

June 26 2006

**FILED**

JUN 30 2006

Public Service Commission  
Post Office Box 360  
Jefferson City, Missouri 65102

Missouri Public  
Service Commission

CASE :	APPLICATION OF WHITE RIVER VALLEY WATER COMPANY TO SELL FACILITIES AND ASSETS TO PUBLIC WATER SUPPLY DISTRICT NO. 2 OF TANEY COUNTY, MISSOURI
NUMBER :	

PLEASE FILE THE ENCLOSED DOCUMENTS
Original and eight copies of
<b>Application to Sell Facilities and Assets</b>
<b>Facilities Purchase Agreement between White River Valley Water Company And Public Water Supply District No. 2 of Taney County, Missouri</b>
<b>Resolution from Board of Directors of White River Valley Water Company Authorizing Sale of Assets</b>
<b>Certificate of Good Standing from Missouri Secretary of State</b>

CERTIFICATE OF SERVICE
I HEREBY CERTIFY THAT TRUE COPIES OF THE FOREGOING DOCUMENTS WERE ON THE ABOVE DATE DEPOSITED PREPAID WITH THE UNITED STATES POSTAL SERVICE AT FORSYTH, MISSOURI, CORRECTLY ADDRESSED TO:
<b>William A. McCaffree, Esquire Post Office Box 244 Nevada, Missouri 64772</b>

**McCullah  
& Luna**

BY   
WILLIAM McCULLAH 26293  
221 MAIN STREET • POST OFFICE BOX 370  
FORSYTH, MISSOURI 65653  
417 546-4300 • FAX 417 546-4378

IN THE  
PUBLIC SERVICE COMMISSION  
OF MISSOURI

FILED

JUN 30 2006

Missouri Public  
Service Commission

IN RE:

APPLICATION OF  
WHITE RIVER VALLEY WATER COMPANY

SALE OF FACILITIES AND ASSETS TO  
PUBLIC WATER SUPPLY DISTRICT  
NO. 2 OF TANEY COUNTY, MISSOURI

APPLICATION TO SELL FACILITIES AND ASSETS

Comes now White River Valley Water Company ("White River"), and states as follows:

1. White River is a Missouri domestic general business corporation in good standing with the Missouri Secretary of State. A certificate of good standing from the Missouri Secretary of State is filed contemporaneously herewith.
2. White River is a small, privately-owned water utility company engaged in the business of supplying water to 132 private residences in Valley View Subdivision in Taney County, Missouri, located West of Highway 76 and North of Summit Ridge Road (South of Bull Shoals Lake) near Forsyth, Missouri.
3. White River's address is Post Office Box 833, Forsyth, Missouri 65653; its registered agent is Michael E. Merrell, Post Office Box 1036, Forsyth, Missouri 65653; its telephone number is 417 546-0188; its fax number is 417 546-5035, and its e-mail address is [davido@forsythmo.com](mailto:davido@forsythmo.com).
3. White River has no pending legal action or final unsatisfied judgments or decisions against it from any state or federal court or agency that involve

customer service or rates within three years next preceding the date of this Application.

4. No annual report or assessment fee is overdue from White River.
5. White River entered into a certain *Facilities Purchase Agreement*, executed by White River on May 25 2006, and executed by Public Water Supply District No. 2 of Taney County (PWSD) on May 23 2006. A copy of said *Facilities Purchase Agreement* and *Resolution from Board of Directors of White River Valley Water Company Authorizing Sale of Assets* are filed contemporaneously herewith.
6. PWSD serves approximately 1,400 customers in its service area, which includes the area served by White River, has adequate facilities and staff to provide service to White River's customers, and is willing to provide service to White River's customers
7. Under the terms of said *Facilities Purchase Agreement*, White River seeks to sell the following assets to PWSD:
  - a. real estate upon which the standpipe water storage tank is located, described as all of the South 76 feet of Lot Four (4) of Valley View Subdivision.
  - b. real estate upon which the well is located, described as all of the East Half of Lot Eighteen (18) of Valley View Subdivision.
  - b. a 29,600-gallon standpipe water storage tank fifty feet in height, installed in 1968.
  - c. a well house; a well 600 feet deep; and a 7.5 horsepower pump set at 200 feet, installed in 1992.

