

FILED<sup>2</sup>

JAN 17 2007

Missouri Public  
Service Commission

DAVID N. APPLEBY PC  
ATTORNEY AT LAW  
119 NORTH SECOND STREET  
POST OFFICE BOX 158  
OZARK, MISSOURI 65721  
417.581.2411 / 417.581.2447 facsimile  
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DAVID N. APPLEBY

MATTHEW B. OWEN

January 11, 2007

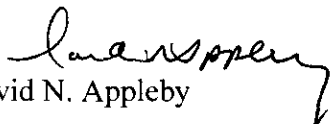
MISSOURI PUBLIC SERVICE COMMISSION  
SECRETARY/CHIEF REGULATORY LAW JUDGE  
PO BOX 360  
JEFFERSON CITY MO 65102-0360

RE: BILYEU WATER CO., LLC

Dear Mr. Chairman:

Accompanying Application for certificate of convenience and necessity for water company is sent to you for filing in compliance with the requirements of the Missouri Public Service Commission Law.

Very truly yours,

  
David N. Appleby

enclosure

cc: BILYEU WATER CO LLC

PUBLIC COUNSEL  
TRUMAN BUILDING  
301 WEST HIGH STREET  
JEFFERSON CITY MO 65102

JERRY SCHEIBLE PE  
UTILITY REGULATORY ENGINEER  
MISSOURI PUBLIC SERVICE COMMISSION  
PO BOX 360  
JEFFERSON CITY MO 65102-0360

JAN 17 2007

BEFORE THE PUBLIC SERVICE COMMISSION OF  
THE STATE OF MISSOURI

Missouri Public  
Service Commission

In the Matter of the Application of	)	
BILYEU WATER CO., LLC	)	
for a Certificate of Convenience and Necessity	)	
Authorizing it to Construct, Install,	)	Case No. _____
Operate and Maintain a Water System and to	)	
Supply and Render Water Service to the Public	)	
located in and around an Unincorporated Area	)	
in Christian County, Missouri.	)	

**APPLICATION**

COMES NOW BILYEU WATER CO., LLC, a Missouri Limited Liability Company, hereinafter referred to as "Applicant" and respectfully states:

1. That the applicant is a limited liability company duly organized and existing under the laws of the State of Missouri, and has its principal offices and place of business at 382 Mint Lane, Ozark, Missouri 65621. A copy of its Certificate of Organization and Articles of Organization are attached hereto and marked Exhibit A and Exhibit B respectively, and incorporated herein.
2. Communications in regard to the applicant should be addressed to Thomas J. Bilyeu, Managing Member, BILYEU WATER CO., LLC, 382 Mint Lane, Ozark, Missouri 65721, and David N. Appleby, Attorney at Law, 119 North Second Street, P.O. Box 158, Ozark, Missouri, 65721.
3. By this application, the Applicant seeks a Certificate of Convenience and Necessity to build, construct, operate and maintain a water system and all other facilities, including the acquisition of easements, rights of way, land, etc., necessary for the purpose of furnishing water services to the public in the area described in Exhibit C attached hereto and incorporated herein.

4. Applicant states that there are no municipal, public utilities or other government entities operating or rendering service within the area proposed to be served; and the service area is not within any municipal limits.
5. Applicant states that the area proposed to be served is rapidly being developed into a residential subdivision and that there are many homes existing or being planned in the near future within said area, all of which need, or will need adequate water.
6. The Applicant requests a minimum monthly rate of \$12.50 with a commodity rate per 1,000 gallons at \$3.05, and a \$300.00 connection/inspection fee on installed meter, box and lid; and a \$2,500.00 new hook-up fee where meters are not installed, for the rendering of water service to the public in said area. Historical water usage of customers is 7,500 gallons per month. The minimum monthly rate and commodity rate requested are equal to that charged by the City of Highlandville, the nearest municipal water service. Feasibility using these rates is shown at Exhibit D attached hereto and incorporated herein.
7. Applicant states that the convenience and necessity of the public will be promoted by the granting of the authority herein requested.
8. The names and addresses of all the residents/owners of the proposed service area are shown at Exhibit E attached hereto.

