

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

In the Matter of the Application of)	
Jefferson County, Missouri for Authority)	Case No. SA-2012-_____
To Sell the Utility Assets of Meramec)	
Sewer Company)	

**APPLICATION FOR SALE OF UTILITY ASSETS AND
MOTION FOR EXPEDITED TREATMENT**

COMES NOW Jefferson County, Missouri, pursuant to Section 393.190 RSMo. and Sections 4 CSR 240-2.060 and 4 CSR 240-3.310 of the Commission's Rules, and for its Application to Sell the Utility Assets of Meramec Sewer Company and its Motion for Expedited Treatment, respectfully states as follows:

1. Jefferson County ("Jefferson County" or "Applicant") is a Home Rule Charter County of the First Class located in Eastern Missouri with the County Seat located in Hillsboro, Missouri. Jefferson County is classified pursuant to Article VI, Section 8 of the Missouri Constitution and Section 48.020 RSMo. Relevant to this proceeding, the assets of Meramec Sewer Company ("Meramec") are entirely located within the boundaries of Jefferson County. (See, Meramec Tariff, P.S.C. Mo. No. 1, Sheet No. 2).

2. Applicant is not a utility provider and therefore does not have any pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates. Similarly, Applicant has no annual report or assessment fees that are overdue.

3. Correspondence or communications regarding this application, including service of all notices and orders of this Commission, should be addressed to:

David L. Woodsmall (#40747)
WOODSMALL LAW OFFICE
807 Winston Court
Jefferson City, Missouri 65101
Voice: (573) 797-0005
Fax: (573) 635-7523
E-mail: david.woodsmall@woodsmalllaw.com
and

Carl W. "Wes" Yates III (#43260)
Jefferson County, Missouri -- County Counselor
Department of the County Counselor
Administration Center
729 Maple Street - P.O. Box 100
Hillsboro, MO 63050-0100
(636) 797-5072
Fax: (636) 797-5506
[wyates@jeffcomo.org](mailto:w Yates@jeffcomo.org)

4. Jefferson County bills resident land owners for certain school, county and state taxes. Currently, Meramec is delinquent in the payment of these taxes for the past 3 years. As reflected on Attachment 1, Meramec currently owes over \$72,000.00 in past due taxes to Jefferson County and the State of Missouri. In addition, this amount continues to accrue interest and past due penalties.

5. Section 140.150 RSMo. provides that the County may sell real estate for the purpose of discharging a lien resulting from delinquent and unpaid taxes. "All lands, lots, mineral rights, and royalty interests on which taxes or neighborhood improvement district special assessments are delinquent and unpaid are subject to sale to discharge the lien for the delinquent and unpaid taxes or unpaid special assessments as provided for in this chapter on the fourth Monday in August of each year."

6. Pursuant to this statutory section, Jefferson County was in the process of selling the lands of Meramec for the purpose of discharging its past Real Estate tax debt. At this point, Jefferson County was informed by the Commission that any sale of utility assets must be approved by the Commission pursuant to Section 393.190 RSMo.

7. That section, which appears to be directed solely at actions taken by the public utility and not at the actions of a federal, state or local taxing authority, states that "No . . . sewer corporation shall hereafter sell, assign, lease, transfer, mortgage or otherwise dispose of or encumber the whole or any part of its franchise, works or system, necessary or useful in the performance of its duties to the public . . . without having first secured from the commission an order authorizing it so to do." Nevertheless, to the extent that such approval is necessary, Jefferson County files this Application seeking Commission approval to sell the utility assets of Meramec at the Collector's Annual Tax Sale.

8. As required by 4 CSR 240-3.310(1)(A), the property involved in this transaction includes all lands and lots, and any fixtures thereon, currently owned by Meramec.

9. Given that the sale has not yet occurred, the contract for the purchase of these assets is not available as required by 4 CSR 240-3.310(1)(B). Similarly, it is unknown at this time if the purchaser of the assets will be an entity that is subject to the jurisdiction of the Commission.

