



CIVIL PROCEDURE FORM NO. 8-A(2)

IN THE _____ JUDICIAL CIRCUIT, _____ COUNTY, MISSOURI

Judge or Division: Public Service Commission of the State of Missouri	Circuit Court Case Number: WE-2021-0390	
Plaintiff/Petitioner: The Missouri Office of the Public Counsel	Appellate Number:	<input type="checkbox"/> Filing as an Indigent
	Date of Judgment/Decree/Order: (ATTACH A COPY) Issued: March 16, 2022; Effective: March 26, 2022	Court Reporter:
vs.	Date Post Trial Motion Filed: March 25, 2022	<input type="checkbox"/> Sound Recording Equipment
Defendant/Respondent: Public Service Commission of the State of Missouri	Date Ruled Upon:	The Record on Appeal will consist of: <input checked="" type="checkbox"/> Legal File only or <input type="checkbox"/> Legal File and Transcript
	Issued & Effective: March 30, 2022	(Date File Stamp)

Notice of Appeal to Missouri Court of Appeals - Civil

District: Western Eastern Southern

Notice is given that The Missouri Office of the Public Counsel appeals from the judgment/decree/order entered in this action on March 16, 2022 (date).

Appellant's Name (If multiple, list all or attach additional pages)	Respondent's Name (If multiple, list all or attach additional pages)
The Missouri Office of the Public Counsel	Public Service Commission of the State of Missouri
Address 200 Madison Street, Suite 650 PO Box 2230 Jefferson City, MO 65102	Address 200 Madison Street PO Box 360 Jefferson City, MO 65102
Appellant's Attorney/Bar Number (If multiple, list all or attach additional pages) Marc Poston, MO Bar No. 45722 Lindsay VanGerpen, MO Bar No. 71213	Respondent's Attorney/Bar Number (If multiple, list all or attach additional pages) Shelley Brueggemann, MO Bar No. 52173
Address 200 Madison Street, Suite 650 PO Box 2230 Jefferson City, MO 65102	Address 200 Madison Street PO Box 360 Jefferson City, MO 65102
E-mail Address marc.poston@opc.mo.gov lindsay.vangerpen@opc.mo.gov	E-mail Address shelley.brueggemann@psc.mo.gov
Telephone Poston: (573) 751-5318 VanGerpen: (573) 751-5565	Telephone (573) 526-7393
Brief Description of Case (May be completed on a separate page) Joint Application of Missouri-American Water Company and DCM Land, LLC, for a Variance from the Company's Tariff Provisions Regarding the Extension of Company Mains	
Issues Expected To Be Raised On Appeal (May be completed on a separate page. Appellant is not bound by this list.) The Appellant expects to raise the following as issues in this matter: (1) the Public Service Commission of the State of Missouri's (the "Commission") March 16, 2022 Revised Order Granting Variances and Granting Waiver (the "Order") is unlawful, unjust, and/or unreasonable because the Commission does not have legal authority to grant the requested variances; (2) the Order is unlawful, unjust, and/or unreasonable because the statutes, regulation, tariff provision, and cases the Commission cited in the Order do not establish legal authority for the Commission to grant the requested variances; and (3) the Order is unlawful, unjust, and/or unreasonable because the facts cited by the Commission do not support granting the requested variances and to do so allows Missouri-American Water Company to engage in undue discrimination in favor of DCM Land, LLC.	

Docket Fee Information

The docket fee in the amount of \$70.00 is being tendered with this notice of appeal.

No docket fee is being tendered because:

a docket fee is not required by law pursuant to § 483.500(1) RSMo. (cite specific statute or other authority).

a motion to prosecute the appeal in forma pauperis has been or will be filed.

a docket fee in the amount of \$70.00 cannot be tendered at this time but will be submitted at a later date or this appeal will be subject to dismissal pursuant to Rule 84.08(a).

Signature of Attorney or Appellant

Date

Lindsay VanGerspen

4/27/2022

Certificate of Service on Persons other than Registered Users of the Missouri eFiling System

I certify that on April 27, 2022 (date), a copy of the foregoing was sent to the following by facsimile, hand-delivery, electronic mail or U.S. mail postage prepaid to their last known addresses.

Public Service Commission of the State of Missouri; Missouri-American Water Company; DCM Land, LLC

Lindsay VanGerspen
Appellant or Attorney for Appellant

Directions to Clerk

Transmit a copy of the notice of appeal and all attached documents to the clerk of the Court of Appeals and to any person other than registered users of the eFiling system in a manner prescribed by Rule 43.01. Clerk shall then fill in the memorandum below. See Rule 81.08(i). Forward the docket fee to the Department of Revenue as required by statute.

Memorandum of the Clerk

I have this day served a copy of this notice by regular mail registered mail certified mail facsimile transmission to each of the following persons at the address stated below. If served by facsimile, include the time and date of transmission and the telephone number to which the document was transmitted.

I have transmitted a copy of the notice of appeal to the clerk of the Court of Appeals, _____ District.

Docket fee in the amount of \$70.00 was received by this clerk on _____ (date) which will be disbursed as required by statute.

No docket fee was received.

Date

Clerk

Additional Parties and Attorneys

List every party involved in the case not listed on page 1, indicate the position of the party in the circuit court (e.g. plaintiff, defendant, intervenor) and in the Court of Appeals (e.g. appellant or respondent) and the name of the attorney of record, if any, for each party. Attach additional pages to identify all parties and attorneys if necessary.

Party Name	Attorney Name
Missouri-American Water Company, respondent	Dean L Cooper
Address	Address
727 Craig Road	312 East Capitol, PO Box 456
City, State, Zip Code	City, State, Zip Code
St. Louis, MO 63141	Jefferson City, MO 65102
	E-mail Address
	dcooper@brydonlaw.com
	Telephone
	(573) 635-7166
Party Name	Attorney Name
	Timothy W Luft
Address	Address
	727 Craig Road
City, State, Zip Code	City, State, Zip Code
	St. Louis, MO 63141
	E-mail Address
	Timothy.Luft@amwater.com
	Telephone
	(314) 996-2279
Party Name	Attorney Name
DCM Land, LLC, respondent	Sue A Schultz
Address	Address
5731 Westwood	600 Washington Ave., 15th Floor
City, State, Zip Code	City, State, Zip Code
St. Charles, MO 63304	St. Louis, MO 63101
	E-mail Address
	sschultz@sandbergphoenix.com
	Telephone
	(314) 231-3332
Party Name	Attorney Name
	Anthony J. Soukenik
Address	Address
	600 Washington Ave., 15th Floor
City, State, Zip Code	City, State, Zip Code
	St. Louis, MO 63101
	E-mail Address
	asoukenik@sandbergphoenix.com
	Telephone
	(314) 231-3332