

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

In the matter of the application of Timber)
Creek Sewer Company, for permission,)
approval, and a certificate of convenience)
and necessity authorizing it to construct,) CASE NO. SA-2009-_____
install, own, operate, control, manage and)
maintain a sewer system for the public,)
located in an unincorporated area in Platte)
County, Missouri.)

APPLICATION

Comes now Timber Creek Sewer Company ("Applicant" or "Timber Creek"), pursuant to Section 393.170, RSMo and 4 CSR 240-2.060 and 240-3.305, and states as follows:

1. Applicant is Timber Creek Sewer Company, a Missouri corporation, duly organized and existing under the laws of the State of Missouri with its principal office and place of business located at 18305 Cable Bridge Road, P.O. Box 511, Platte City, Missouri 64079. Applicant's telephone number is (816) 858-3989, its fax number is (816) 858-4876 and its e-mail address is timbercreeksewerco.com.

2. A copy of Applicant's Certificate of Incorporation and Articles of Incorporation were previously filed with the Commission in Case No. SA-95-110 and are hereby incorporated by reference herein. A copy of a Certificate of Good Standing from the Secretary of State is attached hereto as **Appendix 1**.

3. Applicant is a public utility and sewer corporation rendering sewer service under certificates of convenience and necessity to serve certain unincorporated areas in Platte County, Missouri, issued by the Commission in Case Nos. SA-95-110, SA-96-238, SA-99-202, SA-2002-

404 and SA-2002-1061 and in Clay County, Missouri, issued by the Commission in Case Nos. SA-2005-0297 and SA-2005-0467. Applicant's existing sewer system in its presently certificated areas meets all requirements of the Department of Natural Resources (DNR) and the Commission.

4. Communications in regard to this application should be addressed to Applicant's attorney, Jeremiah D. Finnegan, whose address and contact information is set forth below his signature on these pleadings, and to its President, Derek Sherry, whose address and contact information is as follows:

Derek Sherry, President
TIMBER CREEK SEWER COMPANY
18305 Cable Bridge Road
P.O. Box 511
Platte City, Missouri 64079
Telephone (816) 858-3989
Fax Line (816) 858-4876
E-Mail derek@timbercreeksewerco.com

5. Applicant requests permission, approval, and a certificate of public convenience and necessity to install, own, acquire, construct, operate, control, manage, maintain and extend a sewer system for the public in unincorporated areas in Platte County, Missouri, located: (a) generally easterly of its Prairie Creek certificated area, which certificated area lies generally south of Platte City, Missouri; and (b) generally northerly of its Timber Creek certificated area, which lies generally east of Platte City, Missouri. The area proposed to be served pursuant to this application shall sometimes hereinafter be referred to as "the Proposed Service Area."

6. Applicant has no pending actions or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates and has had no such actions, judgments or decisions within three (3) years of the date of this application.

7. Applicant states that no annual reports or assessment fees are overdue.

8. There is no sewer service, either regulated or nonregulated, currently available in the Proposed Service Area.

9. The legal description of Applicant's Proposed Service Area is attached hereto as **Appendix 2** and incorporated by reference herein.

10. Applicant's Proposed Service Area is depicted on the map attached hereto as **Exhibit "A"** and incorporated by reference herein.

11. A feasibility study is attached to this application as **Appendix 3** and incorporated by reference herein.

12. Inasmuch as the Proposed Service Area is for an unincorporated area in Platte County, there is no approval required from any municipality. Applicant has also ascertained that no approval of the Platte County is required. A copy of a letter from the Director of the Platte County Planning and Zoning Commission advising that it is the County's policy to allow private sewer companies to provide sanitary sewer services for subdivisions provided they have a Missouri Public Service Commission Certificate and are permitted by the Missouri Department of Natural Resources was attached to its Applications in Case Nos. SA-2002-404 and SA-2002-1061 and is incorporated by reference herein.

