19 80	1.1
INCORPORATION ISSUED JAN 14 1980	JAMES MCKINNEY MEXICALLY
Compression Dept. SECRETARY OF STATE	**PPECHTS 1810 PDI, No. II Mich old scientific benefics and s. Tower stand involves conduct ords constitution acquires any acquire acquires any acquires and according to the standard according to the

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	JANA K. WEIGEL	, a notary publ
o hereby certify that on the 14th	day of	, 19_SO, personally appear
	and the second	
Flore me, Line 1120 27	and	Jaros Volikrey
refore me, <u>Fan Facar</u> who being by me first duly sworn, (sev	erally) declared that he is (they are) th	Iomag Nalidares
ent as incorporator(s), and that the	statements therein contained are true.	
$\mathcal{L}_{\mathcal{A}}(\mathcal{L}_{\mathcal{A}}) = \frac{1}{L_{\mathcal{A}}} \mathcal{L}_{\mathcal{A}}$		
		(u).
NAME OF THE PARTY	Jan	a K. Weige
		Notary Public Jana K Weig
ly commission expires. Feb		

JAN 16 1980 Corpertion Dept. SECRETARY OF SIALE

THE WAS CENTRICATE OF INCORPORATION ISSUED



A tract of land in the East & of Section 3, T48N, Beginning at the East & Corner of Section 3-48-12 as shown by Lakeland Acres Subdivision No. 5 recorded in Book 12 Page 12 of the Boone County, Missouri records; thence S89°-30'W along the 1 Section Line 25.0 feet; thence leaving the 1 Section Line S0°-35'-30"W 1334.3 feet to the north line of a survey recorded in Book 289 Page 124; thence S89°-49'W along the north line of said survey 2697.2 feet to the northwest corner of said survey and the 2 Section Line: thence leaving said survey N1º-15'E along the 2 Section Line 1319.7 feet to the Center of Section 3-48-12 and the southeast corner of a survey recorded in Book 453 Page 559; thence N0°-50'-30"E along the 1 Section Line and the east line of said survey 846.0 feet; thence leaving the 2 Section Line and the line of said survey S87°-58'E 1385.2 feet; thence S0°-30'E 436.95 feet; thence N89°-30'E 1304.3 feet to the East Section Line; thence S0°-23'E along the East Section Line 347.5 feet to the point of beginning and containing 118.41 acres.

The Northwest Fractional Quarter of Section Two (2) in Township Forty-eight (48) North of Range Twelve (12) West of the Fifth Principal Meridian, all in Boone County, Missouri. Also, all our right, title and interest in and to the following described property: A strip of land along the south part of Section 35, Township 49, North Range 12 West described as follows: Beginning at (1) the Northwest corner of Section 2, Township 48, North Range 12 West (this point being also on the Township line between Section 2, Township 48, North Range 12 West and Section 35, Township 49, North Range 12 West), thence north 14.3 feet to an iron set in a fence line at (2) thence South 88°-36' east, 2049 feet to point (3), also in the fence line and on the south line of said Section 35, thence west along this Section line to (1), the point of beginning and containing 0.6 acres more or less.

Also:

A part of the South Helf (54) of the Southeast Quarter (SEt) of Section Three (T3). Township Forty-eight (48) Range Twelves (12) in Boone County, Missouri, Bore particularly described as follows: Beginning at the quarter section corner on the South side of said Section Three (3), as iron is set North 0° 12' East a distance of three feet (3) from said quarter section corner, thence North 0° 12' East 1320 feet from said quarter section corner to an iron, thence East 1369 feat to an iron, thence continuing East on the same course an additional 330 feet, thence Southerly to the South section line to a point-which is 1687 feet East of the Beginning point on said south section line, thence continuing on the same course with the south section line 330 feet to the point of beginning, an iron is set ince feet north of said point, and containing 51.30 acres. EMERT for a two-acre tract in the southwast corner described as follows: Beginning at the point of beginning of the above-described tract thence cast along the south line of said tract and south section line 417.4 feet; thence north parallel with the west line of said tract, a distance of 208.7 feet; thence seet parallel with the west line of said tract; a distance of 208.7 feet; thence seet parallel with the south line of said tract; a distance of 417.4 feet; thence south parallel with the west line of said tract; a distance of 417.4 feet, said point being (30) feet cast of the west line of said tract; thence south parallel with the south line of said tract; Part of the Southwest quarter of the Southwest Quarter of Section 3; thence East, along the South East continuing Particularly described as follows; From the quarter Section corner on the South side of said Section 3; thence East, along the South Section Line, 447.4 feet to the point of beginning for this description; thence continuing Particularly described as follows; From the quarter Section Line, 200, 6 feet; thence West, parallel with the South Section 1 fine, 330.0 feet; thence S 0° 12' W, 300.0 feet to th

