

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

In the Matter of the Joint Application of the     )  
Public Water Supply District No. 2 of St.     )  
Charles County, Missouri, and the City of     )  
Wentzville, Missouri, for Approval of an     )  
Amendment to Their Water Service Area     )  
Territorial Agreement     )

Case No. WO-2006-0230

**SUGGESTIONS IN SUPPORT OF STIPULATION AND AGREEMENT**

**COME NOW** the Staff of the Missouri Public Service Commission ("Staff"), by and through counsel, and for its Suggestions in Support of Stipulation and Agreement ("Suggestions") states the following to the Missouri Public Service Commission ("Commission").

1. On February 17, 2006, the Staff, Public Water Supply District No. 2 of St. Charles County, Missouri ("District") and the City of Wentzville, Missouri ("City") (collectively, "the Parties") filed their Stipulation and Agreement ("Stipulation") in the instant case. (As noted in the Stipulation, although the Office of the Public Counsel was not a signatory to the Stipulation, it does not object to the approval of the subject Joint Application, the subject Amendment to the previously-approved territorial agreement or the Stipulation.)

2. As noted in the Stipulation, no customers of either the District or the City will realize a change in their service provider upon approval of the subject territorial agreement.

3. The Parties agree that the Joint Application and the Territorial Agreement meet the requirements of the applicable Commission rules and Section 247.172, RSMo, respectively.

4. The Parties agree that the Territorial Agreement is "not detrimental to the public interest" and that the Commission should so find.

5. The Stipulation contains provisions whereby the Staff may discuss the provisions of the Stipulation with the Commission at any Agenda session at which the Stipulation is noticed to be considered by the Commission; provided that the Staff will provide the other signatories to the Stipulation with as much advance notice as possible of any request from the Commission for an explanation of the provisions of the Stipulation at any such Agenda session.

6. The Stipulation contains provisions whereby the Parties agree that an evidentiary hearing is not necessary in this instance, and contains sufficient case citations to support such a finding by the Commission (see Paragraphs 18 and 19 of the Stipulation).

7. The Staff believes that the Stipulation satisfactorily resolves all matters related to the subject Joint Application and the subject Amendment to the previously-approved territorial agreement.

8. The Staff believes that the collective provisions of the subject Joint Application, the subject Amendment to the previously-approved territorial agreement and the Parties' Stipulation are sufficient to allow the Commission to issue an order finding that the four factors it routinely considers with regard to the approval of water service territorial agreements have been satisfied in this instance, where applicable.

**WHEREFORE**, the Staff respectfully submits these Suggestions for the Commission's consideration in this matter, and further respectfully requests that the Commission enter an order in this case consistent with the Parties' request as set out in their Stipulation.

Respectfully Submitted,

**/s/ Robert S. Berlin**

Robert S. Berlin  
Associate General Counsel  
Missouri Bar No. 51709

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Missouri Public Service Commission

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of these Suggestions have been mailed with first class postage, hand-delivered, transmitted by facsimile or transmitted via e-mail to all counsel and/or parties of record this 24th day of February 2006.

**/s/ Robert S. Berlin**

**AFFIDAVIT OF DALE W. JOHANSEN**

STATE OF MISSOURI     )

) ss

**Case No. WO-2006-0230**

COUNTY OF COLE     )

Dale W. Johansen, of lawful age, on his oath states: (1) that he is a member of the Staff of the Missouri Public Service Commission; (2) that he participated in the preparation of these Suggestions in Support of Stipulation ("Suggestions") and the Stipulation and Agreement ("Stipulation") that is the subject of these Suggestions; (3) that he has knowledge of the matters set forth in these Suggestions and the subject Stipulation; and (4) that the matters set forth in these Suggestions and the subject Stipulation are true and correct to the best of his knowledge, information and belief.

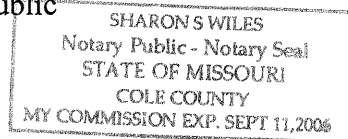


Dale W. Johansen – Manager  
Water & Sewer Department  
Utility Operations Division

Subscribed and sworn to before me this 24th day of February 2006.



Notary Public



My Commission Expires: \_\_\_\_\_