

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

**R E C E I V E D**

JAN 06 2003

In the Matter of the Application of ) Case No.  
Tri-State Utility, Inc., for a Certificate )  
of Convenience and Necessity authorizing )  
it to enlarge and extend its service area )  
and to construct, install, own, operate, )  
control, manage, and maintain a water )  
System for the public located in an )  
unincorporated area in Taney County, )  
Missouri )

UTILITY OPERATIONS  
DIVISION

**FILED**

JAN 06 2004

**APPLICATION**

Missouri Public  
Service Commission

**COMES NOW**, Tri-State Utility, Inc. (hereinafter referred to as the "Company") and pursuant to Paragraph 393.170, RSMo 2000 and 4 CSR 240-2.060 (4) (A) and states to the Missouri Public Service Commission ("Commission") as follows:

1. Applicant is a Missouri corporation duly organized and existing under and by virtue of the laws of the State of Missouri with its principal office and place of business located at 2580 State Highway 165, Branson, Missouri currently provides water service to members of the public located within incorporated and unincorporated areas of Taney County of Missouri and, accordingly, is subject to the jurisdiction, control and regulations of the Commission as provided by law.

2. Communications in regard to the Application should be addressed to:

Harold I. Epps, President  
2580 State Highway 165  
Branson, MO 65616  
417-334-4189

Henry V. Griffin, Attorney, Missouri Bar No. 29605  
P.O. Box 1437  
Hollister, MO 65673  
417-337-9217

3. Applicant previously applied for and received a Certificate of Convenience and Necessity (CCN) from the Commission to provide service in its existing service territory in Commission Case NO. WO-92-257.

Case No. WO-92-257 resulted in an Order approving unanimous, and stipulation and agreement granting a certificate of Convenience and Necessity, approving tariffs.

4. Applicant requests permission, approval and a Certificate of Public Convenience and Necessity to extend, install, own, acquire, construct, operate, control, manage and maintain a water system for the public in areas adjacent to its existing territory all located in the unincorporated area in Taney County, Missouri, as set forth on the map marked as Exhibit D (the unshaded area). The area adjacent to its existing territory and identified in Exhibit D, highlighted in yellow is the proposed new area. The extended and enlarged CCN added to the original CCN from the Commission, Case NO. WO-92-257 is as set forth in Exhibit B, adjacent to the existing territory set forth in Exhibit C.

5. In accordance with 4CSR 240-2.060(4)(A)(5), Applicant prepared one feasibility study in case WO-92-257 which, among other things, describes the existing well and service mains owned, operated, controlled, managed, and maintained subsequent to the approval of the funding request of the Commission in 1994, Commission Case No. WO-92-257.

6. There are no municipalities located within the proposed area, and approval by Taney County is not required for the Applicant to provide the water services to this area. The issuance of construction and operation permits from the Missouri Department of Natural Resources ("DNR") were obtained in 1994 during construction of said well and standpipe that is currently under operation, is not applicable to this application. Applicant expects that its water system will meet all future requirements of the DNR.

7. There are no other public utilities or governmental bodies being operated or rendering service within the area proposed to be served.

8. The area requested to be certified is comprised of approximately 56 lots that are proposed for a residential subdivision, an additional thirty-five acres proposed as an industrial park with motel(s), and ten residential homes currently being serviced by the Company.

Water service to these residential subdivisions and commercial developments, absent Commission approval of the CCN area enlargement and extension would consist of multiple drilled wells into the aquifer. The nature of the problems of operating a multitude of individual drilled wells is the possible negative impact on the quality of the aquifer which provides a source of drinking water to all residents of the area. Therefore, public need exists for the adequate water service within the proposed area to be served, and the public convenience and necessity will be promoted by the granting of the authority herein requested.

9. A certificate from the Missouri Secretary of State evidencing the corporate good standing of Applicant is attached hereto as Exhibit F. See 4CSR 240-2.060 (1)(B).

10. Applicant has no pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involved customer service or rates in which action, judgments or decision has occurred within three (3) years of the date of this application.

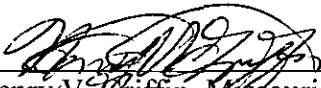
11. Applicant has no annual report or assessment fees which are currently overdue.

