

MAY 25 2007

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Missouri Public
Service Commission

In the Matter of Missouri-American Water)	
Company's Request for Authority to Implement)	Tariff File Nos:
Capacity Charges for Sewer Operations Located)	JS 2007-713
In Jefferson County (Cedar Hill) and Warren County)	JS 2007-714
(Incline Village, et al.) Districts)	

OBJECTION AND REQUEST FOR SUSPENSION OF TARIFF FILINGS

NOW COMES Home Builders Association of Greater St. Louis, Inc. (hereinafter "HBA"), by and through its undersigned counsel, and files its objection to the Missouri-American Water Company ("MAWC") tariff filings bearing numbers JS-2007-713 and JS-2007-714 (collectively "the Tariffs") and respectfully requests a suspension of same pending a full investigation and hearing regarding same. In support of its Objection, HBA states:

1. HBA is a not-for profit Missouri Corporation with over 1,300 members comprised of builders, developers, and others associated with the development and shelter industry in the St. Louis metropolitan area, including St. Louis City, and the counties of St. Louis, St. Charles, Jefferson, Franklin, Warren, Lincoln and Washington. HBA's members are directly impacted by the rates, charges, terms and conditions of sewer services provided by MAWC.

2. On or about April 2, 2007, MAWC filed tariff sheets with the Public Service Commission seeking approval to implement Capacity Charges in Jefferson County (Cedar Hill) District and Warren County (Incline Village, *et al.*) District. MAWC seeks approval to assess a capacity charge, in part, in the amount of \$5,500 per single family residence, payable at the time of "application for service." The

proposed Capacity Charge is intended to be in addition to the Connection Charge already assessed in each District, respectively.

3. According to the filings with the Public Service Commission, the Capacity Charge is a charge “employed to assign to future customers the capital cost responsibility of backbone facilities, such as treatment facilities, lift stations and major trunk sewers providing capacity that is available for and caused by future customers.”

4. The effective date of the Tariffs is June 1, 2007.

5. HBA objects to the Tariffs on the basis that, upon initial investigation and review of same, the Tariffs, including the proposed Capacity Charge, appear excessive, arbitrary, unjust and unreasonable and therefore unlawful under, at least, Section 393.130 of the Missouri Revised Statutes.

6. Pursuant to 4 CSR 240-2.065(3), copies of the relevant tariffs are attached hereto as Exhibit 1 (Tariff No. JS-2007-713) and Exhibit 2 (Tariff No. JS-2007-714).

7. All notices, correspondence, orders and rulings relating to this matter should be directed to the following on behalf of the HBA:

Robert L. Hess, II
HUSCH & EPPENBERGER, LLC
P.O. Box 1251
235 East High Street
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S. Christian Mullgardt II
HUSCH & EPPENBERGER, LLC
The Plaza in Clayton Office Tower
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105
christian.mullgardt@husch.com

WHEREFORE, the Home Builders Association of Greater St. Louis, Inc.
respectfully requests this Commission:

- a) Suspend the Missouri-American Water Company tariff filings bearing numbers JS-2007-713 and JS-2007-714 and order that such filings shall not take effect;
- b) Open a formal case relating to tariff filings bearing numbers JS-2007-713 and JS-2007-714;
- c) Order such other relief as this Commission deems just and proper.

HUSCH & EPPENBERGER, LLC

By:  

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-and-

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**Attorneys for Home Builders
Association of Greater St. Louis, Inc.**

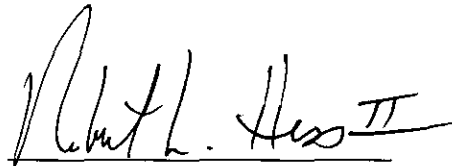
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing instrument was forwarded this 23rd day of May, 2007, hand delivery to:

W.R. England, III, Esq.
Brydon, Swearngen & England, P.C.
312 East Capital Avenue
P.O. Box 456
Jefferson City, Missouri 65102-04546
Attorneys for Missouri-American Water Company

Office of Public Counsel
Governor Office Bldg.
Suite 650
200 Madison Street
P.O. Box 2230
Jefferson City, MO 65102

Kevin A. Thompson, General Counsel
Missouri Public Service Commission
Governor Office Building
200 Madison Street
P.O. Box 360
Jefferson City, Missouri 65102


Robert L. Hess II

MISSOURI-AMERICAN WATER COMPANY
NAME OF ISSUING CORPORATION

FOR Certificated area in Jefferson County, Missouri
COMMUNITY, TOWN, OR CITY

Rules and regulation Governing
Rendering of Sewer Service

Capacity Charge:

All new service connections shall pay a Capacity Charge in accordance with Rule 4A.