WHEREFORE, Applicant requests the Commission to grant it a Certificate of Convenience and Necessity authorizing it to acquire, build, construct, operate, and maintain a water system and all other facilities necessary for the purpose of furnishing a water system to the public within the

area above referred to and for such further orders as the commission may deem proper.

BILYEU WATER CO., LLC

By: Thomas J. Bilyeu  
Thomas J. Bilyeu, Managing Member

David N. Appleby  
DAVID N. APPLEBY, #25590  
ATTORNEY AT LAW  
119 NORTH SECOND STREET  
P. O. BOX 158  
OZARK, MO 65721  
417-581-2411  
Attorney for Applicant

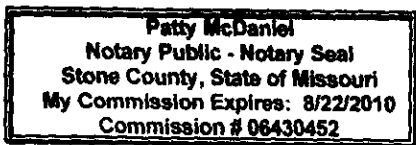
VERIFICATION

STATE OF MISSOURI     )  
  ) ss.  
COUNTY OF CHRISTIAN )

On this 26<sup>th</sup> day of December, 2006, before me appeared Thomas J. Bilyeu, to me personally known, who being by me duly sworn did say: That he is the Managing Member of BILYEU WATER CO., LLC, a limited liability company of the State of Missouri, , and that as said managing member he has the authority to execute the foregoing instrument on behalf of said limited liability company and said Thomas J. Bilyeu acknowledged said instrument to be the free act and deed of said limited liability company.

Thomas J. Bilyeu  
Thomas J. Bilyeu

SUBSCRIBED AND SWORN to before me this 26<sup>th</sup> day of December, 2006.



Patty McDaniel  
Notary Public

# STATE OF MISSOURI



Robin Carnahan  
Secretary of State

## CERTIFICATE OF ORGANIZATION

"EXHIBIT A  
PAGE 1 OF 1"


WHEREAS,

*BILYEU WATER CO, LLC*  
*LC0763934*

filed its Articles of Organization with this office on the 12th day of September, 2006, and that filing was found to conform to the Missouri Limited Liability Company Act.

NOW, THEREFORE, I, ROBIN CARNAHAN, Secretary of State of the State of Missouri, do by virtue of the authority vested in me by law, do certify and declare that on the 12th day of September, 2006, the above entity is a Limited Liability Company, organized in this state and entitled to any rights granted to Limited Liability Companies.

IN TESTIMONY WHEREOF, I hereunto set my hand and cause to be affixed the GREAT SEAL of the State of Missouri. Done at the City of Jefferson, this 12th day of September, 2006.

  
Secretary of State





**State of Missouri**  
Robin Carnahan, Secretary of State

Corporations Division  
P.O. Box 778 / 600 W. Main Street, Rm 322  
Jefferson City, MO 65102

File Number: 200625553409  
LC0763934  
Date Filed: 09/12/2006  
Robin Carnahan  
Secretary of State

**Articles of Organization**

(Submit with filing fee of \$105)

1. The name of the limited liability company is:

BILYEU WATER CO, LLC

(Must include "Limited Liability Company," "Limited Company," "LC," "L.C.," "L.L.C.," or "LLC")

2. The purpose(s) for which the limited liability company is organized: to own and operate a water company;

and to engage in any other lawful activity for which limited liability companies may be organized.

3. The name and address of the limited liability company's registered agent in Missouri is:

THOMAS J. BILYEU                      382 MINT LANE                      OZARK MO 65721

Name    Street Address: May not use P.O. Box unless street address also provided    City/State/Zip

4. The management of the limited liability company is vested in:  managers                       members (check one)

5. The events, if any, on which the limited liability company is to dissolve or the number of years the limited liability company is to continue, which may be any number or perpetual: PERPETUAL

(The answer to this question could cause possible tax consequences, you may wish to consult with your attorney or accountant)

5. The name(s) and street address(es) of each organizer (P.O. Box may only be used in addition to a physical street address):

THOMAS J. BILYEU, 382 MINT LANE, OZARK MO 65721

7. The effective date of this document is the date it is filed by the Secretary of State of Missouri, unless you indicate a future date, as follows: \_\_\_\_\_