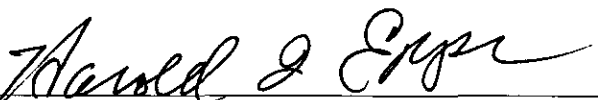
12. Attached as Exhibit A is a narrative that outlines the history of Tri-State Utility, Inc. as well as its officers. Exhibit B is the legal description of the new certificate area to be

added; Exhibit C, the legal description as is on file with the current tariff as issued by the P.S.C.; Exhibit D, maps outlining the location of the proposed new certificate area to be added; and Exhibit E current customers in the proposed new certificate area to be added that are currently being served by Tri-State Utility, Inc. and some additional proposed and ongoing development projects that have requested water service; and Exhibit F, verification of Corporate good standing.

**WHEREFORE**, Applicant requests the Commission grant it permission, approval and a Certificate of Convenience and Necessity authorizing it to install, acquire, build, construct, own, operate, control, manage and maintain a water system for the public within the area referred to in paragraph 4, authorizing Applicant to implement rates and charges for the provision of water service consistent with those contained in the feasibility study originally presented in Commission case WO-92-257, and for such other orders as the Commission deems proper under the circumstance.

Respectfully submitted,

  
\_\_\_\_\_  
Henry V. Griffin, Missouri Bar No. 29605  
GRIFFIN & SHELT, L.L.C.

  
\_\_\_\_\_  
Harold I. Epps, President  
Tri-State Utility, Inc.

# Tri-State Utility, Inc

2580 State Highway 165, Branson, Missouri 65616

Phone 417-334-4189, Fax 417-336-6502

State of Missouri                    }  
   }  
County of Taney                    }       SS.

On this 5 day of January, 2004, before me appeared Harold I. Epps, known to me personally, who, being by me duly sworn, did say that he is the Owner and President of Tri-State Utility, Inc., a corporation operation in the State of Missouri in good standing, and states that he has personal knowledge regarding the matters addressed in the foregoing Verified Application for the Permission, Approval, and a Certificate of Convenience and Necessity and that he has reviewed the Verified Application for the Permission, Approval, and a Certificate of Convenience and Necessity; and that the information appears to be true and accurate to the best of his knowledge.

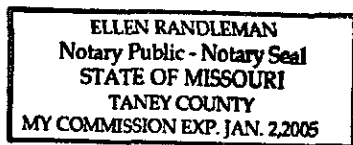
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

Notary Public:

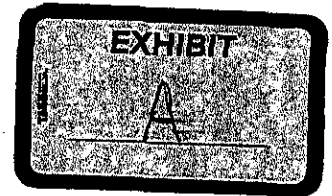


My Commission Expires:

January 2, 2005



**Tri-State Utility, Inc**  
2580 State Highway 165, Branson, Missouri 65616  
Phone 417-334-4189, Fax 417-336-6502



Tri-State Utility, Inc was formed in 1965 to build Branson its first common potable water supply for its citizens. Expansion of the utility has continued and as Branson became a viable municipality, it purchased the initial water system and twice has added system sections as its boundary has increased. Tri-State Utility, Inc has over 2700 active customers, while Branson slightly more.

Tri-States Utility, Inc has in its remaining inventory two water reservoir/pressure tanks with a nominal capacity of one million gallons. These two tanks are served by two pristine wells with a capacity of nearly three million gallons per day.

Tri-State Utility, Inc operates under the authority and oversight from the Missouri Department of Natural Resources and the Missouri Public Service Commission.

The Missouri Public Service Commission watchdog of consumer affairs in utility practices has set for it's guidelines in a set of rules of operations by means of a Tariff, which Tri-State Utility, Inc follows in it day to day operations of billing, collections, customer complaints, customer request, property protection and general governing of Tri-States actions to and for the customer.

The Department of Natural Resources is the governing body that regulates the safety of and purity of the potable water provided, system physical constructions, changes and testing. DNR is under the direct stewardship of the federal office of Environmental Protection Agency and Homeland Security.

Tri-State Utility, Inc is owned and operated by Harold I. Epps as President of the corporations board and Sharon R. Epps as its secretary/treasure of its corporation board and general manager.

