

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

In the Matter of Timber Creek Sewer)
Company for a Certificates of)
Convenience and Necessity Authorizing)
it to Construct, Install, Own, Operate,) File No. _____
Maintain, Control and Manage a Sewer)
System in Clay County, Missouri as an)
expansion of its Existing Certificated)
Areas.)

APPLICATION AND MOTION FOR WAIVER

COMES NOW Timber Creek Sewer Company (Timber Creek), pursuant to 393.170, RSMo, 4 CSR 240-2.060, 4 CSR 240-3.305, and 4 CSR 240-4.017, and, for its *Application and Motion for Waiver*, states as follows to the Missouri Public Service Commission (Commission):

1. Timber Creek is a Missouri general business corporation duly organized and existing under the laws of the State of Missouri with its principal office and place of business located at P.O. 511, Platte City, MO 64079. A copy of a Certificate of Good Standing issued by the Missouri Secretary of State was submitted in Case No. SA-2010-0100, and there has been no change to that status. Other than cases that have been docketed at the Commission, Timber Creek has no pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court within the past three years that involve customer service or rates. Timber Creek has no annual report or assessment fees that are overdue.

2. Timber Creek provides sewer service to approximately 2,171 customers in Platte and Clay Counties, Missouri, pursuant to certificates of convenience and necessity previously granted in Commission Cases Nos. SA-95-110, SA-96-238, SA-99-202, SA-2002-404, SO-2002-1061, SA-2005-0297, SA-2005-0467, SA-2010-0063, SA-2010-0100, and SA-2019-0006.

Timber Creek 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.

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

Mr. Kaleb Sherry
Timber Creek Sewer Company
P.O. Box 511
Platte City, Missouri 64079
(816) 858-3989 (telephone)
kaleb@timbercreeksewerco.com

4. Timber Creek requests permission, approval and a Certificate of Convenience and Necessity to construct, install, own, operate, maintain, control and manage a sewer system for the public in an area of Clay County, Missouri, as an addition to Timber Creek's existing service territories. The area sought to be certificated is a single residence. A legal description of the area sought to be certificated is attached hereto as **Appendix 1**. A map of the area sought to be certificated is attached to this Application as **Appendix 2**.

5. Timber Creek holds a CCN for sewer service and provides sewer service in an area adjoining the service area being requested by this Application (Oak Brook Subdivision). Timber Creek's existing certificated service areas (blue), in relation to the requested area (red), is identified in **Appendix 2**. Sewer service is not currently offered in the area by any unregulated entity or other regulated entity.

6. The sole owner of the identified area has requested sewer service from Timber Creek. A copy of the letter requesting such service is attached hereto as **Appendix 3**. Appendix 3 has been identified as Confidential pursuant to Commission Rule 4 CSR 240-2.135(2)(A)1, as it contains customer-specific information. It is anticipated that this area will include one

residence. The owner of this property will be responsible for the building the necessary collection line to the Timber Creek system and then contributing that line to Timber Creek.

7. In order to provide sewer service to the above-described areas, Timber Creek will not need to install new facilities and will not need to engage in any construction, nor require any new financing. Timber Creek currently operates a wastewater plant for the Oak Brook Subdivision with a Missouri Department of Natural Resources (DNR) design capacity of 30,000 gpd. The identified residence may be served within the design capacity of the existing treatment plant.

8. Attached as **Appendix 4** is an estimate of the additional customer and revenues associated with service in this area for the following three years.

9. As stated above there are no plans and specifications or estimated cost of construction, as Timber Creek will not be required to construct plant for purposes of this expansion. Further, there are no plans for financing associated with the expansion. To the extent necessary, Timber Creek requests a waiver as to any additional information that might be required in a feasibility study

10. Timber Creek proposes to use its rates and charges currently on file and approved by the Commission for service in its existing certificated territories and proposes to use the general terms and conditions of service found in its Commission-approved tariff to govern its provision of sewer service to this territory. The customer will be billed the “Clay County” Sewer Service Charge reflected on 2nd Revised Sheet No. 4.

11. The subject territory is not within the boundaries of an incorporated municipality. Timber Creek is not aware of any franchise (either city or county) that would be required in order for it to provide service in this territory. A permit for the operation of these facilities has

been issued by the DNR. A copy of the cover page of this permit is attached hereto as Appendix 5. Timber Creek is not aware of any other governmental approval that it must obtain.

12. The territory Timber Creek proposes to certificate has a need for an operating sewer system and otherwise has no sewer service available. Timber Creek's experience in the operation of sewer systems and its existing facilities give 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.

MOTION FOR WAIVER

13. Rule 4 CSR 240-4.017(1) provides that "(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." A notice was not filed 60 days prior to the filing of this Application, and Timber Creek seeks a waiver of the 60-day notice requirement).

14. Rule 4 CSR 240-4.017(1)(D) provides that a waiver may be granted for good cause. Good cause exists in this case. Timber Creek declares (as verified below) that it has had no communication with the office of the Commission (as defined by Commission Rule 4 CSR 240-4.015(10)) within the prior 150 days regarding any substantive issue likely to be in this case, other than those pleadings filed for record. Accordingly, for good cause shown, Timber Creek moves for a waiver of the 60-day notice requirement of Rule 4 CSR 240-4.017(1) and acceptance of this Application.

