

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

In the Matter of Timber Creek Sewer)
Company for a Certificates of)
Convenience and Necessity Authorizing)
it to Construct, Install, Own, Operate,) File No. _____
Maintain, Control and Manage a Sewer)
System in Clay County, Missouri as an)
expansion of its Existing Certificated)
Areas.

APPLICATION AND MOTION FOR WAIVER

COMES NOW Timber Creek Sewer Company (Timber Creek), pursuant to 393.170, RSMo, 4 CSR 240-2.060, 4 CSR 240-3.305, and 4 CSR 240-4.017, and, for its Application AND Motion for Waiver, states as follows to the Missouri Public Service Commission (Commission):

1. Timber Creek is a Missouri general business corporation duly organized and existing under the laws of the State of Missouri with its principal office and place of business located at P.O. 511, Platte City, MO 64079. A copy of a Certificate of Good Standing issued by the Missouri Secretary of State was submitted in Case No. SA-2010-0100, and there has been no change to that status. Other than cases that have been docketed at the Commission, Timber Creek has no pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court within the past three years that involve customer service or rates. Timber Creek has no annual report or assessment fees that are overdue.

2. Timber Creek provides sewer service to approximately 2,171 customers in Platte and Clay Counties, Missouri, pursuant to certificates of convenience and necessity previously granted in Commission Cases Nos. SA-95-110, SA-96-238, SA-99-202, SA-2002-404, SO-2002-1061, SA-2005-0297, SA-2005-0467, SA-2010-0063, and SA-2010-0100. Timber Creek is a

"sewer corporation" and a "public utility" as those terms are defined in Section 386.020, RSMo, and is subject to the jurisdiction and supervision of the Commission as provided by law.

3. Communications respecting this Application should be addressed to the undersigned counsel and:

Mr. Kaleb Sherry
Timber Creek Sewer Company
P.O. Box 511
Platte City, Missouri 64079
(816) 858-3989 (telephone)
kaleb@timbercreeksewerco.com

4. Timber Creek requests permission, approval and a Certificate of Convenience and Necessity to construct, install, own, operate, maintain, control and manage a sewer system for the public in an area of Clay County, Missouri, as an addition to Timber Creek's existing service territories. The area sought to be certificated is known as Oak Ridge Subdivision. A legal description of the area sought to be certificated is attached hereto as **Appendix 1**. A map of the area sought to be certificated is attached to this Application as **Appendix 2**.

5. Timber Creek holds a CCN for sewer service and provides sewer service in an area adjoining the service area being requested by this Application (Oak Brook Subdivision). Timber Creek's existing certificated service areas (blue), in relation to the requested areas (red), is identified in **Appendix 2**. Sewer service is not currently offered in the area by any unregulated entity or other regulated entity.

6. The sole owner and developer of the Oak Ridge Subdivision has requested sewer service from Timber Creek. A copy of the letter requesting such service is attached hereto as **Appendix 3**. It is anticipated that the Oak Ridge Subdivision will eventually include eighteen (18) single family residential homes.

7. In order to provide sewer service to the above-described areas, Timber Creek will not need to install new facilities and will not need to engage in any construction, nor require any new financing. Timber Creek currently operates a wastewater plant for the Oak Brook Subdivision with a Missouri Department of Natural Resources (DNR) design capacity of 30,000 gpd. The total potential lot build out in the existing territory (Oak Brook Subdivision) is 75 lots.¹ Including the 18 Oak Ridge Subdivision lots results in a potential for a total of 93 lots. The 93 potential customers could be served within the design capacity of the existing treatment plant. Moreover, the collection system will be constructed by the developer and contributed to Timber Creek.

8. Attached as **Appendix 4** is an estimate of the number of additional customers and revenues associated with service in these areas for the following three years.

9. As stated above there are no plans and specifications or estimated cost of construction, as Timber Creek will not be required to construct plant for purposes of this expansion. Further, there are no plans for financing associated with the expansion. To the extent necessary, Timber Creek requests a waiver as to any additional information that might be required in a feasibility study

10. Timber Creek proposes to use its rates and charges currently on file and approved by the Commission for service in its existing certificated territories and proposes to use the general terms and conditions of service found in its Commission-approved tariff to govern its provision of sewer service to this territory. Customers will be billed the “Clay County” Sewer Service Charge reflected on 2nd Revised Sheet No. 4.

11. The subject territory is not within the boundaries of an incorporated municipality. Timber Creek is not aware of any franchise (either city or county) that would be required in

¹ Currently, only about 50% of the lots contain homes.

order for it to provide service in this territory. A permit for the operation of these facilities have been issued by the DNR, a copy of which is attached hereto as **Appendix 5**. Timber Creek is not aware of any other governmental approval that it must obtain.