As president the duties include but are not limited to all major construction and improvements, contracts and agreements, capital expenditures, and future growth, planning and development.

Secretary/Treasure duties include but are not limited to all personal and daily operations, customer complaint review, policy review and implementation, computer and data system implementation and security, records and retention, corporation minutes and seal.

Staff is broken down into two separate listings:

**Outside Plant –**

Superintendent of operations:  
Outside Plant / General

**Office/Customer Service**

Office Manager  
Accounts Payable/Customer Service  
Accounts Receivable/Customer Accounts & Service

**EXHIBIT****B**

Tri-States Utilities  
Drawing #5199  
Date: October 10, 2003

Page 1 of 1

Attn: Harold Epps  
Fax:

**TRI-STATES LEGAL DESCRIPTION:**

A PARCEL OF LAND SITUATED IN PART OF SECTIONS 2 AND 3 IN TOWNSHIP 22 NORTH, RANGE 22 WEST, TANEY COUNTY, MISSOURI AND IN PART OF LOTS 1 AND 2 OF THE NORTHEAST FRACTIONAL QUARTER OF SECTION 4, TOWNSHIP 22 NORTH, RANGE 22 WEST, STONE COUNTY, MISSOURI, AND ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 3, THENCE WEST ALONG THE NORTH LINE OF SAID SECTION 3 AND THE NORTH LINE OF LOT 2 OF THE FRACTIONAL NORTHEAST QUARTER OF SAID SECTION 4 TO A POINT BEING 100.00 FEET WEST OF THE WEST RIGHT OF WAY LINE OF MISSOURI STATE HIGHWAY #265, THENCE SOUTHERLY ALONG A LINE BEING 100.00 FEET WEST OF AND PARALLEL WITH THE WEST RIGHT OF WAY LINE OF MISSOURI STATE HIGHWAY #265 TO THE POINT OF INTERSECTION WITH THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER SAID SECTION 3, THENCE EAST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, AND THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER ALL IN SAID SECTION 3, THENCE CONTINUING EAST ALONG THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER SAID SECTION 2, THENCE NORTH ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER SAID SECTION 2, THENCE WEST ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER SECTION 2, THENCE NORTH ALONG EAST LINE OF THE WEST HALF OF LOT 1 OF THE FRACTIONAL NORTHWEST QUARTER OF SAID SECTION 2, THENCE WEST ALONG THE SOUTH LINE OF THE WEST HALF OF LOT 2 OF THE FRACTIONAL NORTHWEST QUARTER OF SAID SECTION 2, THENCE NORTH ALONG THE EAST LINE OF SAID SECTION 3 TO THE POINT OF BEGINNING.

Midwest Surveyors  
P.O. Box 754  
Branson, Mo. 65616

Phone: 417-334-5195  
Fax: 417-337-9285

FORM NO. 13

P.S.C.MO. No. 1{ Original } SHEET No. 1

{ Revised }

Cancelling P.S.C.MO. No. All previous tariffs

{ Original }

SHEET No. \_\_\_\_\_

{ Revised }

Tri States Utility, Inc.For Area as shown on service map

Name of Issuing Corporation

Community, Town or City

Taney County, Missouri

Title Page

JUL 15 1992

MO. PUBLIC SERVICE COMM.

Tri-States Utility Company, Inc.

EXHIBIT

C

Rates

Rules and Regulations  
Applying to Water Service  
In a Certificated Area of  
Taney County, Missouri.

Filed with the  
Public Service Commission of Missouri

FILED

SEP 1 1992

92-257

Public Service Commission

\*Indicates new rate or text

+Indicates change

DATE OF ISSUE 07-27-92  
month day yearDATE EFFECTIVE 09-01-92  
month day yearISSUED BY David E. Smith President, HCO 5 Box 1485 Branson, Mo. 65616  
name of officer title address

Cancelling P.S.C.MO. No. All previous tariffs

Tri States Utility, Inc.