WHEREFORE, Timber Creek requests, for good cause shown, that the Commission waive the notice requirement of 4 CSR 240-4.017, approve this Application, and issue a CCN to Timber Creek as set forth above. Timber Creek requests such other and further relief as is just and proper under the circumstances.

Respectfully submitted,

BRYDON, SWEARENGEN & ENGLAND P.C.

By:



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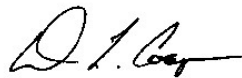
**ATTORNEYS FOR TIMBER CREEK SEWER
COMPANY**

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been sent by electronic mail this 24th day of July, 2019, to:

General Counsel's Office
Missouri Public Service Commission
staffcounsel@psc.mo.gov

Office of the Public Counsel
Office of the Public Counsel
opcservice@ded.mo.gov



VERIFICATION

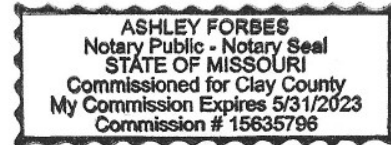
State of Missouri)
) ss
County of Platte)

I, Willis Sherry, having been duly sworn upon my oath, state that I am President of Timber Creek Sewer Company (Timber Creek), that I am authorized to make this affidavit on behalf of Timber Creek, and that the matters and things stated in the foregoing Application and appendices thereto are true and correct to the best of my information, knowledge and belief. Additionally, no representative of Timber Creek has had any communication with the office of the Missouri Public Service Commission, as defined in Commission Rule 4 CSR 240-4.015(10), within the immediately preceding 150 days regarding the subject matter of this Application

Willis C. Sherry

Subscribed and sworn before me this 19 day of July, 2019.

Ashley



APPENDIX 1

The following described lots, tracts or parcels of land lying, being and situated in the County of Clay, State of Missouri, to-wit:

All of Lots 2 and 3, HAVEN ADDITION 2004, a subdivision of land in Clay County, Missouri described as follows: Beginning at the Northeast corner of said Lot 3; thence South 00 degrees 12 minutes 09 seconds East, along the East line of said Lot 3, a distance of 1315.71 feet to the Southeast corner of said Lot 3; thence North 89 degrees 58 minutes 58 seconds West, along the South line of said Lot 3, a distance of 422.71 feet; thence North 00 degrees 15 minutes 58 seconds East, along said line, a distance of 32.50 feet; thence North 25 degrees 18 minutes 31 seconds West, along said line, a distance of 184.30 feet; thence North 45 degrees 48 minutes 26 seconds West, along the South line of said Lots 2 and 3, a distance of 670.04 feet; thence South 59 degrees 21 minutes 50 seconds West, along the South line of said Lot 2, a distance of 524.21 feet; thence North 00 degrees 06 minutes 10 seconds West, along said line, a distance of 264.90 feet; thence North 89 degrees 57 minutes 38 seconds West, along said line, a distance of 823.50 feet to the Southwest corner of said Lot 2; thence North 00 degrees 16 minutes 22 seconds East, along the West line of said Lot 2, a distance of 656.05 feet to the Northwest corner of said Lot 2; thence South 89 degrees 52 minutes 23 seconds East, along the North line of said Lots 2 and 3, a distance of 2249.01 feet to the Point of Beginning. Said tract of land contains 44.99 acres more or less.

Oakbrook Service Area

Legend

- Feature 1
- Hoover Property
- Oakbrook Area
- Oakridge

NE 132nd Terrace

Hoover Property

Jacob Ln

Kelli Dr

Oakbrook Sewer Plant



APPENDIX 3

HAS BEEN MARKED AS CONFIDENTIAL

PURSUANT TO

COMMISSION RULE 4 CSR 240-2.135(2)(A)1,

AS IT CONTAINS CUSTOMER-SPECIFIC INFORMATION

APPENDIX 4

YEAR 1	YEAR 2	YEAR 3
Customers = 1 Annual Revenues ¹ = \$342.00	Customers = 1 Annual Revenues = \$342.00	Customers = 1 Annual Revenues = \$342.00

¹ Number of customers multiplied by the Clay County Sewer Service Rate of \$28.50 per month.

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, 92nd Congress) as amended,

Permit No. MO-0131971

Owner: Timber Creek Sewer Company
Address: P.O. Box 511, Platte City, MO 64079

Continuing Authority: Same as above
Address: Same as above

Facility Name: Oakbrook Wastewater Treatment Plant
Facility Address: South Terminus of Kelli Drive, Kearney MO, 64060

Legal Description: Sec. 22, T38N, R17W, Clay County
UTM Coordinates: X=377391, Y=4354168

Receiving Stream: Tributary to Fishing River
First Classified Stream and ID: Fishing River (C) (394)
USGS Basin & Sub-watershed No.: (10300101-0404)

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 – PSC Regulated Facility – Residential Subdivision – SIC #8811

The use or operation of this facility shall be by or under the supervision of a Certified “C” Operator

Screening / grit tank / extended aeration / aerobic digester / clarifier / UV disinfection / sludge removed by contract hauler.

Design population equivalent is 300.

Design flow is 30,000 gallons per day.

Adjusted Design flow is 14,999 gallons per day.

Actual flow is 3,100 gallons per day.

Design sludge production is 8.4 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 621.250 RSMo, Section 640.013 RSMo and Section 644.051.6 of the Law.

April 1, 2019

Effective Date

Edward B. Galbraith, Director, Division of Environmental Quality

March 31, 2024

Expiration Date

Chris Wieberg, Director, Water Protection Program