* Indicates new rate or text

+ Indicates change

DATE OF ISSUE

April 2, 2007
month day year

DATE EFFECTIVE

May 2, 2007
Month day year

ISSUED BY:

Martin D. Kerckhoff, Vice President,
Corporate Counsel and Secretary
Name of Officer, Title

727 Craig Road
St. Louis, MO 63141
Address

MISSOURI-AMERICAN WATER COMPANY
NAME OF ISSUING CORPORATION

FOR Certificated area in Jefferson County, Missouri
COMMUNITY, TOWN, OR CITY

Rules and Regulations Governing
Rendering of Sewer Service (Continued)

Rule 4A: Capacity Charges

(a) Capacity Charge Definition and Purpose:

A Capacity Charge is a charge employed to assign to future customers the capital cost responsibility of backbone facilities, such as treatment facilities, lift stations, and major trunk sewers providing capacity that is available for and caused by future customers. This Capacity Charge is a charge applied in addition to the Connection Charge addressed in Rule 4.

(b) Determination Of The Capacity Charge:

The appropriate Capacity Charge shall be determined by the following schedule of Capacity Charges or by the terms of a written contract governing the rendering of service to a commercial premise.

Schedule Of Capacity Charges:

- | | |
|--|---|
| (1) Single Family Residence: | \$5,500 |
| (2) Mobile Home: | \$5,260 |
| (3) Multi-Family Apartment (per unit): | \$5,020 |
| (4) Commercial Premise (per unit): | Capacity Charge is based on the multiplication of \$14.86 per gallon per day, by the estimated water consumption, as determined from the Estimated Daily Water Consumption table below: |

* Indicates new rate or text

+ Indicates change

DATE OF ISSUE	<u>April 2, 2007</u>	DATE EFFECTIVE	<u>May 2, 2007</u>
	month day year		Month day year

ISSUED BY: Martin D. Kerckhoff, Vice President,
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MISSOURI-AMERICAN WATER COMPANY
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FOR Certificated area in Jefferson County, Missouri
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Rules and Regulations Governing Rendering of Sewer Service (Continued)		
<u>(c) Estimated Daily Water Consumption Table For Individual Units Within a Commercial Premise:</u>		
Total Capacity Charge per unit within a commercial premise will be based upon the sum of all applicable flows within that unit.		
Unit Within A Commercial Premise	Gallons Per Day	
Boarding Houses	gallons per person	50
Boarding Schools	gallons per person	50
Country Clubs	gallons per member	30
Day Schools	gallons per student	20
Laundromats	gallons per machine	200
Nursing Homes	gallons per resident	125
Service Stations	gallons per day	600
Swimming Pools (one person per 15 sq. ft. of pool area)	gallons per person	3
Offices, Warehouses, Workshops (total charge is sum of applicable fee types listed below):		
Each Bathroom	gallons per day	300
Each Floor Drain	gallons per day	50
Each Full Time Employee (8 hr. shift)	gallons per day	20
Per 100 sq. ft. of floor space	gallons per day	5
* Indicates new rate or text + Indicates change		

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MISSOURI-AMERICAN WATER COMPANY
NAME OF ISSUING CORPORATION

FOR Certificated area in Jefferson County, Missouri
COMMUNITY, TOWN, OR CITY

Rules and Regulations Governing Rendering of Sewer Service (Continued)		
Grocery Store (per 100 sq. ft. of floor area)	gallons per day	20
Hotels and Motels (per room)	gallons per day	75
Restaurants:		
Fast Service & Carry Out Restaurants	gallons per patron served	3
Full Service	gallons per seat	40
Taverns, Bars, Cocktail Lounges	gallons per seat	10
	gallons per bar stool	10
<p>The Capacity Charge for any commercial customer not of a type listed in the above table shall be determined individually based on quantity of flow and strength of waste.</p> <p>The Capacity Charge for a commercial premise may be adjusted to conform to actual water usage after the first full year of commercial operations. The customer may request such an adjustment within two years of connecting to the Company's collecting sewer. Failure to request in writing an adjustment within this period shall establish the Capacity Charge paid for a commercial premise as the proper Capacity Charge for that commercial premise.</p>		
<u>(d) Determination Of When Payment Of The Capacity Charge Is Due:</u>		
The Capacity Charge is due and payable at the time of application for service.		
<u>(e) Taxes:</u>		
All applicable Federal, state and local taxes shall be added to the above charges.		
<p>* Indicates new rate or text + Indicates change</p>		

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MISSOURI-AMERICAN WATER COMPANY
NAME OF ISSUING CORPORATION

FOR Incline Village, et al., Foristell, Missouri
COMMUNITY, TOWN, OR CITY

**Sewer Service
Schedule of Rates**

Capacity Charge Definition and Purpose:

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MISSOURI-AMERICAN WATER COMPANY
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Rules and Regulations Governing Rendering of Service (Continued)		
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	<u>Corporate Counsel and Secretary</u>	<u>St. Louis, MO 63141</u>
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MISSOURI-AMERICAN WATER COMPANY
NAME OF ISSUING CORPORATION

FOR Incline Village, et al., Foristell, Missouri
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Rules and Regulations Governing Rendering of Service (Continued)		
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