For Area as shown on service map

Name of Issuing Corporation

Community, Town or City

Taney County, Missouri

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JUL 15 1992

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FILED

SEP 1 1992

92-257

Public Service Commission

\*Indicates new rate or text

+Indicates change

DATE OF ISSUE 07-27-92  
month day yearDATE EFFECTIVE 09-01-92  
month day yearISSUED BY Harold Smith President, HCO 5 Box 1485 Branson, Mo. 65616  
name of officer title address



FORM NO. 13

P.S.C.MO. No. 21

{ Original } SHEET No. 3  
{ Revised }

Cancelling P.S.C.MO. No. All previous tariffs

{ Original } SHEET No. \_\_\_\_\_  
{ Revised }

Tri States Utility, Inc.

Name of Issuing Corporation

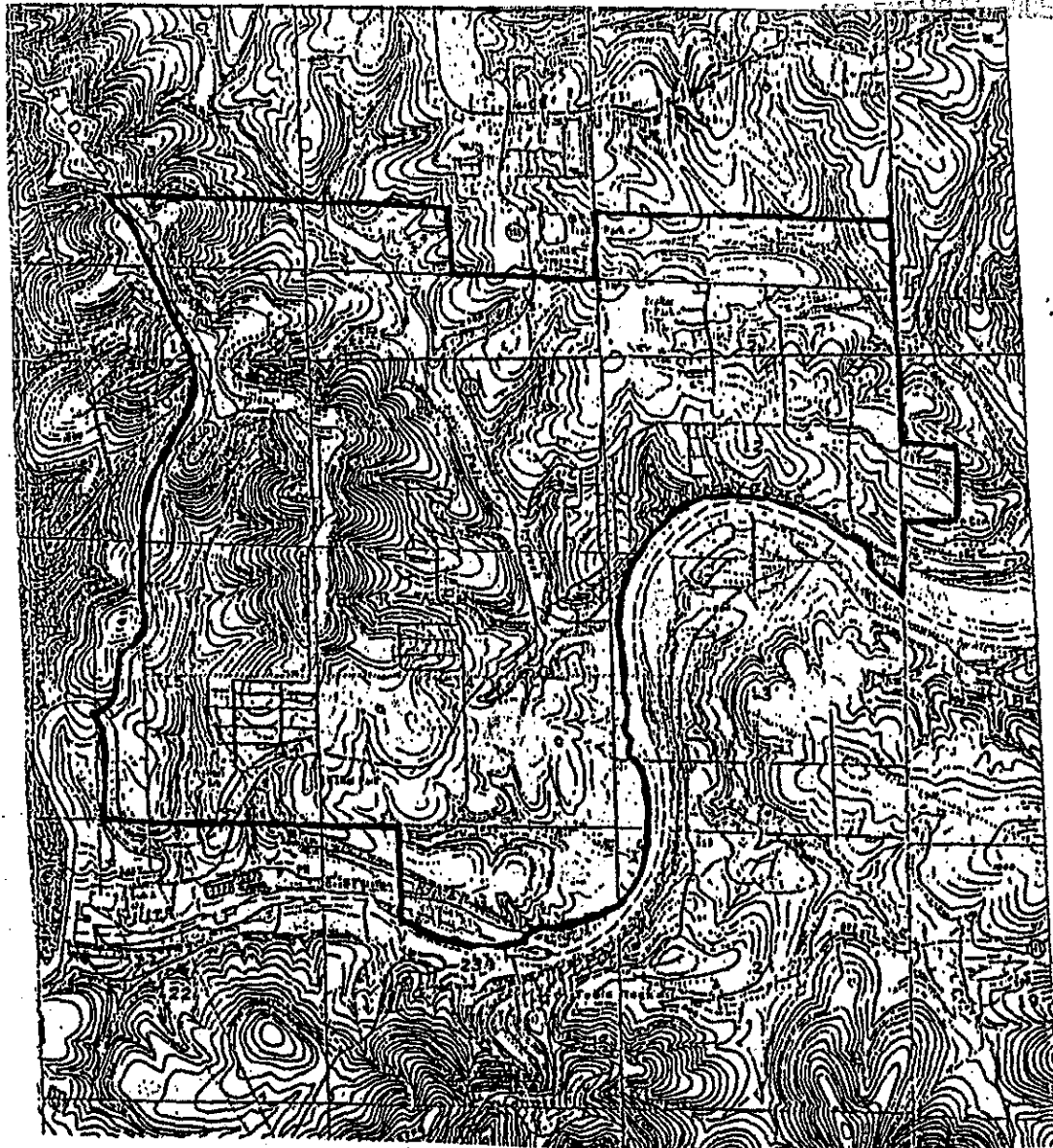
For Area as shown on service map

Community, Town or City

Taney County, Missouri

Service Area Map

JUL 15 1992



\*Indicates new rate or text  
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SEP 1 1992