13. The Proposed Service Area is in need of sewer service so that it can be developed. There are presently about one hundred residential properties located within the Proposed Service Area presently without sewer service. The name and address of ten (10) residents and/or landowners are attached hereto as **Appendix 4** and incorporated by reference herein.

14. Several property owners of large tracts of land east of Platte City, Missouri, and near the Company's current service area have requested service be provided by Applicant.

Attached hereto as **Exhibit "B"** and incorporated by reference herein is a map entitled Properties Requesting Service showing the location of the properties of the property owners requesting service within the Proposed Service Area.

15. The Proposed Service Area extension sought herein is required by the public convenience and necessity. It would allow for a contiguous boundary with the Company's existing service areas and would follow standard engineering practices for sewer service definitions by utilizing watershed topography where appropriate and feasible. All extensions or other plant required to serve the Proposed Service Area shall be designed and built to meet all requirements of DNR and the Commission as well as the Company's own requirements.

16. The Applicant plans to provide service through the use of its existing treatment facilities in its existing contiguous service areas where capacity exists in the infrastructure as well as by building new facilities to meet demand if and when needed. The Company's two existing treatment facilities that serve the Company's existing contiguous service areas have approximately 120,000 gallons per day of capacity available (approximately 350 equivalent dwelling units). Consequently, the only Company construction anticipated in the first two years in the Proposed Service Area is the construction of pump stations and force mains when and where necessary to connect the new customers to the existing treatment facilities.

17. Additionally, depending on the pace of economic development and demand, the Company is planning to acquire a new location in the future within the Proposed Service Area and build a new treatment facility strategically located to serve the watershed that flows towards the Platte River. It is anticipated that any new facilities would follow the Company's current standards and specifications and would be financed through private investment, loans and

contribution in aid of construction fees.

18. The sewer mains, service lines and other facilities to be constructed to provide sewer service within any subdivisions to be developed within the Proposed Service Area would be financed solely by the developers thereof and subsequently dedicated to the Company thereafter.

19. Due to economies of scale and through the use of existing treatment facilities to serve the Proposed Service Area, where available and feasible, the expansion of Applicant's service area, with the subsequent increase in Company ratepayers, will benefit both the public in the Proposed Service Area as well as the public in Applicant's existing service areas.

20. The future residents of the Proposed Service Area will also benefit from the fact that their rates and the reliability of their service will be provided by a company regulated by the Commission.

21. Based on the foregoing, it follows that: a public need exists for adequate sewer service within the Proposed Service Area; the public convenience and necessity will be promoted by the granting of the authority herein requested; and that the public convenience and necessity requires the granting of this Application.

WHEREFORE, Applicant requests that the Commission find that the public convenience and necessity requires the granting of this Application and that it grant its permission, approval, and a certificate of convenience and necessity authorizing Applicant to install, acquire, build, construct, own, operate, control, manage, maintain and extend a sewer system for the public within the Proposed Service Area and for such further orders as the Commission may deem meet, just and proper in the circumstances.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Jeremiah D. Finnegan", is written over a horizontal line.

Jeremiah D. Finnegan #18416

FINNEGAN, CONRAD & PETERSON, L.C.

3100 Broadway, Suite 1209

Kansas City, Missouri 64111

Telephone (816) 753-1122

Fax Line (816) 756-0373

E-Mail jfinnegan@fcplaw.com

ATTORNEYS FOR APPLICANT

VERIFICATION

County of Clay)
) ss.
State of Missouri)

I, Derek Sherry, having been duly sworn, state that I am President of Timber Creek Sewer Company, the Applicant herein, and attest that the statements contained in this Application are true and accurate to the best of my information and belief.

Derek Sherry
Derek Sherry

Subscribed and sworn to before me, Stephanie Ballantine a notary public in and for such county this 20 day of August, 2009.

