

SEP 25 2012

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURIMissouri Public  
Service Commission

In the matter of Cedar Green Land Acquisition, LLC )  
for a Certificate of Convenience and Necessity Authorizing )  
it to Own, Operate, Maintain, Control and Manage ) Case No. WC-2013-  
Water Systems in Camden County, Missouri.

**APPLICATION**

**COMES NOW** Cedar Green Land Acquisition, LLC. (CGLA), pursuant to Sections 393.140, RSMo, 393.170, RSMo 2000, 4 CSR 240-2.060 and 4 CSR 240-3.600 (Water Certificate), and, for its Application states as follows to the Missouri Public Service Commission (Commission):

**BACKGROUND**

1. This Application is being filed by CGLA to obtain from the Commission a certificate of convenience and necessity to own, operate, maintain, control and manage water systems in Camden County, Missouri.
2. CGLA 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 50 Notch Lane, Branson West, MO 65737. Attached hereto as **Appendix 1** is a Certificate of Good Standing issued by the Missouri Secretary of State related to CGLA. CGLA 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. CGLA has no annual report fees or assessment fees which are currently overdue. CGLA has experience operating a wastewater facility.
3. Communications respecting this Application should be addressed to:  
Gary F. Myers  
Cedar Green Land Acquisition, LLC  
50 Notch Lane  
Branson West, MO 65737  
573-216-3100 (Cell Phone) Email: garyfmyers2010@gmail.com

**CERTIFICATE**

4. CGLA requests permission, approval and a Certificate of Convenience and Necessity to own, operate, maintain, control and manage water systems for the public in areas of Camden County, Missouri, as set forth on the maps attached to this Application as **Appendix 2 Page 1 & 2**. Legal descriptions of the areas to be certified are attached hereto as **Appendix 3 Page 1 & 2**.
5. These areas generally encompass an existing development (Cedar Green Luxury Condominiums) whose water systems are not currently regulated by the Commission. No other water service is currently available in this area.

6. There are approximately 54 residential connections currently being served by these water systems. When the condominium project is finished, approximately 110 residential connections will be served. Attached hereto as **Appendix 4** is a list of ten residents or landowners from the areas for which this certificate is sought.
7. The subject water systems have already been constructed and are in operation. Plans associated with the construction of the system are not in a form conducive to in EFIS. The plans are available at the office of the undersigned. There is no further construction planned at this time during the first three years of operation, other than those which may be addressed by the extension provisions of the resulting tariffs.
8. No financing is planned, other than that which is currently in place.
9. Attached hereto as **Appendix 5** is a document containing proposed rates and an estimated of the number of customers, revenues and expenses. CGLA does not currently expect any substantial changes in these estimates during the next three (3) years of operation. CGLA proposes to generally use the sample rules and regulations for water systems maintained by the Commission's Water and Water Department to govern its provision of water service to this area.
10. CGLA is not aware of any franchise (either city or county) that would be required in order for it to provide service in these areas. A permit for the operation of this facility has been issued by the Missouri Department of Natural Resources (DNR), a copy of which is attached hereto as **Appendix 6**. CGLA is not aware of any other governmental approval that it must obtain.
11. The areas CGLA proposes to certificate have a need for an operation water system and otherwise have no water service available. CGLA's experience in the operation of this water system gives it the ability to provide this service in an efficient manner. For these reasons, a grant of the Application will further the public convenience and necessity.

**WHEREFORE**, CGLA requests the Commission grant it permission, approval and a Certificate of Convenience and Necessity authorizing it to own, operate, maintain, control and manage water systems for the public within the areas referred to above, and to issue such other orders as the Commission may deem appropriate.