92-257

Public Service Commission

DATE OF ISSUE 07-27-92  
month day year

DATE EFFECTIVE 09-01-92  
month day year

Harold E. Smith  
President, HCO 5 Box 1485 Branson, Mo. 65616

address

FORM NO. 13

P.S.C.MO. No. 1{ Original } SHEET No. 4

{ Revised }

Cancelling P.S.C.MO. No. All previous tariffs

{ Original }

{ Revised }

SHEET No. \_\_\_\_\_

Tri States Utility, Inc.

For Area as shown on Service Map

Name of Issuing Corporation

Community, Town or City

Taney County, Missouri

## Description of Service Area

JUL 15 1992

MO. PUBLIC SERVICE COMM.

A PARCEL OF LAND SITUATED IN SECTIONS 1, 2, 3, 10, 11, 12, 13, 14, 15 AND 23 IN TOWNSHIP 22 NORTH, RANGE 22, WEST, AND SECTION 7, TOWNSHIP 21 NORTH, RANGE 22 WEST, ALL IN TANEY COUNTY, MISSOURI AND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SE4 OF THE SE4 OF SAID SECTION 1, THENCE WEST ALONG THE NORTH LINE OF THE SOUTH ONE-HALF OF THE SOUTH ONE-HALF OF SAID SECTION 1 TO THE NORTHEAST CORNER OF THE SE4 OF THE SE4 OF SAID SECTION 2, THENCE SOUTH ALONG THE EAST LINE OF SAID SECTION 2 TO THE SOUTHEAST CORNER OF SAID SECTION 2, THENCE, WEST ALONG THE SOUTH LINE OF SAID SECTION 2 TO THE SOUTHWEST CORNER OF THE SE4 OF SAID SECTION 2, THENCE NORTH ALONG THE WEST LINE OF THE SE4 OF SAID SECTION 2 TO THE NORTHEAST CORNER OF THE SE4 OF THE SW4 OF SAID SECTION 2, THENCE WEST ALONG THE NORTH LINE OF THE SOUTH ONE-HALF OF THE SOUTH ONE-HALF OF SAID SECTION 2 AND 3 TO A POINT ALONG SAID LINE 300 FEET WEST OF MISSOURI STATE HIGHWAY # 165, THENCE IN A GENERALLY SOUTHERLY DIRECTION ON A LINE 300 FEET WEST OF AND PARALLEL TO SAID HIGHWAY # 165 TO A POINT ON THE SOUTH LINE OF SAID SECTION 15, THENCE EAST ALONG THE SOUTH LINE OF SAID SECTION 15 TO THE SOUTHWEST CORNER OF THE SE4 OF THE SW4 OF SAID SECTION 14, THENCE SOUTH TO A POINT ON THE NORTH BANK OF LAKE TANEYCOMO, THENCE IN A GENERALLY EASTERLY AND NORTHERLY DIRECTION ALONG THE NORTH BANK OF SAID LAKE TANEYCOMO TO THE EAST LINE OF SAID SECTION 13. THENCE NORTH APPROXIMATELY 1600 FEET ALONG SAID EAST LINE OF SECTIONS 13 AND 12, THENCE EASTERLY APPROXIMATELY 1000 FEET, THENCE NORTH APPROXIMATELY 1500 FEET, THENCE WEST TO THE EAST LINE OF SAID SECTION 12, THENCE NORTH ALONG SAID EAST LINE OF SECTION 12 AND THE EAST LINE OF SAID SECTION 1 TO THE POINT OF BEGINNING.

