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July 21, 2000

**FILED**

JUL 21 2000

Missouri Public  
Service Commission

Mr. Dale Hardy Roberts  
Executive Secretary  
Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

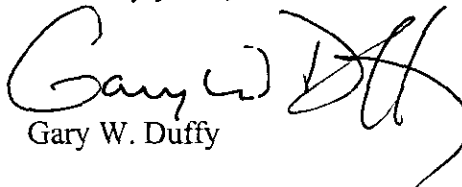
**RE:** Case No. SA-2000-295  
Lake Region Water & Sewer Company

Dear Mr. Roberts:

Enclosed for filing in the above-referenced proceeding please find an original and eight copies of a Unanimous Stipulation and Agreement and Motion to Cancel Procedural Schedule.

If you have any questions, please give me a call.

Sincerely yours,

  
Gary W. Duffy

Enclosures  
cc w/encl:

Shannon Cook, Office of Public Counsel  
Cliff Snodgrass, Office of General Counsel  
John Landwehr  
John Ellinger  
Larry Dority  
Fritz Ritter

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

**FILED**

JUL 21 2000

Missouri Public  
Service Commission

In the matter of the application of Lake Region )  
Water & Sewer Company for a certificate of public )  
convenience and necessity authorizing it to )  
construct, install, own, operate, control, manage )  
and maintain a centralized sewage collection and )  
treatment system in an area in an unincorporated )  
area of Camden County, Missouri, as an expansion )  
of its existing certificated area. )

Case No. SA-2000-295

**UNANIMOUS STIPULATION AND AGREEMENT  
AND MOTION TO CANCEL PROCEDURAL SCHEDULE**

Come now the parties to this proceeding, by and through counsel, and for their unanimous stipulation and agreement and motion, respectfully state as follows:

1. The Applicant, Lake Region Water & Sewer Company, filed its original application in this case on October 22, 1999. The Applicant is a water and sewer corporation subject to the regulation of the Commission. In its original application, the Applicant sought to increase its existing certificated area to some adjoining areas. The Commission granted intervention to Bristol Bay Condominium Owners' Association, Inc.; The Falls Condominium Owners' Association, Inc.; Regatta Bay Owner's Condominium Association, Inc.; Southwood Shores Condominium Owners Association, Inc.; The Willows Condominium Owners' Association, Inc.; and Four Seasons Lakesites, Inc.

2. On March 13, 2000, representatives of the parties met for a pre-hearing conference. An Order Adopting Procedural Schedule was issued on April 13, 2000. On May 16, 2000, the Applicant filed the prepared direct testimony of Eugene F. Ritter pursuant to the

schedule. On that same date, the Applicant filed its First Amended Application. The First Amended Application and the prepared testimony of Mr. Ritter explained that the Applicant had chosen to reduce in size the area it was seeking for a certificate of public convenience and necessity and that the area sought as a result of the First Amended Application excluded all of the property owned by the various condominium association intervenors. The new area did not exclude property owned by intervenor Four Seasons Lakesites, Inc.

2. According to the procedural schedule, rebuttal testimony by all parties except the Applicant was due on June 30, 2000. No party filed rebuttal testimony.

3. Since the parties do not wish to contest the granting of a certificate of public convenience and necessity to the Applicant, as specified in its First Amended Application, it is appropriate for the Commission to consider a stipulation and agreement resolving the issues in the case, and cancel the remainder of the procedural schedule.

4. As a result of ongoing negotiations in this case, the undersigned parties have reached the following stipulations and agreements:

A. The undersigned parties agree that the Commission should expeditiously issue a Report and Order:

1). Granting Applicant a Certificate of Convenience and Necessity to provide sewer service to area shown by map and legal description in the First Amended Application in Camden County, Missouri; and

2). Authorizing the Applicant to file tariff sheets adding a map and legal description for that area to its existing and approved sewer tariff and to make such other tariff changes as are necessary to incorporate the new area into its certificated area.

B. This Stipulation and Agreement represents a negotiated settlement for the

sole purpose of disposing of all of the issues surrounding the granting of a Certificate of Convenience and Necessity to Applicant for sewer service in the area described in the First Amended Application in this case. None of the signatories shall be prejudiced or bound in any manner by the terms of this Stipulation and Agreement in any other portion of this proceeding or in any other proceeding except as permitted by law.

