

JENNIFER HERNANDES
LEGAL COUNSEL
MISSOURI PUBLIC SERVICE COMMISSION
P.O. BOX 360
JEFFERSON CITY MO 65102

CASE NO. WO-2011

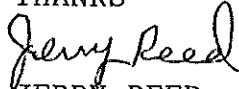
10-08-2010

DEAR JENNIFER

INCLOSED ARE THE SIGNED APPLICATION TRANSFERING THE WOODLAND ACRE
WATER SYSTEM OVER TO THE WOODLAND ACRES ASSOCIATION.

I KNOW THAT YOU WILL SEE TO IT THAT THE DOCUMENT GET TO THE RIGHT
PEOPLE TO GET THE WATER SYSTEM OUT OF MY NAME.

THANKS


JERRY REED

RECEIVED

OCT 13 2010

COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION

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

In the Matter of the Joint Application of Jerry Reed,)
d/b/a Woodland Acres Water System, and)
Woodland Acres Property Owners Association, Inc.,)
for Authority for Woodland Acres Property Owners)
Association, Inc., to Acquire the Assets of)
Woodland Acres Water System.)

Case No. WO-2011-_____

JOINT APPLICATION FOR TRANSFER OF ASSETS

COME NOW Jerry Reed d/b/a Woodland Acres Water System and Woodland Acres Property Owners Association, Inc., and, pursuant to Section 393.190 RSMo (2000) and 4 CSR 240-3.605, respectfully state the following to the Missouri Public Service Commission (Commission) as their *Joint Application*:

BACKGROUND INFORMATION

1. On July 24, 2009, the Commission granted a Certificate of Convenience and Necessity in Case No. WA-2009-0031 to Mr. Jerry Reed, to operate a water system in St. Clair County, Missouri, under the fictitious name Woodland Acres Water System. Woodland Acres Water System's principal place of business is 7210 NE 1031 PRV RD, Lowry City, Missouri 64763, and currently uses two wells within the Woodland Acres Subdivision to serve approximately thirteen (13) customers. Woodland Acres Water System has no overdue Commission annual reports or assessment fees. There is no pending action or final unsatisfied judgment or decision against Woodland Acres Water System from any state or federal agency or court which involves customer service or rates, which action, judgment or decision has occurred within three years of the date of this *Joint Application*.

2. Woodland Acres Property Owners Association, Inc., (POA) is a nonprofit corporation originally organized under the laws of Missouri by Mr. Reed, with its principal place

of business at 7037 NE 1051 Private Road, Lowry City, Missouri, 64763. A properly formed and maintained property owners association is not a "water corporation" or a "public utility" as those terms are defined in Section 386.020 RSMo (2000), and thus fall outside the scope of the Commission's jurisdiction. The POA has no overdue Commission annual reports or assessment fees, and there is no pending action or final unsatisfied judgment or decision against the POA from any state or federal agency or court which involves customer service or rates, which action, judgment or decision has occurred within three years of the date of this *Joint Application*.

3. Communications in regard to this *Joint Application* should be addressed to the following:

Jerry Reed
Woodland Acres Water System
2146 Duddler Street
Arnold, MO 63010
636-287-3443

Larry Smith, President
Woodland Acres Property Owners Association, Inc.
6432 McGee Street
Kansas City, MO 64113

ADDITIONAL INFORMATION

4. Woodland Acres Subdivision is located on 115 acres in the E 1/2, SW 1/4, and NW 1/4, SE 1/4, Section 20, T39N, R24W, St. Clair County, Missouri. Woodland Acres Water System provided the legal description of the water system's certificated area and the location of each well in Case No. WA-2009-0031. For convenience, the applicants attach the legal description from the water system's Commission approved tariff in the Appendix as Attachment A.

5. Since the Commission's certification of the water system, Mr. Reed has resigned as the registered agent for the POA. Additionally, Mr. Reed has sold his residence in the

Woodland Acres Subdivision and moved to Arnold, Missouri. On December 1, 2009, the Missouri Department of Natural Resources (DNR) sent a letter to Mr. Reed regarding the Permit to Dispense held by the POA, PWS ID# MO5252862. The letter states “[a]ccording to the County Clerk, Assessor and Abstract Office, you own no property in the county. Therefore you, as an individual, cannot be recognized as the continuing operating authority associated with this permit. The association is the recognized continuing operating authority.” The applicants attach the DNR letter in the Appendix as Attachment B.

6. Since DNR’s December 2009 letter, the joint applicants have agreed that the water system used to provide service to the Woodland Acres Subdivision does not belong to Mr. Reed, but to the POA reserved in utility easements.

7. The applicants attach a copy of the POA’s Certificate of Good Standing from the Missouri Secretary of State in the Appendix as Attachment C.

8. The applicants attach a copy of the POA’s bylaws that incorporate the factors of *Rocky Ridge Ranch Property Ass’n*, Case No. WD-93-307 (July 7, 1993), in the Appendix as Attachment D.

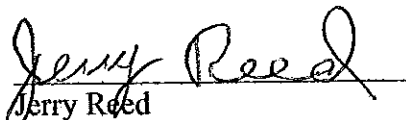
9. Finally, the applicants attach a complete list of the POA’s water user members in the Appendix as Attachment E.

10. While no assets will be transferred, in the abundance of caution the applicants have styled this request as seeking the authority to transfer the assets of Woodland Acres Water System because of the uncertainty surrounding the exact nature of the interest held by Mr. Reed, and subsequently certificated by the Commission.


11. As no sale, assignment, lease, or transfer will occur between the parties, the *Joint Application* does not contain a contract or agreement, verification of authorization, public

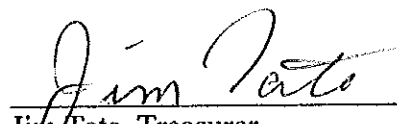
interest determination, balance sheet and income statements showing the transaction's impact, and statement of tax impact on political subdivisions as directed by 4 CSR 240-3.605 (1)(B), (C), (D), (E), and (F). Should the Commission require this information, the applicants request leave to supplement the *Joint Application* pursuant to 4 CSR 240-3.605 (3).


WHEREFORE, the applicants request that the Commission issue an order that (1) if necessary, approves the transfer of utility assets from Jerry Reed d/b/a Woodland Acres Water System to the Woodland Acres Property Owners Association, Inc.; (2) cancels the Certificate of Convenience and Necessity previously issued by the Commission to Jerry Reed d/b/a Woodland Acres Water System; and (3) cancels the tariff of Jerry Reed d/b/a Woodland Acres Water System, Tariff File No. YW-2010-0134.


Jerry Reed
Woodland Acres Water System
2146 Duddler Street
Arnold, MO 63010
636-287-3443

10/08/2010


Larry Smith, President
Woodland Acres Property Owner's Assoc., Inc.
6432 McGee Street
Kansas City, MO 64113


Jim Tate, Treasurer
Woodland Acres Property Owner's Assoc., Inc.
7285 NE 1051 Pvt. Rd.
Lowry City, MO 64763


Mike Ruch, Secretary
Woodland Acres Property Owner's Assoc., Inc.
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