(Date may not be more than 90 days after the filing date in this office)

In Affirmation thereof, the facts stated above are true and correct:

(The undersigned understands that false statements made in this filing are subject to the penalties provided under Section 575.040, RSMo)

<u>Thomas J. Bilyeu</u>	THOMAS J. BILYEU	9-8-06
Organizer Signature	Printed Name	Date
Organizer Signature	Printed Name	Date
Organizer Signature	Printed Name	Date

Name and address to return filed document:  
Name: DAVID N APPLEBY, ATTORNEY AT LAW PC  
Address: PO BOX 158  
City, State, and Zip Code: OZARK MO 65721

State of Missouri  
Creation - LLC/LP 1 Page(s)



"EXHIBIT" B

PAGE 1 OF 1

# TODD SURVEYING

113 NORTH 2nd STREET

P. O. BOX 365

OZARK, MISSOURI 65721-0365

LOYD E. TODD  
PROFESSIONAL LAND SURVEYOR

TEL: (417) 581-2187  
FAX: (417) 581-4085

October 30, 2006

ATTN: EARL & TOMMIE BILYEU  
RE: WATER DISTRICT

## DESCRIPTIONS

Part of the East Half of the Northwest Quarter (E1/2 NW1/4) of Section 11, Township 26N, Range 22W, Christian County, Missouri, described as beginning at the Southwest corner of said East Half of the Northwest Quarter; thence along the West line of said East Half of the Northwest Quarter N00°34'33"E 2105.92 feet; thence N80°44'49"E 658.45 feet; thence S11°03'10"E 568.24 feet; thence N89°57'51"E 576.67 feet to the East line of said East Half of the Northwest Quarter; thence along said East line S00°36'48"W 1620.01 feet to the South line of said East Half of the Northwest Quarter; thence West to the point of beginning.

Part of the West Half of the Northwest Quarter (W1/2 NW1/4) of Section 11, Township 26N, Range 22W, Christian County, Missouri, described as commencing at the Northwest corner of said Section 11; thence S00°32'15"W 665.95 feet to the Northwest corner of the South Half of the Northwest Quarter of the Northwest Quarter for a true point of beginning; Thence N87°42'17"E 1341.43 feet to the Northeast corner of said South Half of the Northwest Quarter of the Northwest Quarter; thence along the East line of said West Half of the Northwest Quarter S00°33'45"W 1097.26 feet; thence S67°46'W 295.82 feet; thence N26°30'W 71.78 feet; thence N41°47'30"W 247.18 feet; thence N57°46'W 318.32 feet; thence N08°45'55"W 93.91 feet to the North line of the Southwest Quarter of the Northwest Quarter; thence S87°58'14"W 610.70 feet to the Southwest corner of the South Half of the Northwest Quarter of the Northwest Quarter; thence along the West line thereof N00°32'15"E 665.95 feet to the point of beginning.

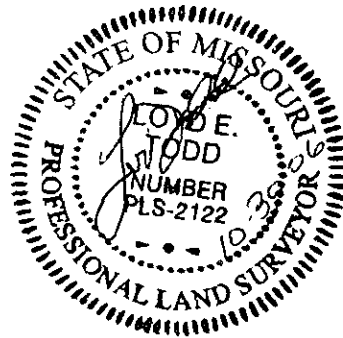
"EXHIBIT     C      
PAGE   1   OF   4  "

(continued on Page 2)