FILED

SEP 1 1992

92-257

Public Service Commission

\*Indicates new rate or text

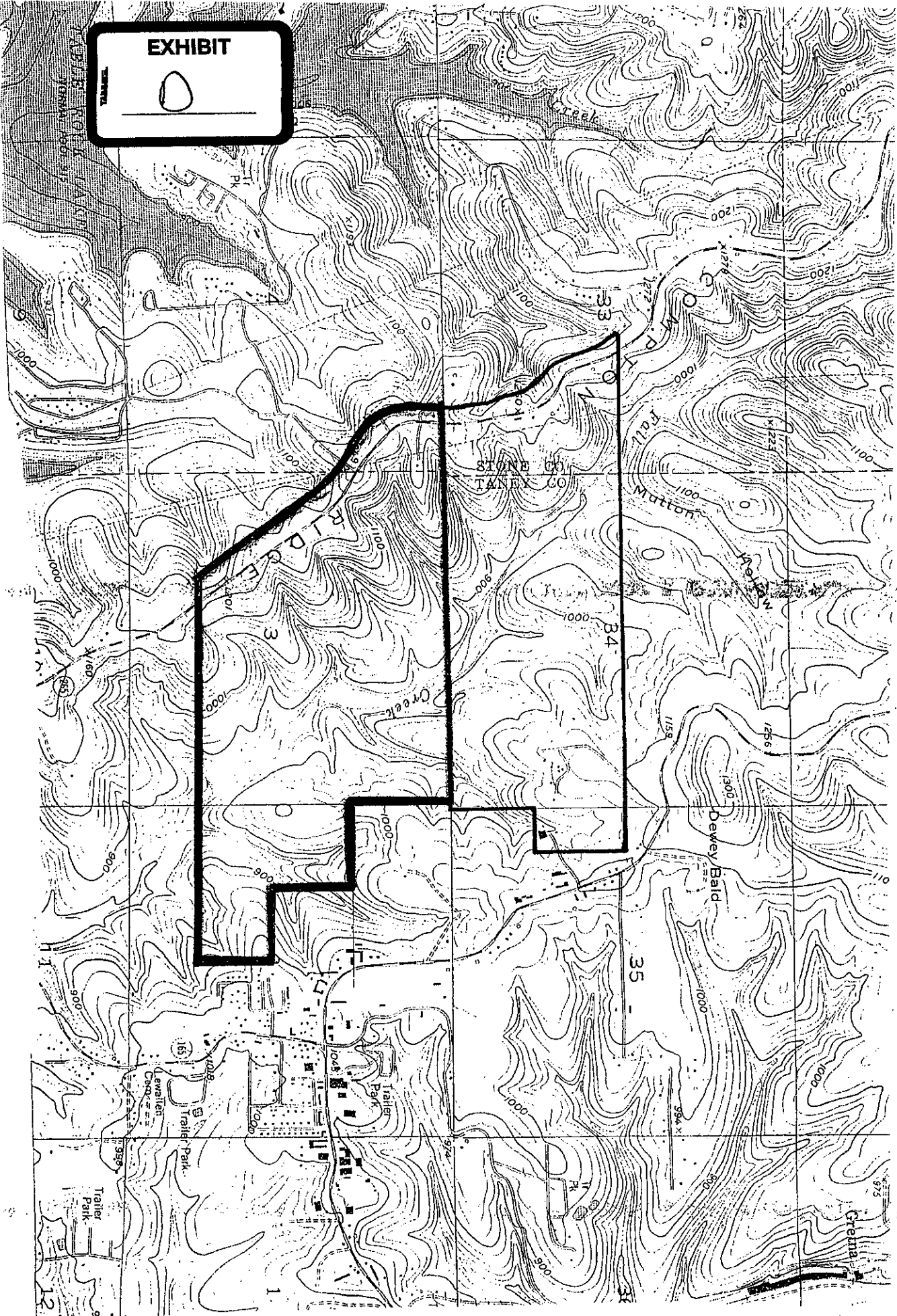