Respectfully submitted,

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Gary F. Myers  
Managing Member  
Cedar Green Land Acquisition, LLC  
50 Notch Lane, Branson West, MO 65737  
573-216-3100 (Cell Phone)  
417-338-0005 (Facsimile)  
[garyfmyers2010@gmail.com](mailto:garyfmyers2010@gmail.com)

**CERTIFICATE OF SERVICE**

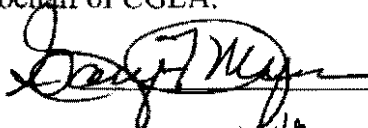
I do hereby certify that a true and correct copy of the foregoing document is being sent by certified mail this 19<sup>th</sup> day of September, 2012, to:

Megan E. McClowry  
Attorney for the Staff of the  
Missouri Public Service Commission  
Meghan.mcclowry@psc.mo.gov

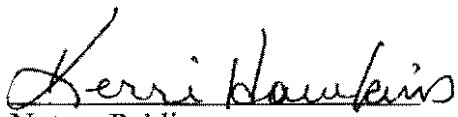
**VERIFICATION**

STATE OF MISSOURI     )  
  )     ss  
COUNTY OF STONE     )

I, Gary F. Myers, state that I am a Member of Cedar Green Land Acquisition, LLC (CGLA); that I have read the above and foregoing document; that the statements contained therein are true and correct to the best of my information, knowledge and belief; and, that I am authorized to make this statement on behalf of CGLA.

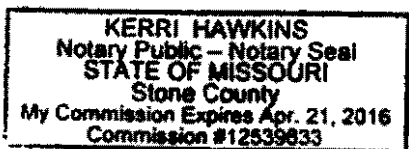
 Member

Subscribed and sworn to before me this 19<sup>th</sup> day of September, 2012.

  
Notary Public

My Commission Expires: 4-21-16

\_\_\_\_\_  
(SEAL)