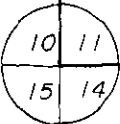
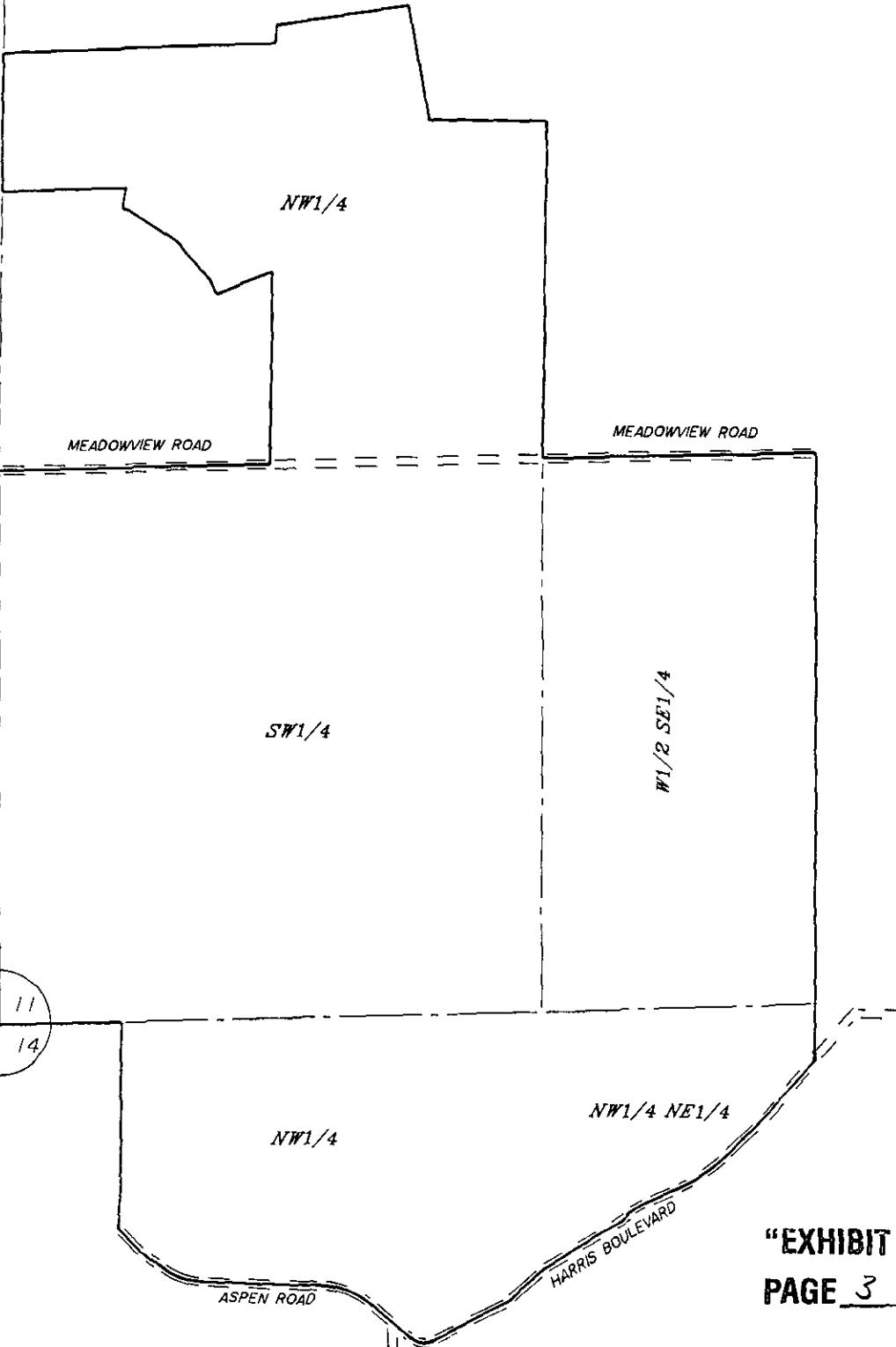
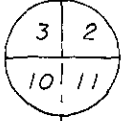
The Southwest Quarter (SW1/4) and the West Half of the Southeast Quarter (W1/2 SE1/4), all in Section 11, Township 26N, Range 22W, Christian County, Missouri.