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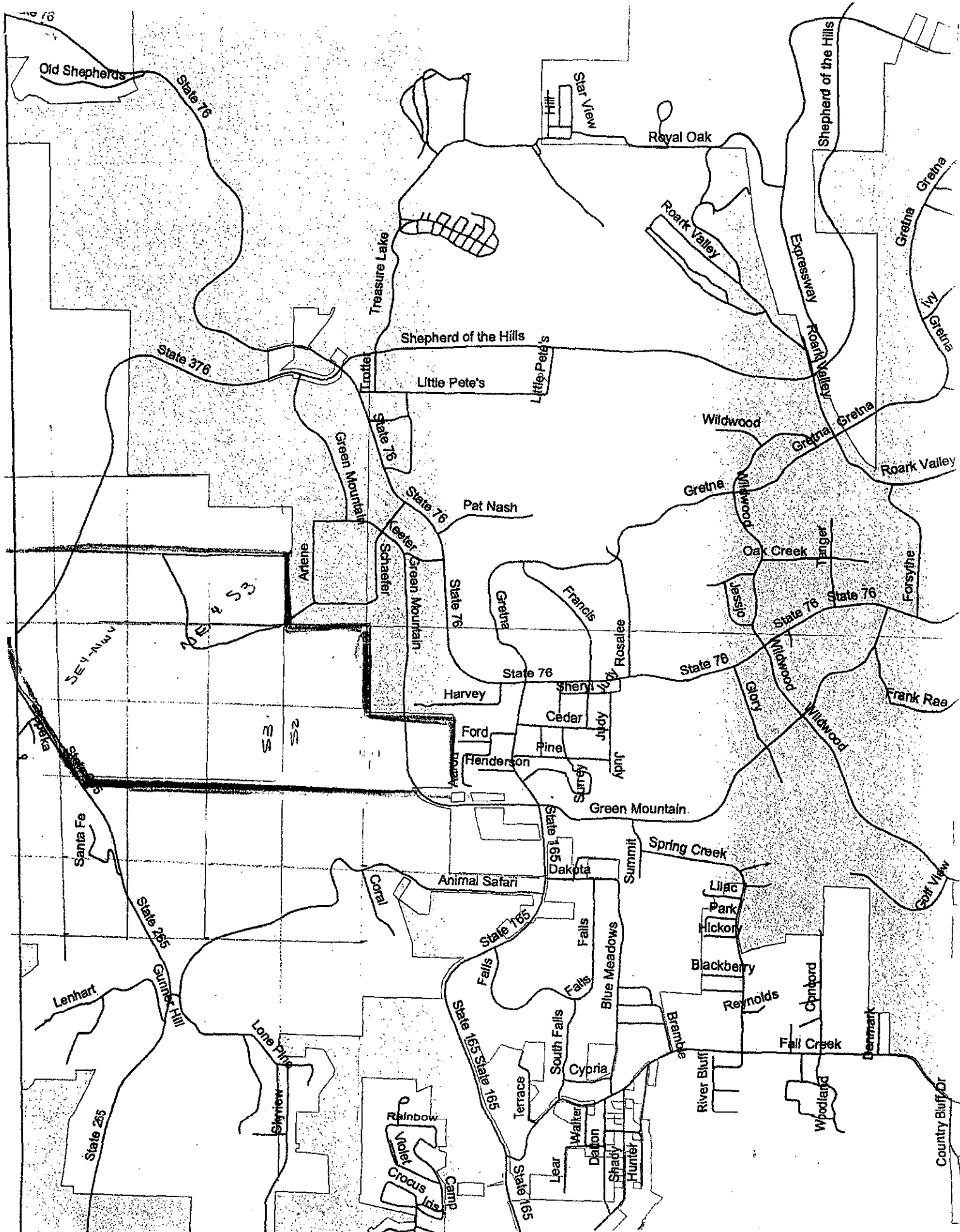
DATE OF ISSUE 07-27-92  
month day yearDATE EFFECTIVE 09-01-92  
month day ye

