

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

In the Matter of the Joint Application of)
Missouri-American Water Company and)
Audrain Public Water Supply District)
No. 1 for Approval of a Territorial) File No. WO-2017-0191
Agreement Concerning Territory in)
Audrain County, Missouri.)
)

**RESPONSE TO COMMISSION ORDER AND,
TO THE EXTENT REQUIRED, REQUEST FOR VARIANCE**

COMES NOW Missouri-American Water Company (“MAWC”), by and through counsel, and for its Response to Commission Order and, to the Extent Required, Request for Variance, respectfully states as follows to the Missouri Public Service Commission (“Commission”):

Response to Commission Order

1. The Territorial Agreement of MAWC and Audrain Public Water Supply District No.1 of Audrain County, Missouri (the “District”), was approved by Commission order issued April 6, 2017, effective May 6, 2017. A revised tariff sheet was filed with the Commission on June 26, 2017, and took effect thirty days after issuance.

2. As part of the order approving the Territorial Agreement, the Commission directed MAWC to “submit, within six months from the issue date of this Report and Order, a legal description of the corporate limits of the City of Mexico as they existed on September 30, 2016.” No party requested reconsideration or rehearing of the order approving the Territorial Agreement.

3. Attached hereto is a map demarcating the boundaries of the City of Mexico, as the same existed on September 30, 2016. MAWC submits this map as the requested “legal description.”

Request for Variance

4. The provision in the order directing MAWC to submit a legal description originated from the Staff recommendation. The Staff of the Commission recommended approval of the Territorial Agreement, but also asserted that the Application did not comply with Commission Regulation 4 CSR 240-3.625(1)(A), which requires as part of an application seeking Commission approval of a Territorial Agreement “a specific designation of the boundary, including a legal description.”

5. To the extent required, MAWC seeks a variance from the portion of the Commission’s order approving the Territorial Agreement that directed MAWC to submit a “legal description.” Also, to the extent required, MAWC seeks a variance from the portion of Commission Regulation 4 CSR 240-3.625(1)(A) which requires the submission of “a specific designation of the boundary, including a legal description.”

6. MAWC representatives have had many discussions with representatives for the City of Mexico regarding the requested “legal description.” The attached map is all that is available to the City. Various surveying companies were contacted regarding creating a “legal description” for the City, and the estimated cost is \$10,000 to \$15,000.

7. “Legal description” has been defined as “the geographical description of a real estate property for the purpose of identifying the property for legal transactions” or “a way to define or accurately pinpoint where a particular piece of property is located.”

8. The map attached hereto specifically designates the boundaries of the city limits of Mexico, Missouri, as the same existed on September 30, 2016. It is MAWC’s opinion that this map constitutes a “legal description” and is all that is required by Commission Regulation 4 CSR 240-3.625(1)(A). MAWC is also of the opinion that it would be cost prohibitive to obtain a

surveyor-created legal description and that such a description would not provide any benefits over the map attached hereto.

WHEREFORE, MAWC submits this Response to Commission Order. To the extent the Commission finds that the map provided does not satisfy the requirements of the Commission's order and/or Commission Regulation 4 CSR 240-3.625(1)(A), MAWC requests a variance. MAWC requests such additional relief as is just and proper under the circumstances.

Respectfully submitted,

/s/ Diana C. Carter
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CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing document was filed in EFIS on this 5th day of October, 2017, with notice of the same being sent to all counsel of record.

/s/ Diana C. Carter