10. The proposed sale is not detrimental to the public interest in that the General Assembly has expressed a clear desire that all entities pay their lawful taxes. In furtherance of this goal, the General Assembly has taken certain steps, including the

enactment of the forced sale provisions contained in Section 140.150 RSMo, to ensure that such taxes are paid. Residents of Jefferson County rely upon the timely assessment and collection of taxes so that they may receive fire, ambulance, school, parks, libraries, road and bridges, and mental health services. Since the forced sale of the Meramec assets will assist Jefferson County in providing these services to all its residents, this transfer is not detrimental to the public interest.

11. Pursuant to 4 CSR 240-2.080(14), Jefferson County requests that the Commission act on this request in an expedited manner. Section 140.150 RSMo. provides that the sales of these assets must occur on the fourth Monday of August. As indicated, Jefferson County was in the process of exercising this right when it was notified that the Commission believed that it must approve the sale of these assets. In order to accommodate this belief, Jefferson County is filing this Application and seeking the Commission's approval. Nevertheless, Jefferson County asks that the Commission, to the extent deemed necessary, exercise its authority in an expedited fashion such that Jefferson County can still hold that sale by the statutory date of August 27. With this in mind, Jefferson County asks that the Commission take whatever steps necessary to approve this Application on or before August 1, 2012.

12. To the extent necessary, Jefferson County asks that the Commission waive the requirements of 4 CSR 240-4.020(2) requiring a sixty (60) day notice of the filing of a contested case. In furtherance of this waiver, Jefferson County points out that it is not a regulated entity and therefore not specifically subject to this rule provision. As a non-regulated entity, Jefferson County was not aware of the Commission's rule provision or that the Commission sought to assert authority over this forced sale. Furthermore, it is

unclear whether this matter will turn into a contested case. Finally, Jefferson County states that it has not had any ex parte communications with any Commissioner regarding the matters to be addressed by this case.

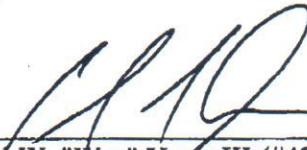
WHEREFORE, Jefferson County, Missouri, respectfully requests that the Commission act in an expeditious fashion and issue its Order granting this Application and for such other relief that the Commission deems necessary to effectuate the transactions contemplated by this Application.

Respectfully submitted,



David L. Woodsmall, MBE #40747
807 Winston Court
Jefferson City, Missouri 65101
(573) 797-0005
Facsimile: (573) 635-7523
david.woodsmall@woodsmalllaw.com

and



Carl W. "Wes" Yates III (#43260)
Jefferson County, Missouri -- County Counselor
Department of the County Counselor
Administration Center
729 Maple Street - P.O. Box 100
Hillsboro, MO 63050-0100
(636) 797-5072
Facsimile: (636) 797-5506 Facsimile
wyates@jeffcomo.org

ATTORNEYS FOR JEFFERSON COUNTY,
MISSOURI

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing pleading by email, facsimile or First Class United States Mail to the following parties of record as provided by the Secretary of the Commission.

Goldie Tompkins
Staff Counsel's Office
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Lewis R. Mills, Jr.
Office of the Public Counsel
P.O. Box 2230
200 Madison Street, Suite 650
Jefferson City, MO 65102

Meramec Sewer Company
Department Legal
P.O. Box 625
381 Green Jade Estates Drive
Fenton, MO 63026



David L. Woodsmall

Dated: June 14, 2012

AFFIDAVIT

STATE OF MISSOURI)
)
COUNTY OF JEFFERSON) ss.

I, Beth Mahn, being first duly sworn, state that I am the Collector of Revenue for Jefferson County, Missouri, that I am an authorized officer of Jefferson County, Missouri and that the above and foregoing information is true and accurate to the best of my knowledge, information and belief.



Beth Mahn

SUBSCRIBED AND SWORN to before me this 14th day of June, 2012

Bertha E. Freeman

Notary Public

My Appointment Expires:

September 15, 2013



SITUS

PROPERTY DESCRIPTION

02-1.0-02.0-4-001-092.

