

**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-2010-_____
install, own, operate, control, manage and)
maintain a sewer system for the public,)
located in an unincorporated area in)
Clinton 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 the Timber Springs Estates Subdivision in an unincorporated area in the southern part of Clinton County, Missouri, located: westerly of Highway 169; southerly of Highway Z; and northwesterly of the City of Trimble, 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. The sewer service is presently provided by the Timber Springs Homes Association, which owns the system and contracts out the operations and maintenance to certified wastewater operators. Timber Springs Homes Association has requested Timber Creek Sewer Company to assume ownership and responsibility for the existing treatment plant and collection system. There is no other 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 Clinton County, there is no approval required from any municipality. Applicant has also ascertained that no approval of the Clinton County is required. A copy of a letter from the Zoning Director of the Clinton County Planning and Zoning Office advising that Clinton County has not enacted any franchise requirements for private sewer companies in the unincorporated areas of the County is attached hereto as **Appendix 4** and is incorporated by reference herein.

13. The name and address of ten (10) residents and/or landowners are attached hereto as **Appendix 5** and incorporated by reference herein.

14. The application for the Proposed Service Area sought herein is required by the public convenience and necessity. All existing plant, extensions or other plant required to serve

the Proposed Service Area has been and shall be designed and built to meet all requirements of DNR and the Commission as well as the Company's own requirements.

15. The subdivision is currently served by an extended aeration, activated sludge treatment plant with an adjusted design flow of 11,999 gallons per day. The plant is estimated to have been built in 1998 at the time of the development of the subdivision. The collection system is a low pressure system where individual residents are served by grinder pumps. There are currently 61 residences in the subdivision being served by the system, however, there are a total of 74 lots but one or two lots may not be buildable leaving 11 or 12 vacant lots available for development and connection to the system in the future.

16. The DNR operating permit expires March 11, 2010. Applicant plans to upgrade the treatment plant by engineering and constructing the following improvements: initial primary treatment (headworks), ultra-violet disinfection, blower/motor and controls building, flow monitoring, remote monitoring, pump/valves/piping/tankage modifications where needed for possible nutrient removal requirements and DNR permit limit changes for 2010 Operating Permit renewal, and site improvements including road access, tree removal, landscaping, additional gravel and fence repairs.

17. Applicant plans to finance the improvements through investor capital investment, loans, and contributions in aid of construction fees from the Timber Creek Homes Association of \$39,650, which amount was presented to and approved by the Homes Association as their share of the capital improvements needed.

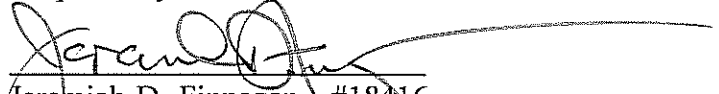
18. In addition to the current residents benefitting from the granting of the application in that their rates and the reliability of their service will be provided by a company regulated by

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

19. 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,



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 18 day of September, 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

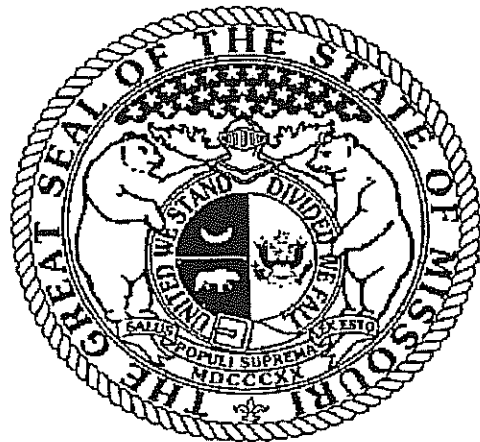
**TIMBER CREEK SEWER COMPANY
00400859**

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

A handwritten signature in cursive script that reads "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
NEW AREA LEGAL DESCRIPTIONS:**

**ALL THE TIMBER SPRINGS ESTATES SUBDIVISION IN TOWNSHIP 54, RANGE 33, IN CLINTON
COUNTY, MISSOURI.**

Feasibility Study

New Service Area for the Timber Springs Estates Subdivision in Clinton County

Timber Creek Sewer Company, Inc.

Background

Timber Creek Sewer Company provides sewer service to approximately 1 450 customers in the Platte and Clay County areas. The Timber Springs Estates Homes Association has requested Timber Creek Sewer Company to assume ownership and responsibility for the existing treatment plant and collection system located in the Timber Springs Estates subdivision located in Clinton County.

The Timber Springs Estates subdivision consists of 74 individual residential lots with 61 homes constructed and connected to the centralized sewer for the subdivision.

Over the past 3 months, representatives from the Company have met with the Homes Association President numerous times as well as two separate 'town hall' meetings with homeowners to present the implications, cost, and process for moving to a certificated service area. The Homes Association completed a formal vote with the members voting in favor of initiating the process to be included in a service area.

Plans and Specifications for the System

The subdivision is served by an extended aeration, activated sludge treatment plant with an adjusted design flow of 11,999 gallons per day. The DNR operating permit expires March 11th, 2010. The plant is estimated to have been built in 1998 at the time of the development of the subdivision. The collection system is a low pressure system where individual residences are served by grinder pumps.

The Company plans to upgrade the treatment plant by engineering and constructing the following improvements: initial primary treatment (headworks), ultra-violet disinfection, blower/motor and controls building, flow monitoring, remote monitoring, pump/valves/piping/tankage modifications where needed for possible nutrient removal requirements and DNR permit limit changes for 2010 Operating Permit renewal, and site improvements including road access, tree removal, landscaping additional gravel and fence repairs.