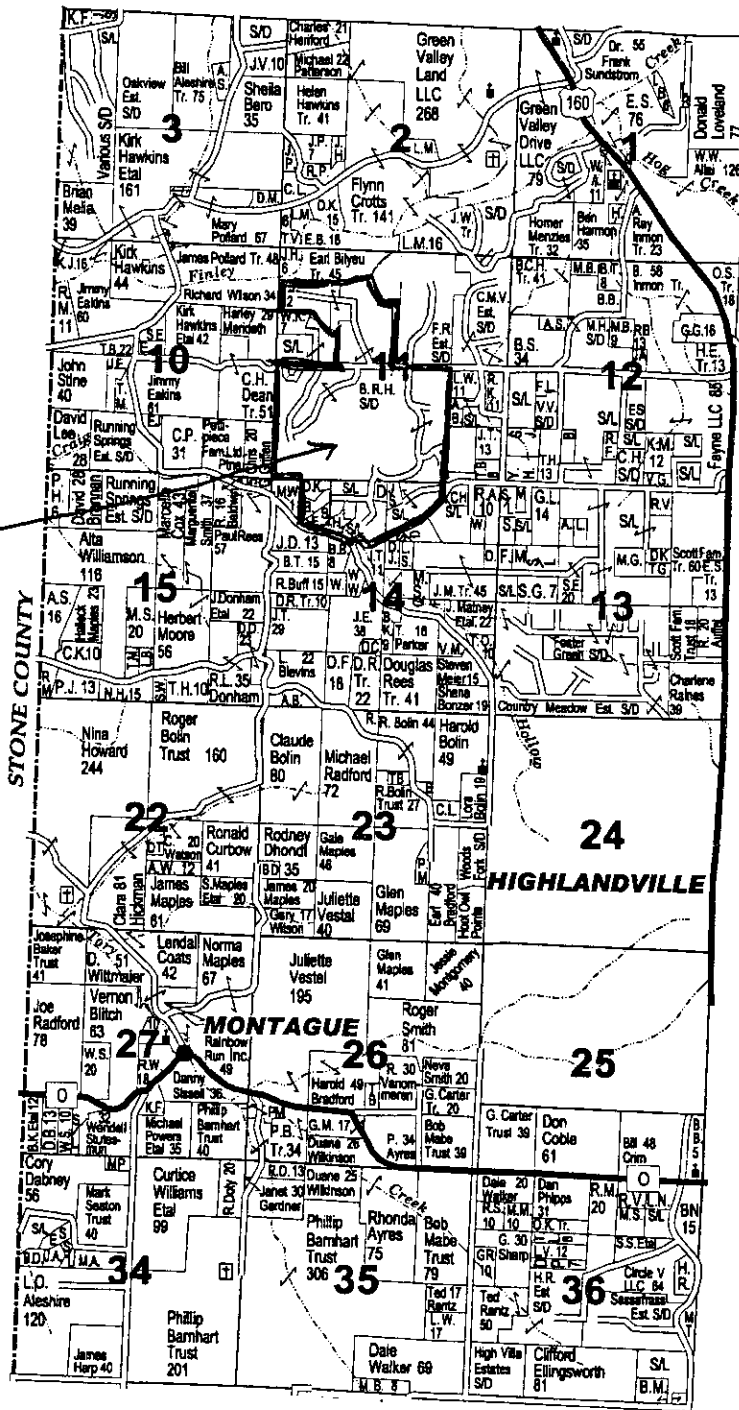
The Northwest Quarter (NW1/4) of Section 14, Township 26N, Range 22W, Christian County, Missouri, lying North of a county road; **EXCEPT** the West 605 feet thereof.

The Northwest Quarter of the Northeast Quarter (NW1/4 NE1/4) of Section 14, Township 26N, Range 22W, Christian County, Missouri, lying North of a county road.









Approximate boundary in relation to Hwy 160 and Highlandville

**EXHIBIT D**

**TARIFF FEASIBILITY**

BILYEU RIDGE HILLS is a subdivision south of Nixa, Christian County, Missouri, now being developed. The Developer of said subdivision is E&T BILYEU BUILDING, whose sole owner, THOMAS J. BILYEU, is one and the same as the sole owner of Applicant BILYEU WATER CO., LLC. There are 77 lots sold, with 53 existing customers in the service area. A copy of a map of the service area is attached to the application as Exhibit C.

A deep water well and pressure system, and two storage tanks, which will service all 77 lots, and distribution lines in the service area, as well as meters, are installed.