SHANGRI-LA ESTS 2 BDRY ADJ
PT LOT 424AMERAMEC SEWER CO
PO BOX 625
FENTON, MO 63026**BETH MAHN**COUNTY COLLECTOR
HILLSBORO, MO 63050**NOTICE TO TAXPAYERS**

You can now pay your taxes on-line at our web site

<https://collector.jeffcomo.org>

If you do not have Internet access, you can pay your taxes via IVR by calling 1-877-690-3729. You will be asked for your bill number, the amount due and the Jefferson County Jurisdiction Code, which is 3515.

On-line payments and IVR payments can be made with Visa, Master Card, American Express and Discover credit cards. For these payments, you will be charged a fee of 2.5% of the amount of your tax payment. Visa debit cards are accepted for a fee of \$3.95. You can also make your tax payments with e-check for a fee of \$1.50.

After authorization of your payment, you will be issued a confirmation number that you should keep for your records. A paid tax receipt will be mailed to you, as the confirmation number is not valid at the license office. If you receive any other message, please contact our office at 636-797-5406 to verify that your payment was processed correctly.

ALSOYou can now renew your license plates on-line at the Missouri Department of Revenue's Web site: plates.mo.gov

DO NOT SEND THE UPPER HALF OF THE BILL. RETURN ONLY THE LOWER STUB WITH PAYMENT.



02-1.0-02.0-4-001-092.

MERAMEC SEWER CO
PO BOX 625
FENTON, MO 63026

CHANGE OF ADDRESS

**MAKE CHECKS
PAYABLE TO:**BETH MAHN DEPT OF THE
COUNTY COLLECTORPO BOX 100
729 MAPLE STREET
HILLSBORO, MO 63050

If delinquent taxes are due,
the oldest year must be paid
first. If not paying in a month
specified please call for a
corrected amount.

VALUATION

0 RESI
0 AGRI
252,100 COMM
252,100 TOTAL

TAX RATE

7.085200

2009 REAL ESTATE
COUNTY OF JEFFERSON

	TAX AMOUNT
STATE TAX	\$75.63
COUNTY TAX	\$42.10
HEALTH UNIT TAX	\$187.06
ROCK AMBULANCE	\$319.66
JEFFERSON COLLEGE	\$847.56
FOX SCHOOL	\$11,502.31
SALINE VALLEY FIRE	\$3,378.14
JC DEV DISABILITIES	\$234.20
PARK TAX	\$70.34
MERCHANT SUR TAX	\$605.04
MENTAL HEALTH TAX	\$234.20
LIBRARY / C1 & C6	\$437.39
ROAD & BRIDGE TAX	\$533.19

TOTAL TAX	18,466.82
INTEREST / PENALTY	10,777.23
FEES	56.00
AMOUNT PAID	0.00
TOTAL DUE IF PAID BY 06/30/2012	29,300.05

KEEP THIS STATEMENT
FOR YOUR RECORDS

Taxes Due			
Taxes Due by 06/30/2012			
YEAR	2011 TOTAL	\$	16,984.53
YEAR	2010 TOTAL	\$	25,864.45
YEAR	2009 TOTAL	\$	29,300.05
	TOTAL DUE	\$	72,149.03

AMOUNT OF 2009
BILL IF PAID IN 2012

JAN	27,324.10
FEB	27,719.30
MAR	28,114.48
APR	28,509.68
MAY	28,904.87
JUN	29,300.05
JUL	29,695.25
AUG	30,090.44
SEP	30,485.62
OCT	30,485.62
NOV	30,485.62
DEC	30,485.62



