

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

In the Matter of the Application of )  
Missouri-American Water Company for a )  
Certificate of Convenience and Necessity )  
Authorizing it to Install, Own, Acquire, ) Case No. WA-2021-0376  
Construct, Operate, Control, Manage and )  
Maintain a Water System and Sewer )  
System in and Around the City of Eureka, )  
Missouri )

**PUBLIC COUNSEL’S POSITIONS**

The Office of Public Counsel’s positions on the list of issues follow:

**1. Is MAWC’s provision of water and wastewater service associated with its proposed purchase of the City of Eureka water and wastewater systems “necessary or convenient for the public service” within the meaning of the phrase in Section 393.170, RSMo?**

**Position:** The Office of Public Counsel is not taking a position at this time as to whether the Commission should grant MAWC certificates of necessity and convenience for its intended acquisition of the City of Eureka’s water and sewer systems, but reserves the right to do so after the close of evidence.

As to the granting of a certificate of convenience and necessity, it is OPC’s position that the future utility service bill impacts (rate impacts) on members of the public of the appraisal MAWC conducted for purposes of § 393.320, RSMo.—an appraisal which would disparately impact different members of the public as to what they would pay for utility service in the future—are a factor that the Commission must consider when determining whether issuing a certificate of convenience and necessity is “necessary or convenient for the public service”, *i.e.*, whether the public as a whole is better off if the Commission were to grant the certificate. Here, among other factors, that means the Commission must not only consider the future bill impacts to existing MAWC customers if MAWC acquires either or both of Eureka’s water and sewer systems and

makes the contemplated investment in them, but also the future bill impacts of any acquisition premium MAWC pays for either or both of those systems, as well as the benefits to existing Eureka customers by the improvements MAWC intends to those systems and the cash the municipality of which they are citizens—Eureka—will receive from the sale of those systems to MAWC.

There is no incentive by § 393.320, RSMo, for either the City of Eureka or for MAWC to make any effort to minimize the sale prices of Eureka’s water and sewer systems.

**2. If the Commission grants MAWC’s application for the CCNs:**

**A. What conditions, if any, should the Commission impose? and,**

**Position:** The Office of Public Counsel does not take a position on this issue at this time, but reserves the right to do so after the close of evidence.

**B. Of which existing service areas should the Eureka water and wastewater systems become a part?**

**Position:** The Office of Public Counsel does not take a position on this issue at this time, but reserves the right to do so after the close of evidence. The language of § 393.320, RSMo, speaks for itself.

**3. Does Section 393.320, RSMo, require the Commission to establish the ratemaking rate base in this case for the Eureka water and wastewater systems? If so, what is the ratemaking rate base that should be established?**

**Position:** The Office of Public Counsel does not take a position on this issue at this time, but reserves the right to do so after the close of evidence. The language of § 393.320, RSMo, speaks for itself.

Respectfully,

/s/ Nathan Williams

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 10<sup>th</sup> day of January 2022.

/s/ Nathan Williams