## **APPENCICES**

Appendix 1 Certificate of Good Standing

Appendix 2 Page 1 and Page 2 Map of Areas

Appendix 3 Page 1 and Page 2 Legal Descriptions

Appendix 4 List of Ten Residents/Landowners

Appendix 5 Rates and Estimated Number of Customers, Revenues and Expenses

Appendix 6 DNR Permit

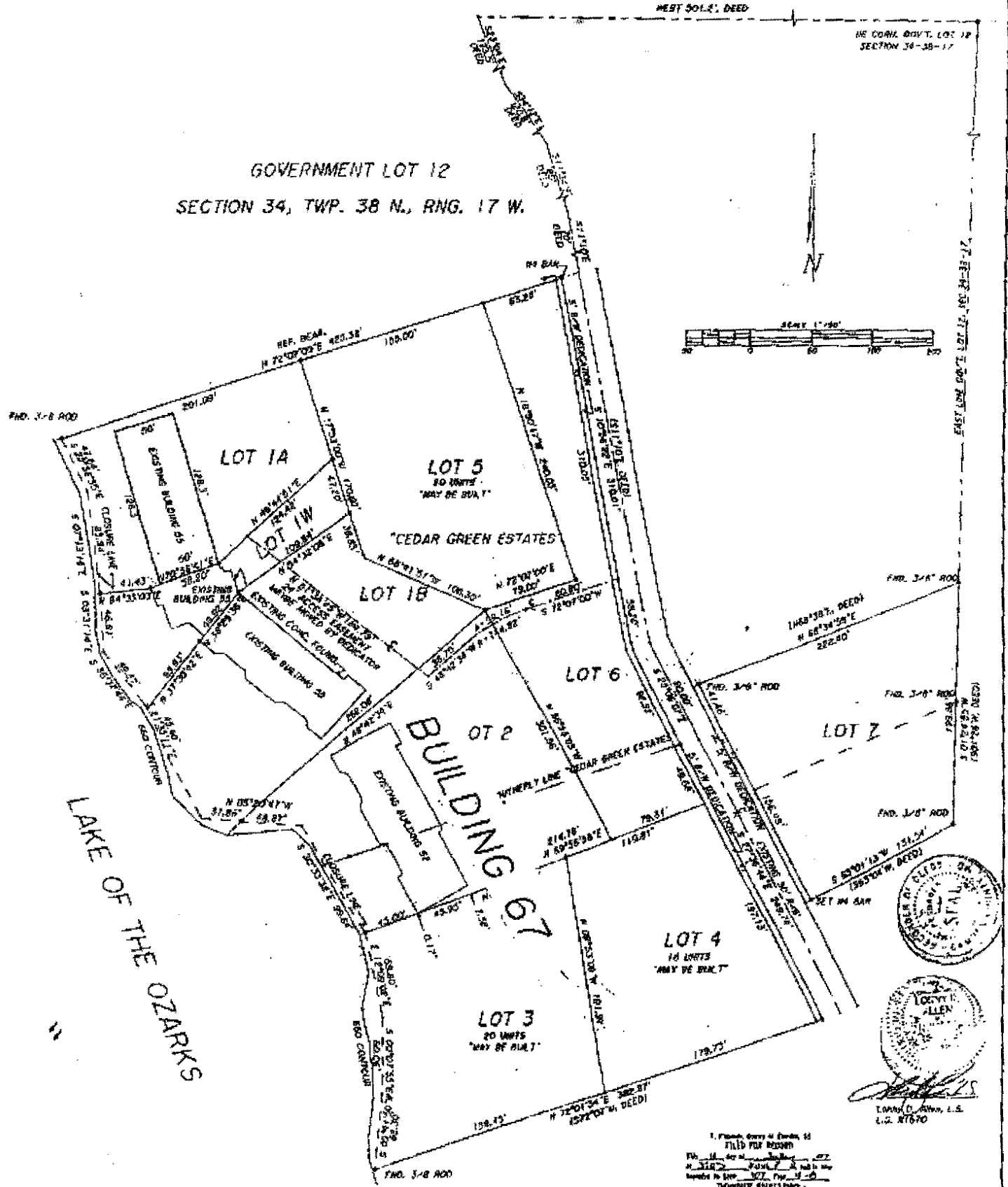
**APPENDIX 1**

[CERTIFICATE OF GOOD STANDING – SEPARATELY FILED]

APPENDIX 2 Page 1 "CEDAR GREEN CONDOMINIUM, SUBDIVISION AMENDED PLAT"

1/4 SECTION 34, TWP. 38 N., R. 17 W. CANCELED COUNTY, MISSOURI

GOVERNMENT LOT 12  
SECTION 34, TWP. 38 N., R. 17 W.



LAKE OF THE OZARKS

1. Platted, Survey of Section 34  
FILED FOR RECORD  
FILE NO. 100-100-100  
N. 34th St. - Platted  
Approved by the  
DONALD SWELLING  
Recorder, Clarke County, MO

LOUISIANA  
L.S.  
L.S. 87670  
SHEET 2 OF 5



APPENDIX 3 Page 1

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

All that part of Lot 12 of Section 34, Township 38 North, Range 17 West, described as follows: From the Northeast corner of said Lot 12, run West along the North line of said Lot 12, 501.2 feet to centerline of a county road; thence South 23 degrees 04 minutes East 173.5 feet; thence South 34 degrees 12 minutes East 120.8 feet; thence South 17 degrees 34 minutes East 80.0 feet; thence South 11 degrees 10 minutes East 380.0 feet; thence South 25 degrees 06 minutes East 90.0 feet to the Southeast corner of Lewis Martin and Catherine Martin property for point of beginning; thence continue along said road South 27 degrees 36 minutes East 250.0 feet; thence leaving said road South 72 degrees 07 minutes West 958 feet more or less to the South line of said Lot 12; thence West along said South line 530 feet more or less to the right bank of the Big Niangua River; thence in a Northwesterly direction down South right bank to a point which bears South 72 degrees 07 minutes West from beginning point; thence North 72 degrees 07 minutes East 1340 feet, more or less, to the beginning point. xxx

Subject to all restrictions, reservations, conditions and easements of record and to all existing roads and power lines, whether of record or not. And;

All property platted as Cedar Green Estates, a subdivision in Camden County, Missouri, as set forth in Plat Book 12, Page 25, records of Camden County, Missouri.