- d. 2000 feet of four-inch asbestos cement water main, installed in 1968;
  - e. 1,840 feet of two-inch galvanized steel water main;
  - f. 9,020 feet of two-inch PVC water main;
  - g. 1,169 feet of 1¼ -inch galvanized steel water main;
  - h. separate water meters for each residence served (a few of which need replacing);
  - i. three flush hydrants;
8. White River's system's has the following specifications:
- a. Pressure and flows:
    - (1) White River's four inch mains are capable of providing 86 gallons-per-minute peak flow with minimal head loss.
    - (2) White River's two-inch and 1¼-inch mains may experience significant head loss during peak flow periods
  - b. Well capacity. White River has one well capable of providing 52 gallons per minute.
  - c. Storage capacity. White River has one standpipe storage tank with a capacity of 29,600 gallons.
  - d. Average demand. The average demand of 48,840 gallons is calculated as 132 connections with 3.7 people, each using 100 gallons per day.
  - e. Treatment. White River does not provide chlorination to its water supply.
  - f. Fire hydrants. White River's system has no fire hydrants and does not have fire flow capacity.
9. The following reasons justify the sale of White River's assets to PWSD:

- a. Size of water mains. PWSD intends to upgrade size of White River's water mains within a reasonable time after transfer of facilities occurs.
- b. Water pressure. PWSD intends to increase White River's water pressure within a reasonable time after transfer of facilities occurs.
- c. Fire hydrants. White River's system has no fire hydrants and does not have fire flow capacity. PWSD intends to provide increased fire flow capacity.
- d. Alternate well capacity. White River has one well, and does not meet DNR's current guideline requiring that public water supply systems shall be capable of meeting maximum daily demand with the largest producing well out of service. PWSD intends to connect White River's system to its Shoals Bend tower and well, thereby satisfying this DNR guideline.
- e. Storage capacity. White River has one standpipe storage tank with a capacity of 29,600 gallons, and does not meet DNR's current guideline requiring that public water supply systems have sufficient finished water elevated storage with the nominal capacity equal to one day's average demand. PWSD intends to connect White River's system to its Shoals Bend tower and well, thereby satisfying this DNR guideline.
- f. Treatment. PWSD intends to provide chlorination of White River's water within a reasonable time after transfer of facilities occurs.
- g. PWSD is a larger water supplier than White River. White River's size, number of customers, volume of sales, and its profit structure make it

difficult to make purchases in such manner as to achieve quantity discounts or to upgrade equipment.

- h. White River's corporate stock is held David L. Oliphant's family trust, and White River's sole officer and employee is David L. Oliphant. Mr. Oliphant is 62 years of age and, while he is in good health is reaching the time of his life when he should considering less strenuous activity.
10. White River's sale of its facility and assets to PWSD is not detrimental to the public interest.
11. PWSD will not be subject to the jurisdiction of the Public Service Commission.
12. Sale of White River's facilities to PWSD will have little or no impact upon the tax revenues of Taney County, Missouri.
13. Section 386.250 RSMo, and the provisions of the Code of State Regulations authorized by said statute, requires that sale of White River's facilities and assets be approved by the Public Service Commission.

Wherefore, White River Valley Water Supply Company prays that its *Application to Sell Facilities and Assets* be approved.

McCullah  
& Luna

BY



WILLIAM McCULLAH 26293  
221 MAIN STREET • POST OFFICE BOX 370  
FORSYTH, MISSOURI 65653  
417 546-4300 • FAX 417 546-4378

STATE OF MISSOURI }  
COUNTY OF TANEY } SS.

Now, on June 23 2006, before me personally appeared David L. Oliphant, to me personally known, who being sworn did say that he is the President of White River Valley Water Company, a Missouri domestic general business corporation; that on May 15 2006 the Board of Directors of said Corporation authorized execution of a purchase agreement for the sale of the Corporation's assets; that he has read the foregoing Application, and the allegations made in said Application are true and correct to the best of his knowledge and belief.

  
\_\_\_\_\_  
DAVID L. OLIPHANT

In testimony whereof I have hereunto set my hand and affixed my official seal at my office on the day and year first above written.



MARILYN E. PARSONS  
Taney County  
My Commission Expires  
June 28, 2007

  
\_\_\_\_\_  
MARILYN E. PARSONS Notary Public

**WHITE RIVER VALLEY WATER CO., INC.  
P.O. BOX 833  
FORSYTH, MO. 65653**

As per 4 CSR 240-2.060

Applicant:

1. (A) White River Valley, Water Company, Inc., a Missouri Corporation

P.O. Box 833  
Forsyth, Mo. 65563

David L. Oliphant, President  
davido@forsythmo.com  
Fax 417-546-5035  
Cell 417-546-0188

(B) Certificate of Good Standing is attached.

(C, D, E, F, G) Not applicable

(H) Applicant is a small water utility company serving a sub-division in Taney County, Missouri. The company is currently servicing 132 active metered connections.

(I) David L. Oliphant  
P.O. Box 833  
Forsyth, Mo. 65653

(J) Not Applicable

(K) Applicant does not have, nor has ever had any pending action or unsatisfied Judgements against it from any source.