Stephanie Ballantine
Notary Public

My Commission Expires: 4/18/2010

STEPHANIE BALLANTINE
Notary Public - Notary Seal
State of Missouri - Clay County
Commission # 06396863
My Commission Expires 04/18/2010

STATE OF MISSOURI



Robin Carnahan
Secretary of State

CORPORATION DIVISION CERTIFICATE OF GOOD STANDING

I, ROBIN CARNAHAN, Secretary of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that

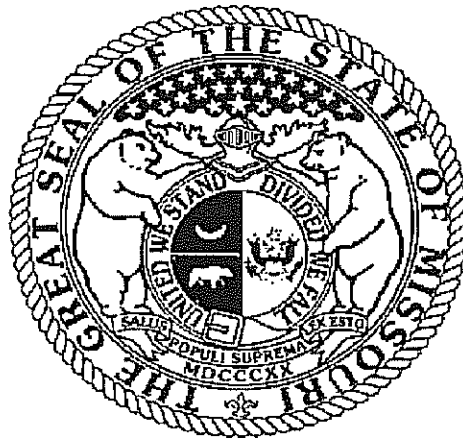
TIMBER CREEK SEWER COMPANY
00400859

was created under the laws of this State on the 14th day of September, 1994, and is in good standing, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 3rd day of June, 2009

Robin Carnahan

Secretary of State



Certification Number: 11804659-1 Reference:
Verify this certificate online at <http://www.sos.mo.gov/businessentity/verification>

TIMBER CREEK SEWER COMPANY, INC
EXTENDED SERVICE AREA LEGAL DESCRIPTIONS:

IN TOWNSHIP 53, RANGE 34, IN PLATTE COUNTY, MISSOURI: THE EAST 1440 FEET OF SECTION 20 LYING SOUTH OF THE PLATTE RIVER; ALL OF SECTION 21 LYING SOUTH OF THE PLATTE RIVER, EXCEPT THOSE PROPERTIES OWNED BY THE MISSOURI DEPARTMENT OF CONSERVATION; ALL OF SECTION 30 LYING SOUTH OF HH HIGHWAY, EXCEPT ANY PROPERTY WITHIN THE PLATTE CITY CORPORATE LIMITS; ALL OF SECTION 29 LYING SOUTH AND EAST OF HH HIGHWAY; ALL OF SECTION 28, EXCEPT ANY PROPERTY NORTH AND WEST OF HH HIGHWAY; THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27; ALL OF SECTION 31 LYING NORTH AND EAST OF PLATTE CITY CORPORATE LIMITS; ALL OF SECTION 32 LYING NORTH AND EAST OF PLATTE CITY CORPORATE LIMITS ADJOINING "TIMBER CREEK SEWER COMPANY'S" EXISTING TIMBER CREEK SERVICE AREA; ALL OF SECTION 33 ADJOINING "TIMBER CREEK SEWER COMPANY'S" EXISTING TIMBER CREEK SERVICE AREA, EXCEPT THOSE PROPERTIES IN THE REDROCK SUBDIVISION; AND THE WEST 1400 FEET OF SECTION 34, EXCEPT THOSE PROPERTIES IN THE CLEMSTONE SUBDIVISION.

IN TOWNSHIP 52 RANGE 34, IN PLATTE COUNTY, MISSOURI: ALL OF SECTION 5 ADJOINING TIMBER CREEK SEWER COMPANY'S EXISTING SERVICE AREA, EXCEPT THOSE PROPERTIES WITHIN THE KANSAS CITY CORPORATE LIMITS AND THOSE AREAS SOUTH OF INTERSTATE HIGHWAY 435; AND ALL OF SECTION 4 ADJOINING "TIMBER CREEK SEWER COMPANY'S" EXISTING TIMBER CREEK SERVICE AREA NORTH OF HIGHWAY 92, EXCEPT THOSE PROPERTIES WITHIN THE KANSAS CITY CORPORATE LIMITS.

APPENDIX 2

Feasibility Study for Extended Service Area in Platte County

Timber Creek Sewer Company, Inc.