David L. Jones President, HCO 5, Box 1485 Branson Mo. 65616  
title address

EXHIBIT

0







September 23, 2003

RE: Water Certificated Area Increase to PSC.

Per your request here are the current customers in the new area that we are currently serving:

Name/Mailing Address	Physical Address
Winegardner-Hammons Inc. (Chateau on the Lake) 4243 Hunt Road Cincinnati, OH 45242-6698 417-334-1161	415 N. State Hwy 265
Dr. Douglas Stiff 2335 St. Hwy 265 N. Ste 200 Branson West, MO 65737 417-334-8225	2335 N. State Hwy 265
Tom Castelli 14329 Gaillardia Drive Oklahoma City, OK 73142 408-722-4545	112 Grand Ridge Drive
Bill Matlock P.O. Box 1124 Branson, MO 65615 417-336-4092	229 Grand Point
Matlock Inc. P.O. Box 1124 Branson, MO 65615 417-336-4092	136 Grandview
Matlock Enterprises (OW) P.O. Box 6498 Branson, MO 65615 417-336-5242	Entrance/Irrigation Meter @ Landscaping at Gate

124 Hummingbird Hills Ln.  
Branson, MO 65616  
417-338-5000

Jerry Hruska (developer of Hummingbird Hills)  
2325 N. State Hwy 265  
Branson, MO 65616  
417-338-2760

Jack Carr  
184 Hummingbird Hills Ln.  
Branson, MO 65616  
417-336-4420

Building Construction Enterprises Inc. (Contractor)  
3115 Roanoke Rd.  
Kansas City, MO 64111  
816-753-2400

Lori Winegard  
1380 N. State Hwy 265  
Branson, MO 65616  
417-335-6732

Missouri Partners Inc.  
C-Store  
180 Mall Road Suite 1  
Hollister, MO 65672  
417-336-8798

154 Hummingbird Hills Ln.

184 Hummingbird Hills Ln.

Corps of Eng./Little Rock  
Moonshine Beach project  
DACW-03-01-B-0024  
Chief Ranger Rodney Riley  
417-334-4101 (3019)

1380 N. State Hwy 265

Highway 265 N. at intersection 365  
Owner: Steve Redford

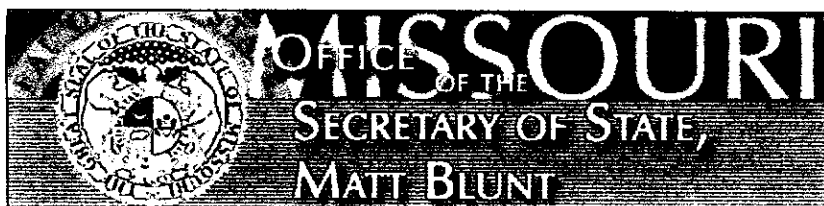
Proposed and on going development projects that have made request for potable water supply are as follows:

Jerry Hruska  
2325 N. State Hwy 265  
Branson, MO 65616

Forsyth/Kirkland Development  
Earl Forsyth  
17 - 352 Country Club Dr  
Ste. Genevieve, MO 63670  
© 573-517-1701

Hummingbird Hills Phase 1 & 2  
46.24 Acres of development  
scheduled for residential only  
56 lots -

Earl Forsyth & Leon Kirkland Developers  
Great River Engineering  
3032-A S. Fremont,  
Springfield, MO 65804  
35 Acres proposed industrial park and motels



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**Date:** 1/5/2004

**Filed Documents**  
 (Annual Report History etc.)

**For a blank Annual Registration Report, click here.**

### Business Name History

Name	Name Type
TRI STATES UTILITY, INC.	Legal

### General Business - Domestic - Information

<b>Charter Number:</b>	00348647
<b>Status:</b>	Good Standing
<b>Entity Creation Date:</b>	1/10/1991
<b>State of Business.:</b>	MO
<b>Principal Office Address:</b>	No Address
<b>Principal Mailing Address:</b>	No Address
<b>Expiration Date:</b>	Perpetual
<b>Last Annual Report Filed Date:</b>	3/14/2003 3:52:00 PM
<b>Last Annual Report Filed:</b>	2003
<b>Annual Report Month:</b>	January

### Registered Agent

<b>Agent Name:</b>	HAROLD I EPPS
<b>Office Address:</b>	2580 STATE HWY 165 BRANSON MO 65616
<b>Mailing Address:</b>	

**NEW! File Annual Report Online.**

Office of the Secretary of State, Missouri - Matt Blunt  
 State Capitol, Room 208 and State Information Center, 600 W. Main  
 Jefferson City, MO 65101 • (573) 751-4936 • SOSMain@sosmail.state.mo.us  
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