WATERS EDGE SEWER COMPANY

Location:

Boone County Missouri

General Location and Description of lands affected:

Waters Edge Subdivision - General description: Nk Sk and part of the Sk of the Nk of 3-48-12

Lakeland Acres - General description: NW & of 2-48-12

Lakewood Estates Subdivision - General description: SWk SWk of 3-48-12

Location map is shown on page 2.

Existing Situation:

Waters Edge Subdivision is constructing a 160 lot development that requires wastewater treatment.

Lakeland Acres Subdivisions: Located adjacent on the east side and upstream of Waters Edge Subdivision. Existing facilities consist of 55 homes constructed or under construction. A plat has been submitted for an additional 80 lots. Existing lots. are on sewers and treatment is by a single cell lagoon. Discharge from the lagoon will drain into the new lake in Waters Edge Subdivision.

Lakewood Estates: Located south and abutting with Waters Edge Subdivision. Existing development is 109 units. Additional land is available to development. The treatment plant that serves this area is reported to be heavily over loaded. Efforts are being made to constuct a new treatment plant to replace the existing facility

Availability of service:

These areas are located within Boone County Regional Sewer District which currently does not operate, maintain or construct wastewater treatment facilities.

These areas are within the City of Columbia's designated 201 area. The City of Columbia does not have sufficient treatment capacity in the municipal system. Existing trunk sewers are located adjacent to I-70 in the Hominy Branch Area. Approved facility plan shows City trunks extending through all three areas. City of Columbia is constructing a new treatment plant with anticipated completion date 1983 ±. Additional trunk sewers will be necessary and have not been designed or given a specific priority.



Alternatives:

- 1. Each Facility to construct, operate and maintain individual systems.
- 2. Combine treatment facilities into a single treatment plant.

Operation of each facility (3) causes three separate discharges and would require the use of 3 PSC Utility companies and duplication of operation equipment and personnel.

Combining treatment into one plant will eliminate 2 discharge points and allow each area to make use of the cost saving of not duplicating services and equipment.

Population:

400 Single family unit -- 5 year usage:

	Current	1	2	3	4	. 5
Waters Edge	0	30	30	30	30	30
Lakeland Acres	55	20	20	20	20	20
Lakewood Estates	109	_10	10	10	10	10
Sub-Total		60	60	60	60	60
Total	164	224	284	344	404	464

5 year usage 400t units

Estimated Construction Costs:

400 Unit Sewage Treatment Plant \$85,000
Sewers in Waters Edge Development 46,100
Sewers to serve Lakeland Acres 13,200
Sewers to serve Lakewood Estates 21,600
Estimated Cost: \$165,900

Proposed Cost Sharing:

Lakeland Acres Construction Contribution
Lakewood Estates Construction Contribution
Loan secured by treatment plant and land
15 years @ 12% interest to be repaid by user fees
Waters Edge Construction Contribution

\$ 25,000 40,000 30,000

95,000 \$190,000

After 400 unit capacity is used, future expansion will be developer donated or financed by connection charges.

Operation and Maintenance Costs:

Maintenance contract with sewer maintenance company is being reviewed. Anticipated user charge including loan repayment estimated to be \$8.00/month.