(L) There are no annual report or assessment fees due or overdue.

(M) I, David L. Oliphant, President of White River Valley Water Co., Inc., do hereby state that the above information is true and accurate to the best of my knowledge.



David L. Oliphant, President  
White River Valley Water Co. Inc.

Subscribed and sworn to me this 23 day of June, 2006.

  
Notary Public MARILYN E. PARSONS



MARILYN E. PARSONS  
Taney County  
My Commission Expires  
June 28, 2007

**WHITE RIVER VALLEY WATER CO. INC.**  
**P.O. Box 833**  
**FORSYTH, MO. 65653**

White River Valley Water Co., Inc. is hereby requesting to sell the assets of it's utility company to Public Water Supply District No. 2 of Taney County, Missouri.

4 CSR 240-3.605

1.

(A) Assets to be sold are:

Two lots where standpipe and well are now located.  
A 29,600 gallon standpipe storage tank  
Well house, well and 7.5 h.p. pump  
All water mains, meters, and flush valves

(B) Copy of purchase agreement is attached.

(C) Copy of resolution of Board of Directors authorizing sale.

(D) Due to the age and health of the current owner, the lack of proper means to improve this water supply to meet growing needs, and for the age of the existing equipment and mains, it is in the best interest of the current customers to sell to a larger water supply district or company. Upgrades to size of water mains, storage capacity, water pressure, and chlorination are planned for the near future. No increase in current rates are planned for at least one year and until these improvements are made to the current system.

(E) The purchaser will not be subject to PSC jurisdiction.

(F) The sale of the assets of this company will have little or no effect on the tax revenues of Taney County.

# STATE OF MISSOURI



Robin Carnahan  
Secretary of State

**CORPORATION DIVISION**  
**CERTIFICATE OF GOOD STANDING**

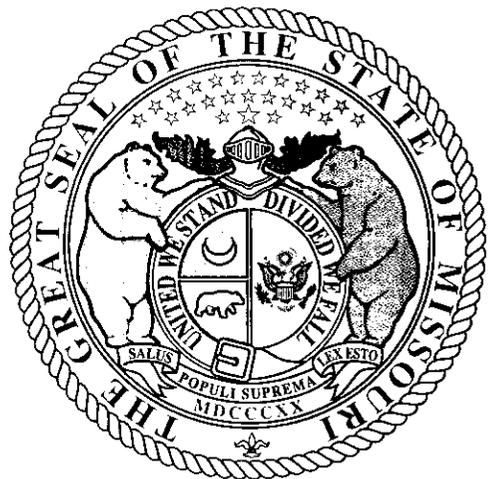
I, ROBIN CARNAHAN, Secretary of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that

**WHITE RIVER VALLEY WATER COMPANY**  
**00255968**

was created under the laws of this State on the 12th day of September, 1983, 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 26th day of June, 2006

*Robin Carnahan*  
Secretary of State



Certification Number: 8823520-1 Reference:  
Verify this certificate online at <http://www.sos.mo.gov/businessentity/verification>



State of Missouri  
Office of the Secretary of State  
Secretary of State, Robin Carnahan  
Statement

Invoice Number: 6056188

Invoice Date: 06/26/2006 09:15 AM

**Billing Information**

Deanne Oliphant  
PO Box 1652  
Forsyth, MO 65653

Product Description	Certification Number	Order Date	Qty	Pages	Item Cost	Extended	Amount Due
SPG-Existence - Certified Good Standing Contact: Deanne Oliphant Shipped Via: Pick-up	8823520	06/26/2006	1	1	10.00	10.00	Paid
Credit Balance as of 06/26/2006:					\$0.00		
						<b>Invoice Total:</b>	\$10.00
<b>Payment Details:</b> Cash: \$10.00(8823520:\$10.00, )						<b>Payment Total:</b>	\$10.00
<b>Contact(s):</b> Deanne Oliphant						<b>Amount Due:</b>	\$0.00

Include invoice number on all correspondence and send to:

**UCC Inquiries:** Missouri Secretary of State's Office  
P.O. Box 1159  
Jefferson City, Missouri 65102

To discuss payment for UCC items call:  
(866) 223-6535 Toll Free

**Corporation Inquiries:** Missouri Secretary of State's Office  
P.O. Box 1366  
Jefferson City, Missouri 65102

To discuss payment for Corporation Items call:  
(866) 223-6535 Toll Free

**Commission Inquiries:** Missouri Secretary of State's Office  
P.O. Box 784  
Jefferson City, Missouri 65102

To discuss payment for Commission Items call:  
(866) 223-6535 Toll Free