**Estimated Income**

<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
53 users x \$35	65 users x \$35	77 users x \$35
x 12 months =	x 12 months =	x 12 months =
\$22,260	\$27,300	\$32,340

**Estimated Expenses**

	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Interest (10%)	14,500	14,500	14,500
Depreciation (5%)	7,250	7,250	7,250
Electricity/Phone	1,332	1,800	1,900
Materials/Supplies	850	900	950
Repairs	3,212	3,000	3,000
Insurance	360	380	400
Employee Labor	4,800	5,000	5,200
Fees to DNR (inc. water testing)	288	288	288
Employee Continued Certification	1,000	1,200	1,500
Attorney/Accountant Fees	3,000	500	500
Miscellaneous (incl water testing)	<u>500</u>	<u>750</u>	<u>1,000</u>
TOTALS	\$37,092	\$35,568	\$36,488

**Profit/Loss**

	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Income	\$22,260	\$27,300	\$32,340
Expenses	<u>36,804</u>	<u>35,568</u>	<u>36,480</u>
	(14,544)	(8,268)	(4,140)

**SCHEDULES TO EXHIBIT D**

**Actual Gross Income**

**Year**

2001	\$5,135
2002	5,101
2003	9,997
2004	10,807
2005	10,704

**Actual Operating Expenses**  
**(not including depreciation or interest)**

2001	\$3,420
2001	4,068
2003	9,262
2004	5,221
2005	8,497

**Actual Initial Costs of Construction**

Well, Well House, Plumbing & Storage Tank	\$21,934
2000 Feet Water Lines	39,688
11,629 feet Water Lines x \$6.50 per foot	75,589
Storage Tank	<u>7,849</u>
	\$145,060

Estimates for additions needed

"EXHIBIT E  
3 PAGES ~~OF~~       "