Background

Timber Creek Sewer Company provides sewer service to approximately 1400 customers in the Platte County area and provides wholesale service to the southern parts of Platte City through a contractual agreement with the City. Several property owners of large tracts of land east of Platte City and near the Company's current service area boundaries have requested service.

The current service area for the Platte County area is defined in two parts, one service area generally lying south of Platte City (including the southern part of Platte City) and the other area generally lying east of Platte City. The service area extension being requested would allow for a contiguous boundary and would follow standard engineering practices for sewer service area definitions by utilizing watershed topography where appropriate and feasible.

Plans and Specifications for the System

The Company plans to provide service through the use of its existing facilities where capacity exists in the infrastructure as well by building new facilities to meet demand if and when needed. The Company's two existing treatment facilities that serve the Company's contiguous service area have approximately 120,000 gallons per day of capacity available (approximately 350 equivalent dwelling units). The only construction anticipated in the first two years is the construction of pump stations and force mains when and where necessary to connect the new customers to the existing treatment facilities.

Depending on the pace of economic development and demand, the company would plan to acquire a new location in the future and build a new treatment facility strategically located to serve the watershed that flows towards the Platte River. It is anticipated that any new facilities would follow the Company's current standards and specifications.

Estimated Cost of Construction for 1st Three Years

Description of Expenditures	2010 Estimated Cost	2011 Estimated Cost	2012 Estimated Cost
Pump Stations and Force Mains	\$250,000	\$250,000	
Future Treatment Plant Site Purchase			\$300,000

APPENDIX 3

Plans for Financing

The Company would plan to finance capital through private investment (investors), loans, and contribution in aid of construction fees.

Proposed Rates and Charges

Since this is an extended service area request, it is planned that the proposed rates and charges would follow the Company's schedule of fees in the tariff on file with the Missouri Public Service area for Platte County.

Estimated Number of Customers

From past permit sales, building permits issued, economic development data, and development timelines, an average number of new connections are forecasted below for the extended service area:

Type	2010	2011	2012
Commercial Permits	0	2	2
Residential Permits	15	40	70

Revenue and Expenses for 1st Three Years

	2010	2011	2012
Revenues	\$2,250	\$7,400	\$11,100
Expenses	\$4,640	\$9,340	\$9,530

APPENDIX 3

TIMBER CREEK SEWER COMPANY

Residents and/or Landowners

1. Kerwin, Steven M.	15990 N Winan Rd.	Platte City, MO 64079
2. Harvest Church, Inc	4300 N Corrington Ave.	Kansas City, MO 64118
3. Roberts, Paula Jayne et al	17700 Lober Rd.	Weston, MO 64098
4. Martin, Heath & Holly	414 Wells Rd.	Platte City, MO 64079
5. Laderoute, James & Norma	4916 E County Line Rd.	St. Joseph, MO 64505
6. Four States Properties, Inc	15650 Hwy HH	Platte City, MO 64079
7. Fairview Enterprises, Inc	4331 Warwick Blvd.	Kansas City, MO 64111
8. WB Seven, LLC	9601 N Platte Purchase	Kansas City, MO 64155
9. Sperry Marketing, Inc	14595 Highway 92	Platte City, MO 64055
10. Wilkins, Arnold & Jamie	12975 Farmer Lane	Platte City, MO 64079

TIMBER CREEK SEWER COMPANY SERVICE AREA MAP

Prepared By:

SAM'S SURVEY COMPANY

LAND SURVEYING ♦ LAND PLANNING ♦ CIVIL ENGINEERING

201 NW 72ND STREET ♦ GLADSTONE, MISSOURI 64118

Phone: 436-0732 ~ Fax: 436-0767

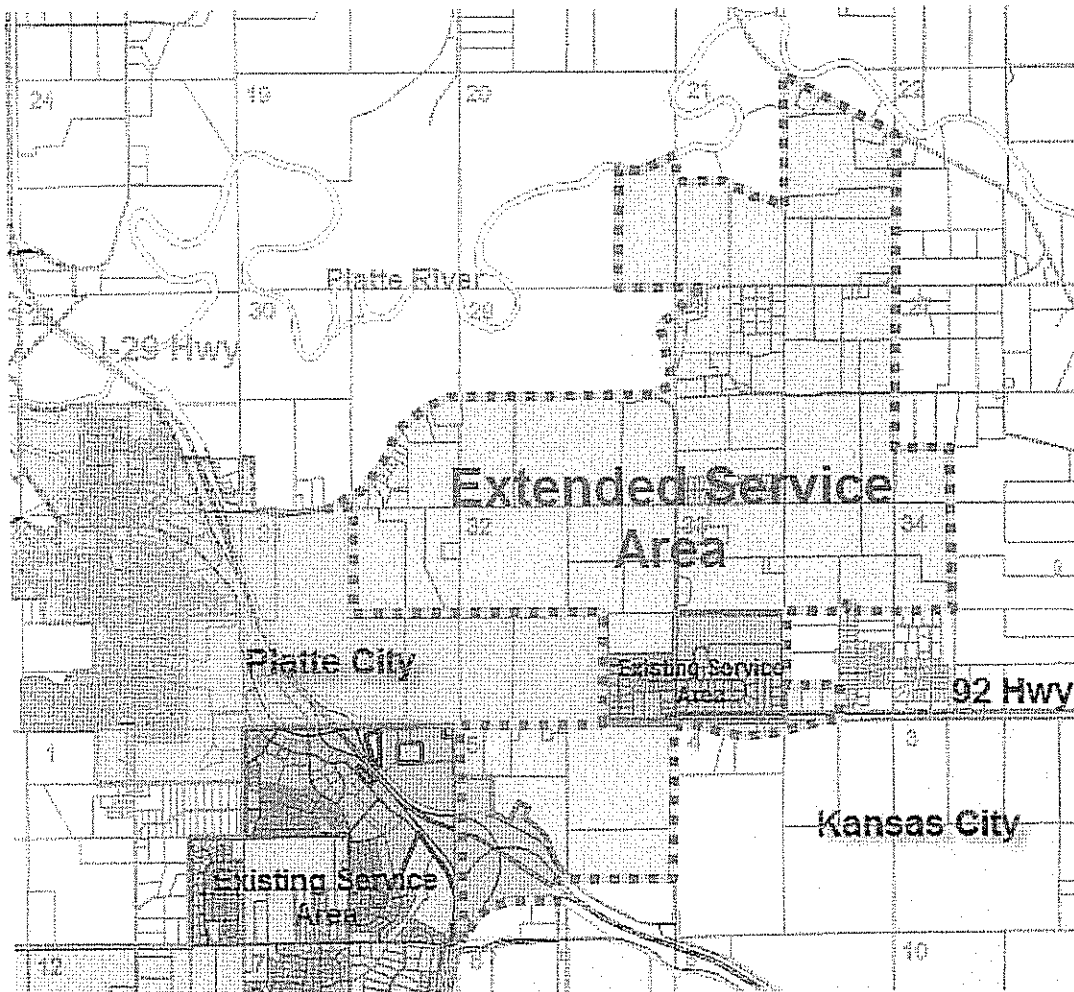


EXHIBIT "A"
NEW SERVICE AREA
SCALE: 1 1/4" = 1 MILE

DATE: 8/20/09

TIMBER CREEK SEWER COMPANY SERVICE AREA MAP

Prepared By:

SAM'S SURVEY COMPANY

LAND SURVEYING ♦ LAND PLANNING ♦ CIVIL ENGINEERING

201 NW 72ND STREET ♦ GLADSTONE, MISSOURI 64118

Phone: 436-0732 ~ Fax: 436-0767

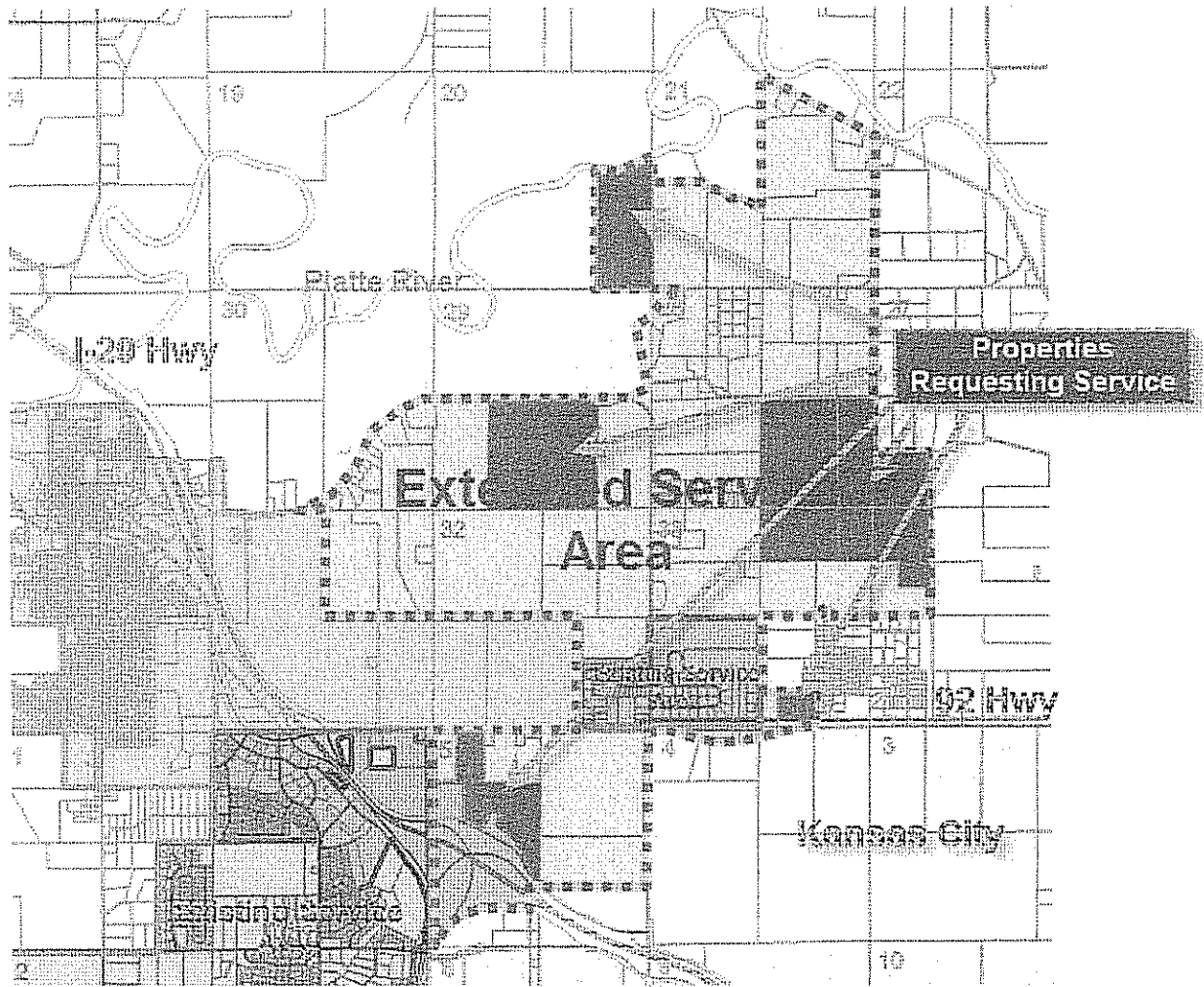


EXHIBIT "B"
PROPERTIES REQUESTING SERVICE

SCALE: 1 1/4" = 1 MILE

DATE: 8/20/09