APPENDIX 3

Estimated Cost of Construction for 1st Three Years

Description of Expenditures	2010 Estimated Cost	2011 Estimated Cost	2012 Estimated Cost
Phase 1 of Treatment Plant Upgrades	\$60,000		
Phase 2 of Treatment Plant Upgrades		25,000	

Plans for Financing

The Company plans to finance the improvements through the investment of capital (investors), loans, and contributions in aid of construction fees from the Timber Springs Homes Association of \$39,650. The Homes Association was presented the \$39,650 as "their share" of the capital improvements needed.

Proposed Rates and Charges

The Company plans to use the same schedule of charges as outlined in tariffs on file for the Platte County service area. These charges were discussed in detail at the town hall meetings.

Estimated Number of Customers

There are currently 61 residences in the subdivision. There are a total of 74 lots but one or two lots may not be buildable leaving 11 or 12 vacant lots for development.

Type	2010	2011	2012
Residential Homes	61	62	63

Revenue and Expenses for 1st Three Years

	2010	2011	2012
Revenues	\$25,430	\$25,849	\$26,266
Expenses*	\$23,100	\$23,800	\$24,510

*does not include depreciation, amortization, or return on investment

APPENDIX 3

SEP-14-2009 10:44 AM CLINTON COUNTY ZONING

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P. 01/01

Clinton County Planning & Zoning Office Clinton
County Courthouse
207 N. Main Street
Plattsburg, Missouri 64477

Ronda VanDyke

Zoning Administrator

* cczone@centurytel.net *

816.539.3722

Fax 816.539.3857

September 14, 2009

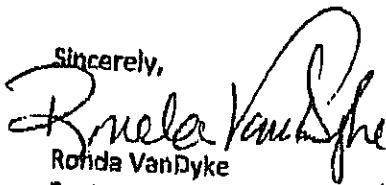
Derek Sherry, President
Timber Creek Sewer Company, Inc
PO Box 511
Platte City, MO 64079

Subject: Sewer System Franchise

Dear Mr. Sherry:

Per your request, I can confirm that Clinton County has not enacted any franchise requirements for privately owned sewer companies in the unincorporated area of the County.

Sincerely,


Ronda VanDyke
Zoning Administrator

Case No. SA-2010-
TIMBER CREEK SEWER COMPANY
Residents and/or Landowners

1. Brown, Charles R.	5911 SW Maple Ridge	Trimble, MO 64492
2. Bosley, Rick	6009 SW Walnut Cove	Trimble, MO 64492
3. Mason, Clint	5794 SW Reed Lane	Trimble, MO 64492
4. Oliver, Gerald	5593 SW Reed Lane	Trimble, MO 64492
5. Moore, Jeffrey	5871 SW Walnut Cove	Trimble, MO 64492
6. Snell, Ted	6168 SW Maple Ridge	Trimble, MO 64492
7. Wilson, Curtis	5758 SW Maple Ridge	Trimble, MO 64492
8. Cintron, Susan	5660 SW Maple Ridge	Trimble, MO 64492
9. Harrison, Jennifer	5857 SW Maple Ridge	Trimble, MO 64492
10. Barnett, James	6401 SW Reed Lane	Trimble, MO 64492

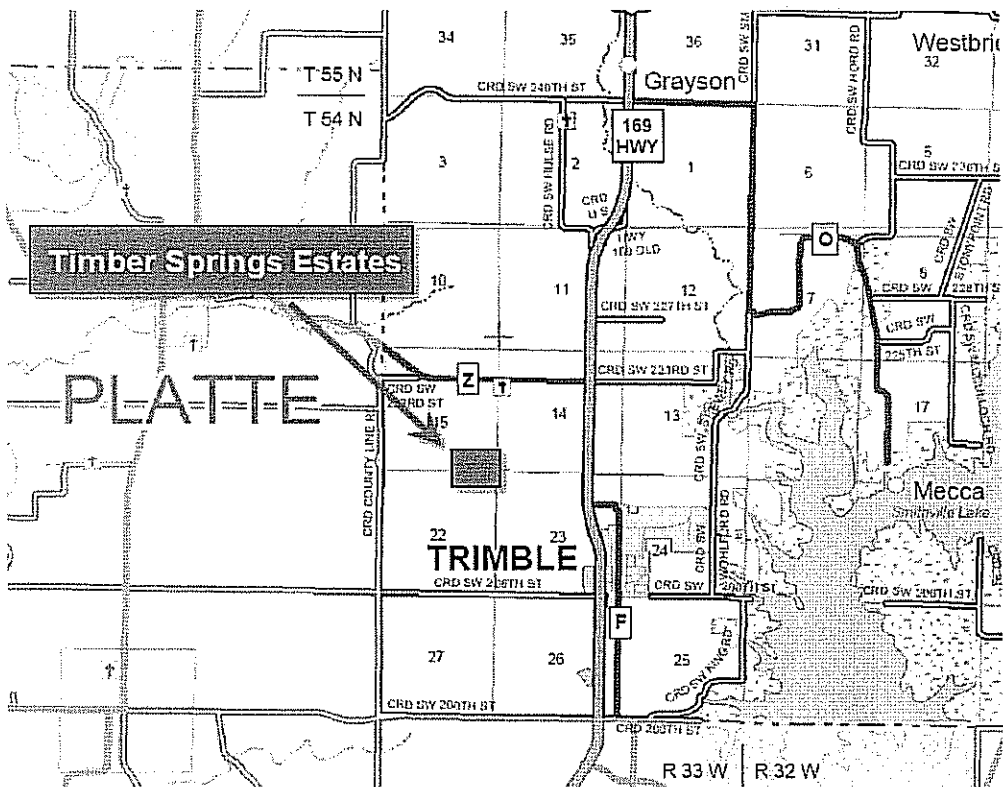


EXHIBIT A