LONNIE L. WINKLES  
JEAN H. WINKLES  
RT. 3 BOX 166  
AVA MO 65608

JOHN SMITH  
JOAN SMITH  
4305 N QUAIL RUN  
OZARK MO 65721

LARRY DEAN BOWLIN  
JANICE BOWLIN  
150 LICARIA ROAD  
OZARK MO 65721

CARL J RAY  
DOROTHY A RAY  
1838 MEADOWVIEW ROAD  
OZARK MO 65721

JEFFREY T FREEMAN  
KARA D FREEMAN  
199 LICARIA ROAD  
OZARK MO 65721

STUART L HULSEBUS  
MARY LOU HULSEBUS  
255 LICARIA ROAD  
OZARK MO 65721

BOBBY BILYEU  
CONNIE BILYEU  
5065 S. SYCAMORE  
SPRINGFIELD MO 65807

DAVID BETTS  
LEAH BETTS  
538 APPLETREE DRIVE  
OZARK MO 65721

DANIEL ALBERTS  
BECKY ALBERTS  
200 SAGE  
OZARK MO 65721

CHRIS T WIMBERLY  
P.O. BOX 1912  
NIXA MO 65714

WIESMANN TRUST  
119 BASIL DRIVE  
OZARK MO 65721

JIM MILLER  
LAUREL MILLER  
TUNDE SZENDREI  
167 BASIL DRIVE  
OZARK MO 65721

GERALD COMBS  
GLYNDA COMBS  
180 BASIL DRIVE  
OZARK MO 65721

ROBERT A SCHNEIDER  
BEULAH M SCHNEIDER  
568 LICARIA ROAD  
OZARK MO 65721

KURT GUENTER JENTZSCH  
AMANDA JENTZSCH  
624 LICARIA ROAD  
OZARK MO 65721

JESSIE D HOWALD  
SANDRA L HOWALD  
381 MINT LANE  
OZARK MO 65721

BRUCE CANE  
DEBORAH CANE  
232 SHADY ACRES CIRCLE  
NIXA MO 65714

THOMAS J BILYEU  
JOAN BILYEU  
382 MINT LANE  
OZARK MO 65714

MICHAEL ARNOLD  
KATHRYN ARNOLD  
2230 MEADOWVIEW ROAD  
OZARK MO 65721

CHRISTOPHER A STEWART  
ANGELA A STEWART  
287 APPLETREE DRIVE  
OZARK MO 65721

KEITH WHITE  
DAWN WHITE  
347 APPLETREE DRIVE  
OZARK MO 65721

LARRY CATHEY  
MARY CATHEY  
427 APPLETREE DRIVE  
OZARK MO 65721

MARK HOWERTON  
LAURA G HOWERTON  
475 APPLETREE DRIVE  
OZARK MO 65721

MARVIN L BLACKSTOCK  
ANNA C BLACKSTOCK  
513 APPLETREE DRIVE  
OZARK MO 65721

LARRY R GRUBE  
BRENDA D GRUBE  
537 APPLETREE DRIVE  
OZARK MO 65721

DAVID BETTS  
LEAH BETTS  
538 APPLETREE DRIVE  
OZARK MO 65721

SCOTT HEFFERN  
386 PLUMTREE DRIVE  
OZARK MO 65721

DWAYNE CRAWFORD  
DARENDA CRAWFORD  
252 PLUMTREE DRIVE  
OZARK MO 65721

JEFFREY MICHALAK  
THERESA MICHALAK  
515 E MCARTUR DRIVE  
SPRINGFIELD MO 65810-3234

TIMOTHY DAVIS  
MICHEALE DAVIS  
518 APPLETREE DRIVE  
OZARK MO 65721

DAVID HARDY  
JOANN HARDY  
349 DOUGLAS FIR ROAD  
OZARK MO 65721

DOUGLAS L PREWITT  
371 PARSLEY ROAD  
OZARK MO 65721

HAROLD & LINDA COZZENS  
COZZENS FAMILY TRUST  
271 PARSLEY ROAD  
OZARK MO 65721

FOYE E SHULL  
BARBARA SHULL  
369 PARSLEY ROAD  
OZARK MO 65721

THOMAS A PUTNAM  
LAYSIA T PUTNAM  
192 PLUMTREE DRIVE  
OZARK MO 65721

DOUGLAS R WEVER  
269 ED WHITE ROAD  
ARDMORE AL 35739-9557

JUSTIN USSERY  
BRENDA USSERY  
312 SAGE ROAD  
OZARK MO 65721

MARJORIE B VINCENT TRUST  
328 SAGE ROAD  
OZARK MO 65721

DORIS K COX  
5159 S CAMPBELL AVENUE  
SPRINGFIELD MO 65810

BRIAN UPTON  
STEPHANIE UPTON  
241 SAGE ROAD  
OZARK MO 65721

ROBERT P BAKER, JR  
DEBRA BAKER  
250 SAGE ROAD  
OZARK MO 65721

DAVID KANSIER  
KATHY KANSIER  
310 PARSLEY ROAD  
OZARK MO 65721

SCOTT W MOORE  
KATHY J MOORE  
108 PARSLEY ROAD  
OZARK MO 65721

KENNY DUGGER  
ELIZABETH DUGGER  
329 SAGE ROAD  
OZARK MO 65721

CHRISTOPHER R JOHNS  
JOEY M JOHNS  
P.O. BOX 1917  
NIXA MO 65714

PETER LEE  
CARYN LEE  
303 SAGE ROAD  
OZARK MO 65721

OLIVER W DURDIN  
SAMMIE J DURDIN  
P.O. BOX 2070  
NIXA MO 65714

JAMES J MORAN  
LESA J MORAN  
306 APPLETREE DRIVE  
OZARK MO 65721

EDDIE E FARMER  
573 PLUMTREE DRIVE  
OZARK MO 65721

CHRISTOPHER R JOHNS  
P.O. BOX 382  
NIXA MO 65714

ROBERT DAVIDSON  
CHIN DAVIDSON  
P.O. BOX 359  
NIXA MO 65714

THOMAS J BILYEU, JR  