C. None of the signatories shall be deemed to have approved or acquiesced in any rate-making principle or any method of cost determination or cost allocation underlying or allegedly underlying this Stipulation and Agreement.

D. This Stipulation and Agreement has resulted from extensive negotiations among the signatories and the terms hereof are interdependent. In the event the Commission does not approve and adopt this Stipulation and Agreement, in total, this Stipulation and Agreement shall be void and no signatory shall be bound by any of the agreements or provisions hereof.

E. If the Commission accepts the specific terms of this Stipulation and Agreement, the signatories waive their respective rights: to examine witnesses pursuant to Section 536.070 RSMo; to present oral argument or written briefs pursuant to Section 536.080.1 RSMo; to the reading of the transcript by the Commission pursuant to Section 536.080.2 RSMo ; and to judicial review pursuant to Section 386.510 RSMo.

F. If requested by the Commission, the Staff shall have the right to submit to the Commission a memorandum explaining its rationale for entering into this Stipulation and Agreement. Each party of record shall be served with a copy of any memorandum and shall be entitled to submit to the Commission, within five days of receipt of Staff's memorandum, a responsive memorandum which shall also be served on all parties. All memoranda submitted by

the parties pursuant to this paragraph shall be considered privileged in the same manner as are settlement discussions under the Commission's rules, shall be maintained on a confidential basis by all parties, and shall not become of a part of the record of this proceeding or bind or prejudice the party submitting such memorandum in any future proceeding or in this proceeding whether or not the Commission approves this Stipulation and Agreement. The contents of any memorandum provided by any party are its own and are not acquiesced in or otherwise adopted by the other signatories to this Stipulation and Agreement, whether or not the Commission approves and adopts this Stipulation and Agreement.

G. The Staff shall also have the right to provide, at any agenda meeting at which this Stipulation and Agreement is noticed to be considered by the Commission, whatever oral explanation the Commission requests, provided that the Staff shall, to the extent reasonably practicable, provide the other parties with advance notice of when the Staff shall respond to the Commission's request for such explanation once such explanation is requested from Staff. Staff's oral explanation shall be subject to public disclosure, except to the extent it refers to matters that are privileged or protected from disclosure pursuant to any protective order issued in this case.

H. The Staff shall file suggestions or a memorandum in support of this Stipulation and Agreement, and the other parties shall have the right to file responsive suggestions or prepared testimony.

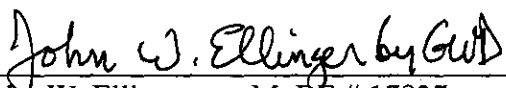
I. In light of the foregoing, the Commission should issue an order canceling the remainder of the procedural schedule in this case since, with no rebuttal, there is no need for surrebuttal or a hearing.

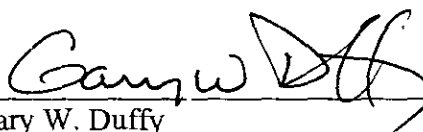
5. Intervenors Southwood Shores Condominium Owners Association, Inc. and Four

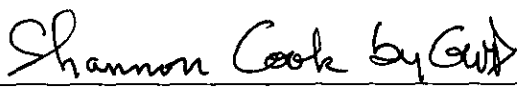
Seasons Lakesites, Inc. neither support nor oppose the relief requested in this Stipulation and Agreement.

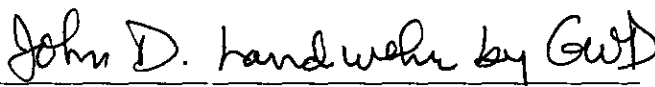
WHEREFORE, the signatories respectfully request that the Commission issue a Report and Order which grants a Certificate of Public Convenience and Necessity to Lake Region Water & Sewer Company to provide sewer service in the area specified in the First Amended Application, which authorizes it to file for Commission approval tariff sheets associated with same in conformance herewith; and cancels the remainder of the procedural schedule in this case.

Respectfully submitted,

  
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Attorneys for Four Seasons Lakesites, Inc.

Certificate of Service

The undersigned certifies that a true and correct copy of the foregoing document was either mailed or hand delivered to all of the above-indicated counsel this 21<sup>st</sup> day of July, 2000.

Gary W. Duffy  
Gary W. Duffy