SITUS

2010 REAL ESTATE
COUNTY OF JEFFERSON

VALUATION

0 RESI
0 AGRI
252,100 COMM
252,100 TOTAL

TAX RATE
7.135700

PROPERTY DESCRIPTION

02-1.0-02.0-4-001-092.
SHANGRI-LA ESTS 2 BDRY ADJ
PT LOT 424A

MERAMEC SEWER CO
PO BOX 625
FENTON, MO 63026

	TAX AMOUNT
STATE TAX	\$75.63
COUNTY TAX	\$83.19
HEALTH UNIT TAX	\$187.06
ROCK AMBULANCE	\$343.11
JEFFERSON COLLEGE	\$847.56
FOX SCHOOL	\$11,564.08
SALINE VALLEY FIRE	\$3,378.14
JC DEV DISABILITIES	\$234.20
PARK TAX	\$70.34
MERCHANT SUR TAX	\$605.04
MENTAL HEALTH TAX	\$234.20
LIBRARY / C1 & C6	\$438.40
ROAD & BRIDGE TAX	\$533.19

TOTAL TAX 18,594.14
INTEREST / PENALTY 7,270.31
FEES 0.00
AMOUNT PAID 0.00
TOTAL DUE IF PAID BY 25,864.45
06/30/2012

KEEP THIS STATEMENT
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BETH MAHN

COUNTY COLLECTOR
HILLSBORO, MO 63050

NOTICE TO TAXPAYERS

You can now pay your taxes on-line at our web site

<https://collector.ieffcomo.org>

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02-1.0-02.0-4-001-092.

MERAMEC SEWER CO
PO BOX 625
FENTON, MO 63026

CHANGE OF ADDRESS

**MAKE CHECKS
PAYABLE TO:**

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PO BOX 100
729 MAPLE STREET
HILLSBORO, MO 63050

If delinquent taxes are due,
the oldest year must be paid
first. If not paying in a month
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AMOUNT OF 2010 BILL IF PAID IN 2012	
JAN	23,874.88
FEB	24,272.79
MAR	24,670.70
APR	25,068.62
MAY	25,466.54
JUN	25,864.45
JUL	26,262.36
AUG	26,660.28
SEP	27,058.19
OCT	27,058.19
NOV	27,058.19
DEC	27,058.19

Taxes Due			
Taxes Due by 06/30/2012			
YEAR	2011	TOTAL \$	16,984.53
YEAR	2010	TOTAL \$	25,864.45
YEAR	2009	TOTAL \$	29,300.05
TOTAL DUE \$			72,149.03



SITUS

2011 REAL ESTATE
COUNTY OF JEFFERSON

VALUATION

0 RESI
0 AGRI
191,800 COMM
191,800 TOTAL

TAX RATE
7.149300

PROPERTY DESCRIPTION

02-1.0-02.0-4-001-092.
SHANGRI-LA ESTS 2 BDRY ADJ
PT LOT 424A

MERAMEC SEWER CO
PO BOX 625
FENTON, MO 63026

TAX AMOUNT	
STATE TAX	\$57.54
COUNTY TAX	\$63.29
HEALTH UNIT TAX	\$142.32
ROCK AMBULANCE	\$253.75
JEFFERSON COLLEGE	\$644.83
FOX SCHOOL	\$8,831.24
SALINE VALLEY FIRE	\$2,570.12
JC DEV DISABILITIES	\$178.18
PARK TAX	\$53.51
MERCHANT SUR TAX	\$460.32
MENTAL HEALTH TAX	\$178.18
LIBRARY / C1 & C6	\$333.73
ROAD & BRIDGE TAX	\$405.66

TOTAL TAX 14,172.67
INTEREST / PENALTY 2,811.86
FEES 0.00
AMOUNT PAID 0.00
TOTAL DUE IF PAID BY 16,984.53
06/30/2012

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**AMOUNT OF 2011
BILL IF PAID IN 2012**

JAN	15,468.05
FEB	15,771.35
MAR	16,074.64
APR	16,377.93
MAY	16,681.24
JUN	16,984.53
JUL	17,287.82
AUG	17,591.12
SEP	17,894.41
OCT	17,894.41
NOV	17,894.41
DEC	17,894.41

Taxes Due**Taxes Due by 06/30/2012**

YEAR	2011 TOTAL \$	16,984.53
YEAR	2010 TOTAL \$	25,864.45
YEAR	2009 TOTAL \$	29,300.05
TOTAL DUE \$		72,149.03