12. The territory Timber Creek proposes to certificate has a need for an operating sewer system and otherwise has no sewer service available. Timber Creek's experience in the operation of sewer systems and its existing facilities give it the ability to provide this service in an efficient manner. For these reasons, a grant of the application will further the public convenience and necessity.

MOTION FOR WAIVER

13. Rule 4 CSR 240-4.017(1) provides that "(a)ny person that intends to file a case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such case." A notice was not filed 60 days prior to the filing of this Application, and Timber Creek seeks a waiver of the 60-day notice requirement).

14. Rule 4 CSR 240-4.017(1)(D) provides that a waiver may be granted for good cause. Good cause exists in this case. Timber Creek declares (as verified below) that it has had no communication with the office of the Commission (as defined by Commission Rule 4 CSR 240-4.015(10)) within the prior 150 days regarding any substantive issue likely to be in this case, other than those pleadings filed for record. Accordingly, for good cause shown, Timber Creek moves for a waiver of the 60-day notice requirement of Rule 4 CSR 240-4.017(1) and acceptance of this Application.

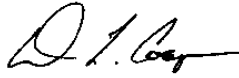
WHEREFORE, Timber Creek requests, for good cause shown, that the Commission waive the notice requirement of 4 CSR 240-4.017, approve this Application, and issue a CCN to Timber Creek as set forth above. Timber Creek requests such other and further relief as is just

and proper under the circumstances.

Respectfully submitted,

BRYDON, SWEARENGEN & ENGLAND P.C.

By:



Dean L. Cooper Mo. Bar 36592
BRYDON, SWEARENGEN & ENGLAND P.C.
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102-0456
Telephone: (573) 635-7166
dcooper@brydonlaw.com

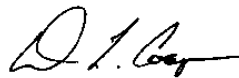
**ATTORNEYS FOR TIMBER CREEK SEWER
COMPANY**

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been sent by electronic mail this 10th day of July, 2018, to:

General Counsel's Office
Missouri Public Service Commission
staffcounsel@psc.mo.gov


Office of the Public Counsel
Office of the Public Counsel
opcservice@ded.mo.gov



VERIFICATION

State of Missouri)
) ss
County of PLATTE)

I, Willis Sherry, having been duly sworn upon my oath, state that I am President of Timber Creek Sewer Company (Timber Creek), that I am authorized to make this affidavit on behalf of Timber Creek, and that the matters and things stated in the foregoing Application and appendices thereto are true and correct to the best of my information, knowledge and belief. Additionally, no representative of Timber Creek has had any communication with the office of the Missouri Public Service Commission, as defined in Commission Rule 4 CSR 240-4.015(10), within the immediately preceding 150 days regarding the subject matter of this Application



Subscribed and sworn before me this 9th day of July, 2018.

ASHLEY FORBES
Notary Public - Notary Seal
STATE OF MISSOURI
Clay County
My Commission Expires May 31, 2019
Commission # 15635796



APPENDIX 1

A tract of land located in the Northeast Quarter of Section 7, Township 52 North, Range 31 West, in Clay County, Missouri, being all of Lot 16, OAKBROOK FIRST PLAT, a subdivision of land and part of the East Half of said Northeast Quarter; being more particularly described as follows:

Commencing at the Northwest corner of said Northeast Quarter; thence North 89°48'13" East, along the North line of said Northeast Quarter, 1321.92 feet to the Northwest corner of the East Half of said Northeast Quarter, said point also being the Point of Beginning; thence North 89°48'13" East, continuing along said North line, 512.00 feet; thence South 00°33'02" East, 1447.00 feet; thence South 89°48'13" West, 512.00 feet to a point on the West line of said East Half; thence North 00°33'02" West, along said West line, 744.82 feet to the Southeast corner of said Lot 16; thence along the South line of said Lot 16, the following four courses; thence South 89°27'01" West, 170.00 feet; thence South 00°33'02" East, 134.42 feet; thence South 31°30'04" West, 114.19 feet; thence on a curve to the left, having an initial tangent bearing North 47°41'41" West, a radius of 80.00 feet and an arc length of 30.18 feet to the Southwest corner of said Lot 16; thence North 31°30'04" East, along the West line of said Lot 16, 105.57 feet; thence North 00°33'02" West, continuing along said West line, 779.22 feet to the Northwest corner of said Lot 16; thence North 89°48'13" East, along the North line of said Lot 16, 200.00 feet to a point on the West line of said East Half of the Northeast Quarter; thence North 00°33'02" West, along said west line, 50.00 feet to the Point of Beginning. Contains 878,576 square feet or 20.169 acres more or less.

APPENDIX 4

YEAR 1	YEAR 2	YEAR 3
Customers = 7 Annual Revenues ² = \$2,394.00	Customers = 14 Annual Revenues = \$4,788.00	Customers = 18 Annual Revenues = \$6,156.00

² Number of customers multiplied by the Clay County Sewer Service Rate of \$28.50 per month.