ALSO, All that part of Lot 12 in Section 34, Township 38 North, Range 17 West, described as follows: From the Northeast corner of said Lot 12 run West 501.2 feet to the centerline of the County Road; thence along said road South 23 degrees 04 minutes East 173.5 feet; thence South 34 degrees 12 minutes East 120.8 feet; thence South 17 degrees 34 minutes East 80.0 feet; thence South 11 degrees 10 minutes East 70 feet for the beginning point; thence continue along the road South 11 degrees 10 minutes East 310.0 feet; thence South 25 degrees 06 minutes East (deed = South 25 degrees 05 minutes East) 90.0 feet; thence leaving the road South 72 degrees 07 minutes West 1340 feet, more or less, to the right bank of the Niangua River; thence Northeasterly down stream along the river bank to a point South 72 degrees 07 minutes West (deed = South 72 degrees 08 minutes West) 960 feet, more or less, from the beginning point; thence North 72 degrees 07 minutes East 960 feet to the beginning point. xxxx

EXCEPT THEREFROM, All property platted as Cedar Green Estates, a subdivision in Camden County, Missouri, as set forth in Plat Book 12, Page 25, records of Camden County, Missouri.

ALSO, That part of Lot 12 of Section 34, Township 38 North, Range 17 West, in Camden County, Missouri, described as follows: From the Northeast corner of said Lot 12, run South 1 degree 26 minutes West along the East line of said Lot 12, 760.4 feet to an iron pin for the point of beginning; thence continue South 1 degree 26 minutes West along said East line of Lot 12, a distance of 100.0 feet to an iron pin; thence leaving said East line of Lot 12 and run South 63 degrees 04 minutes West along the Southeasterly line of the Herbert Bertram property (South 62 degrees 24 minutes West = Deed) 151.2 feet to the centerline of the County Road; thence North 27 degrees 36 minutes West along the centerline of said County Road 100.0 feet; thence leaving said centerline of the County Road and run North 66 degrees 32 minutes East 201.3 feet to the point of beginning. x

ALSO, that part of Lot 12 of Section 34, Township 38 North, Range 17 West, in Camden County, Missouri, described as follows: From the Northeast corner of said Lot 12 run West along the North line of said Lot 12, 501.2 feet to the centerline of the County Road; thence along said centerline of the County Road as follows: South 23 degrees 04 minutes East 173.5 feet; thence South 34 degrees 12 minutes East 120.8 feet; thence South 17 degrees 34 minutes East 80.0 feet; thence South 11 degrees 10 minutes East 380.0 feet; thence South 25 degrees 06 minutes East 47.2 feet to the point of beginning; thence continue along said centerline South 25 degrees 06 minutes East 42.8 feet; thence South 27 degrees 36 minutes East 57.2 feet; thence leaving said centerline of the County Road and run North 66 degrees 32 minutes East 201.3 feet to an iron pin in the East line of said Lot 12; thence North 1 degree 26 minutes East along said East line a distance of 100.0 feet to an iron pin; thence leaving said East line and run South 68 degrees 33 minutes West 248.92 feet to the point of beginning. xx

Subject to all restrictions, reservations, conditions and easements of record and to all existing roads and



**APPENDIX 3 Page 2**

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

All of Lot 2 of Amended Plat of Lot 55, WESTLAKE SUBDIVISION AND PART OF LOTS 16 AND 17, LOWELL'S LAKE VIEW SUBDIVISION, a subdivision in Camden County, Missouri, according to the plat thereof on file and of record in the Office of the Recorder of Deeds, Camden County, Missouri.