CHRISTOPHER S. KELLY BOONE COUNTY CLERK

DANIEL BOONE BUILDING SEVENTH & BROADWAY COLUMBIA, MO. 65201 TELEPHONE (314) 874-7510

EXHIGH

February 6, 1980

Mr. Dan Hagan c/o Mr. Raymond C. Lewis, Jr. Attorney at Law 901 East Broadway Columbia, MO 65201

Dear Mr. Hagan:

This letter is to advise you that the Boone County Court does not issue franchises for sewer companies to operate in Boone County. I am writing you this letter to provide you with evidence necessary in connection with your application for a Certificate of Convenience and Necessity in respect to Water's Edge Sewer Company before the Public Service Commission of Missouri.

Sincerely yours,

Christopher S. Kelly

County Clerk

Boone County, Missouri

CSK: adp

.

February 5, 1980

EXHIBIT 6

Raymond Lewis 901 E. Broadway Columbia, Missouri 65201

Dear Mr. Lewis:

It has come to our attention that you are representing the Waters Edge Sewer Company in its application for a certificate of convenience and necessity before the Missouri Public Service Commission. Plens for sewer construction have been submitted to our office and are being reviewed as part of our permit process. Approval is being held until the County Sewer District Board has completed their review.

If you have any questions on this subject, please contact me at 751-2729.

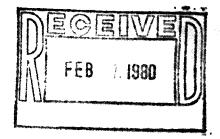
Yours truly,

Michael Losto

Michael Logston Environmental Engineer

ML/ck

CC: Bill Sankpill, Public Service Commission Tom Young, Chairman, Boone Co. Regional Sewer District



Howard Tilley

R. Eric Nelson

Charles L. Wright

Robert Franklin

Charley S. Weable

John R. Farmer

Rex G. Sanders

Michael J. Gerding

Andrew Louis Homer

Edmund J. MacLaughlin

Larry J. Grant

William G. Ernst

William D. Evans

Dennis L. Abernathie

William F. Spires

John W. Everhart

William A. Atkinson

Richard L. Miller

Larry R. Cook

All of the above named persons have addresses listed as R.R. 6 Lakeland Acres, Columbia, Mo. 65201

psc routing slip

Date 2-22-80

PROM	10	COLIES		ľ	Date _ d = d d = 8
	- 1	COPILE	INITIAL		PUR
Judge Slavin	-			ļ	Action
Judge McCartney					Approval *
Judge Fraas	-				Comment
Judge Dority	-				Concurrence Table
Judge Bryant	-			L	Information
	-				Note and Return
General Counsel	_				Signature
Mr. Ragsdale	_				File
					Reply
	-				Prepare reply for my
Hearing Examiners					signature
Mr. Fee					
Transportation Div.					
Mr. Conover					
Ns. Poe					
Mr. Busby					
Mr. Sublett					
Utility Div.			and the second		
Mr. Rademan			<u> </u>	M	
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Secretary				-	
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Mr. Johnson	$\dagger \dagger$				
Ms. Skalla	$\dagger \dagger$				
Mr. Sidebottom	H				
Ms. Tipton	++			_	
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() Bis and & divined the type of fractility study and agreed that array could not make any study. E. S.

MEMORANDUM

TO: Ken Rademan

Director of Utilities

FROM:

C. Gene Fee Chief Hearing Examiner

RE: Case No. SA-80-208

DATE: February 22, 1980 May 30

On February 21, 1980, an application for a sewer certificate was filed by Water's Edge Sewer Company.

I would appreciate it if you would have the proper staff people review the application to determine if it is complete enough to set for hearing. In the event the application is not complete enough for hearing, I would appreciate being advised as to what additional information should be requested.

I recommend on early hearing date be set for this case because this 100 could be a solution to serious problem In Bome Water & Woste. The treatment facility is over, load and in bol Physical condition. The Pensibility study is incomplete. I think it can be completed by the time a heaving can be held.

TO: Office of Secretary

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'로,문제 글 살이 크린 크림 크고 튀,다 하라는 하면 ####	TT HALT	es, orders,	etc. in th	is case t
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Boone Water and Waste	2 10723330			
Boone County Court				
Public Counsel				
Department of Natura	l Resour	Ces		
William F. Spires, R	R. 6, La	keland Acres	. Columbia	Mo. 652
John W. Everhart,	H.	•		
William A. Atkinson,	er .			
Richard L. Miller,	11	**		
Larry R. Cook,	11		H .	
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		j.		

(Signed)