STACY D BILYEU  
109 ROSEMARY DRIVE  
OZARK MO 65721

JOY ANN YOUNG  
4618 PRAIRIE COURT  
HEBER HEIGHTS OH 45424

ROBERT HARLEY  
210 MISSOURI AVENUE  
NIXA MO 65714

DAVID E BILYEU  
ALICIA BILYEU  
P.O. BOX 382  
NIXA MO 65714

RONALD HILL  
MELISSA HILL  
137 SPICE ROAD  
OZARK MO 65721

DAN BURNS  
REGAN BURNS  
264 PARSLEY ROAD  
OZARK MO 65721

JIM DRIVER  
SARAH DRIVER  
178 SPICE ROAD  
OZARK MO 65721

DAVID M KANSIER  
KATHY A KANSIER  
310 PARSLEY ROAD  
OZARK MO 65721

ROBERT BEWLEY  
JOAN BEWLEY  
266 SPICE ROAD  
OZARK MO 65721

JOHN HOSFIELD  
CAROLE HOSFIELD  
1437 INDIANA AVENUE  
SO PASADENA CA 91030

RAY E CARGILL  
NANCY V CARGILL  
7749 MC LAREN AVENUE  
WEST HILLS CA 91304

FRANK M DELO  
ANN A DELO  
285 SPICE ROAD  
OZARK MO 65721

HUGH D LILES  
ANN LILES  
164 CARRAWAY CIRCLE  
OZARK MO 65721

ANDREA M DECKARD  
P.O. BOX 1824  
NIXA MO 65714

RICHARD FEAGIN  
EILEEN FEAGIN  
P.O. DRAWER L  
LAKE GENEVA FL 32160

TOMMY JOHNSON  
JENNIFER JOHNSON  
3443 W TRACEY COURT  
SPRINGFIELD MO 65807

MICHAEL HENSLEY  
JANET HENSLEY  
2115 MAHA PLACE  
HONOLULU HI 96819

BRIAN SCOTT FAUGHT  
NANCY A FAUGHT  
276 FAUGHT ROAD  
OZARK MO 65721

DON SHARP  
VICKI SHARP  
P.O. BOX 8  
NIXA MO 65714

ROLAND WRIGHT  
1961 MEADOWVIEW ROAD  
OZARK MO 65721

ERNEST N PIERCE  
1736 E SUNSHINE SUITE 500  
SPRINGFIELD MO 65804

WILLIAM LUETMJE  
KIMBERLY LUETMJE  
2093 MEADOWVIEW ROAD  
OZARK MO 65721

DAVID TURNER  
MARIA TURNER  
225 FAUGHT LANE  
OZARK MO 65721

GENE WILSON  
CHARLENE WILSON  
271 FAUGHT ROAD  
OZARK MO 65721



BEFORE THE PUBLIC SERVICE COMMISSION OF  
THE STATE OF MISSOURI

In the Matter of the Application of )  
BILYEU WATER CO., LLC )  
for a Certificate of Convenience and Necessity )  
Authorizing it to Construct, Install, ) Case No. \_\_\_\_\_  
Operate and Maintain a Water System and to )  
Supply and Render Water Service to the Public )  
located in and around an Unincorporated Area )  
in Christian County, Missouri. )

**STATEMENT SATISFYING COMMISSION RULES**

In support of the Application filed herein, and in accordance with the Order Directing Filing issued herein, to satisfy the requirements of the Commission Rules 4CSR 240-2.060(1)(L) and (K), Applicant hereby makes the following statements:

1. The 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, which action, judgment or decision has occurred within three years of the date of Application.
2. That no annual report or assessment fees are overdue.

BILYEU WATER CO., LLC

By: Thomas J. Bilyeu  
\*Thomas J. Bilyeu, Managing Member

David N. Appleby  
DAVID N. APPLEBY, #25590  
ATTORNEY AT LAW  
119 NORTH SECOND STREET  
P. O. BOX 158  
OZARK, MO 65721  
417-581-2411  
Attorney for Applicant

VERIFICATION

STATE OF MISSOURI     )  
  ) ss.  
COUNTY OF CHRISTIAN )

On this 26th day of December, 2006, before me appeared Thomas J. Bilyeu, to me personally known, who being by me duly sworn did say: That he is the Managing Member of BILYEU WATER CO., LLC, a limited liability company of the State of Missouri, , and that as said managing member he has the authority to execute the foregoing instrument on behalf of said limited liability company and said Thomas J. Bilyeu acknowledged said instrument to be the free act and deed of said limited liability company.

Thomas J. Bilyeu  
Thomas J. Bilyeu

SUBSCRIBED AND SWORN to before me this 26th day of December, 2006.

Patty McDaniel  
Notary Public