Granting and reserving a driveway easement over and across a part of Lots 2 and 3, AMENDED PLAT OF LOT 55, WESTLAKE SUBDIVISION, AND PART OF LOTS 16 AND 17, LOWELL'S LAKE VIEW SUBDIVISION, a subdivision in Camden County, Missouri, more particularly described as follows: Beginning at the northwesterly corner of said Lot 2, adjacent to the easterly right-of-way of a 40.0 foot road as shown on the plat of said subdivision; thence along said easterly right-of-way the following courses; thence South 27 degrees 36 minutes 44 seconds East, 25.05 feet; thence South 20 degrees 53 minutes 44 seconds East, 9.52 feet to the true Point of Beginning of said easement; thence continuing along said right-of-way South 20 degrees 53 minutes 44 seconds East, 46.26 feet; thence leaving said right-of-way South 53 degrees 39 minutes 56 seconds East, 24.83 feet to the North line of said Lot 3; thence North 71 degrees 40 minutes 11 seconds East, along said North line 40.94 feet; thence leaving said North line South 66 degrees 37 minutes 38 seconds East, 26.12 feet; thence North 62 degrees 33 minutes 58 seconds East, 14.41 feet; thence North 18 degrees 07 minutes 46 seconds East, 18.77 feet to the said North line of Lot 3; thence South 71 degrees 40 minutes 11 seconds West, along said North line 26.37 feet; thence leaving said North line North 77 degrees 05 minutes 58 seconds West, 17.34 feet; thence North 69 degrees 09 minutes 45 seconds West, 54.13 feet; thence North 57 degrees 41 minutes 05 seconds West, 30.13 feet to the true Point of Beginning.

Subject to all restrictions, reservations, conditions and easements of record and to all existing roads and power lines, whether of record or not. *AND;*

All of Lot 3 of AMENDED PLAT OF LOT 55 WESTLAKE SUBDIVISION AND PART OF LOTS 16 AND 17 LOWELL'S LAKE VIEW SUBDIVISION, a subdivision in Camden County, Missouri, according to the plat thereof on file and of record in the Office of the Recorder of Deeds, Camden County, Missouri.

ALSO, granting a driveway easement over and across a part of Lots 2 and 3, AMENDED PLAT OF LOT 55 WESTLAKE SUBDIVISION AND PART OF LOTS 16 AND 17 LOWELL'S LAKE VIEW SUBDIVISION, a subdivision in Camden County, Missouri, more particularly described as follows: Beginning at the Northwesterly corner of said Lot 2, adjacent to the Easterly right-of-way of a 40.0 foot road as shown on the plat of said subdivision; thence along said Easterly right-of-way the following courses; thence South 27 degrees 36 minutes 44 seconds East, 25.05 feet; thence South 20 degrees 53 minutes 44 seconds East, 9.52 feet to the true point of beginning of said easement; thence continuing along said right-of-way South 20 degrees 53 minutes 44 seconds East, 46.26 feet; thence leaving said right-of-way South 53 degrees 39 minutes 56 seconds East, 24.83 feet to the North line of said Lot 3; thence North 71 degrees 40 minutes 11 seconds East, along said North line 40.94 feet; thence leaving said North line South 66 degrees 37 minutes 38 seconds East, 26.12 feet; thence North 62 degrees 33 minutes 58 seconds East, 14.41 feet; thence North 18 degrees 07 minutes 46 seconds East, 18.77 feet to the said North line of Lot 3; thence South 71 degrees 40 minutes 11 seconds West, along said North line 26.37 feet; thence leaving said North line North 77 degrees 05 minutes 58 seconds West, 17.34 feet; thence North 69 degrees 09 minutes 45 seconds West, 54.13 feet; thence North 57 degrees 41 minutes 05 seconds West, 30.13 feet to the true point of beginning.

Subject to all restrictions, reservations, conditions and easements of record and to all existing roads and power lines, whether of record or not.

#### **APPENDIX 4**

List of Ten Owners/Residents Within Area to be Certified:

	<u>Mailing Address if other than Condominium</u>
Jim and Cathy Sieveking 55 Cedar Green Lane, Unit 3C Camdenton, MO 65020	9210 Macon Woodson Terrace, MO 63134
Kay Pfiel and Patricia Haynes 67 Cedar Green Lane, Unit 1G Camdenton, MO 65020	
Laurie Welch 67 Cedar Green Lane, Unit 2H Camdenton, MO 65020	
Frank and Gloria Nargie 67 Cedar Green Lane, Unit 4I Camdenton, MO 65020	10412 Oak Terrace Avenue Las Vegas, NV 89149
Dennis and Kay Swift 67 Cedar Green Lane, Unit 4H Camdenton, MO 65020	353 Carl Street Columbia, IL 62236
Charles and Carol Mateker 55 Cedar Green Lane, Unit 1F Camdenton, MO 65020	5196 Butler Bend Drive St. Louis, MO 63128
Bob and Betty Kristof 55 Cedar Green Lane, Unit 1G Camdenton, MO 65020	1800 Kehrswood Drive St. Louis, MO 63129
Linda Barrett and Tom Lime 55 Cedar Green Lane, Unit 4D Camdenton, MO 65020	
Philomene and Benjamin Bennett 252 West Lake Park Camdenton, MO 65020	12000 Grand Avenue Kansas City, MO 64145
Terrance and Jane Sorensen 296 West Lake Park Camdenton, MO 65020	

## **APPENDIX 5**

### **Rates**

The following monthly water service will be in effect for Customers of CGLA:

Flat Rate - \$55.00 per customer/per month

This rate does not include any municipal, state or federal taxes computed on either billing or consumption basis. Any such taxes applicable shall be added as separate items in rendering each bill.

Late Payment Fee - \$15.00 per customer/per month

Returned Check Fee - \$20.00

**Estimated Total Number of Customers** = 110

**Expenses** – It is suspected that the expenses and required return on rate base for this operation will be generally equal to the revenues derived from the proposed rates. However, it is Applicant's understanding that the Commission Staff will perform an independent analysis of the appropriate rate for this Company. Applicant reserves the right to take a different position based upon its review of that Staff analysis.

**APPENDIX 6**

[DNR PERMITS – SEPARATELY FILED]

# STATE OF MISSOURI



Robin Carnahan  
Secretary of State

**CORPORATION DIVISION  
CERTIFICATE OF GOOD STANDING**

I, ROBIN CARNAHAN, Secretary of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that

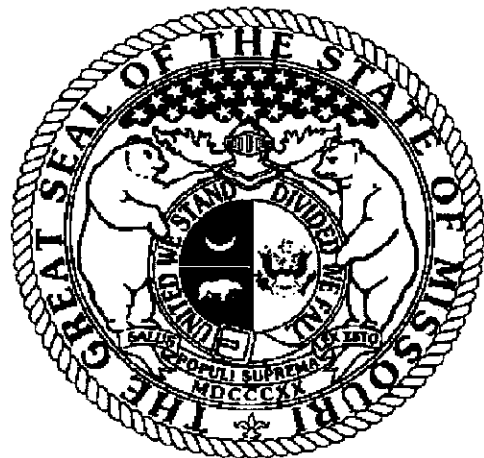
**CEDAR GREEN LAND ACQUISITION, LLC  
LC0558531**

was created under the laws of this State on the 23rd day of December, 2003, and is in good standing, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 18th day of September, 2012

*Robin Carnahan*

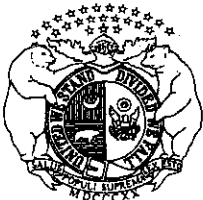
Secretary of State



STATE OF MISSOURI

DEPARTMENT OF NATURAL RESOURCES

MISSOURI CLEAN WATER COMMISSION



MISSOURI STATE OPERATING PERMIT

In compliance with the Missouri Clean Water Law, (Chapter 644 R.S. Mo. as amended, hereinafter, the Law), and the Federal Water Pollution Control Act (Public Law 92-500, 92<sup>nd</sup> Congress) as amended,

Permit No. MO-0130583

Owner: Gary Myers  
Address: P. O. Box 815, Camdenton, MO 65020

Continuing Authority: Cedar Green Condominium Owners Association  
Address: 55 Cedar Green Lane Camdenton, MO 65020

Facility Name: Cedar Green Luxury Condominiums  
Facility Address: Cedar Green Lane, Camdenton MO 65020

Legal Description: SE¼, NE¼, NW¼, Sec. 34, T38N, R17W, Camden County  
UTM (X/Y): 518753 / 4205244

Receiving Stream: Lake of the Ozarks (L2)  
First Classified Stream and ID: Lake of the Ozarks (L2) (07205)  
USGS Basin & Sub-watershed No.: (10290110-0403)

is authorized to discharge from the facility described herein, in accordance with the effluent limitations and monitoring requirements as set forth herein:

**FACILITY DESCRIPTION**

Outfall #001 - Condominiums - SIC #8641

The use or operation of this facility does not require a CERTIFIED OPERATOR.

Flow equalization / extended aeration / chlorination / sludge disposal by contract hauler.

Design organic population equivalent is 452

Design flow is 0.04521 MGD.

Adjusted design flow for fee purposes is 0.002275 MGD.

Design sludge production is 8.1 dry tons/year.

This permit authorizes only wastewater discharges under the Missouri Clean Water Law and the National Pollutant Discharge Elimination System; it does not apply to other regulated areas. This permit may be appealed in accordance with Section 644.051.6 of the Law.

January 13, 2012

Effective Date

Handwritten signature of Sara Parker Pauley in black ink.

Sara Parker Pauley, Director, Department of Natural Resources

January 12, 2017

Expiration Date

Handwritten signature of Cynthia S. Davies in black ink.

Cynthia S. Davies, Regional Director, Southwest Regional Office

*Rec'd  
6-20-05*

**MISSOURI DEPARTMENT OF NATURAL RESOURCES**



Geological Survey & Resource Assessment Division  
P. O. Box 250, Rolla, MO 65402-0250  
(573) 368-2165  
Forwarding and  
Address Service Requested

FIRST CLASS  
U. S. POSTAGE  
**PAID**  
Permit #215  
Rolla, MO 65401

**Official Document**

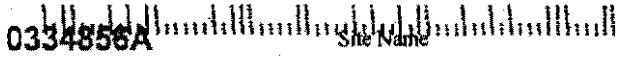
Dear Well Owner:

This confirms that your well information has been reviewed and certified by the Geological Survey and Resource Assessment Division in Rolla, Missouri. **CEDAR GREEN CONDOS**

This card should be filed with the Well Certification Record received from your permitted well driller or pump installer. **321 MINNOW BROOK RD  
CAMDENTON, MO 65020**

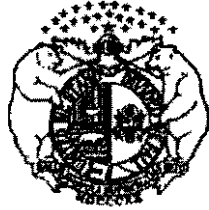
This card may be needed in the future as proof of certification that your well was drilled in accordance with the Missouri Well Construction rules. **A133218**

Your well Certification Number is:

RE: **0334856A**  Site Name

STATE OF MISSOURI

DEPARTMENT OF NATURAL RESOURCES



**PERMIT OF APPROVAL**

**FOR A COMMUNITY WATER SYSTEM  
TO DISPENSE WATER TO THE PUBLIC**

**PERMIT NO. MO3190757**

**ISSUED TO  
CEDAR GREEN LAND ACQUISITION, L.L.C.  
dba Cedar Green Condominiums**

**ISSUED IN ACCORDANCE WITH SECTION 640.115**

**MISSOURI REVISED STATUTES AND RULES AND REGULATIONS (10 CSR 60)**

**PROMULGATED UNDER SECTION 640.100**

**This permit applies only to community water systems with approval to dispense water to the public; it does not apply to other environmentally regulated areas.**

**JAN 26 2011**

Date

A handwritten signature in black ink, appearing to read 'A. King', written over a horizontal line.

Chief, Public Drinking Water Branch

- Special Conditions do not apply  
 Special Conditions do apply per attached

Expiration Date \_\_\_\_\_