

Missouri Public Service Commission

Respond Data Request

Filed
July 23, 2014
Data Center
Missouri Public
Service Commission

Data Request No.	0069
Company Name	MO PSC Staff-(All)
Case/Tracking No.	WC-2014-0018
Date Requested	3/18/2014
Issue	Other - Other
Requested From	Kevin Thompson
Requested By	City of Pevely Missouri
Brief Description	City of Pevely - First Data Request
Description	<p>Pursuant to 4 CSR 240-2.090, the City of Pevely makes the following data request. Please furnish any and all documents in your possession or available to you that relate to the allegations of the Complaint. Please provide a list of all territorial agreements between public water supply districts and municipal water utilities which the Public Service Commission has approved, denied approval or sought to enjoin pursuant to § 247.172 RSMo. since 1994. Please state whether the alleged territorial agreement which is the subject of this Complaint is the first such agreement over which the Public Service Commission has taken affirmative action to assert jurisdiction; and, if it is not, please identify those territorial agreements where it has taken affirmative action and identify such affirmative action. Please state when the Public Service Commission first became aware of the agreement which is the subject of this Complaint. Please state whether any citizen of the City of Pevely or the surrounding area has complained about water service provided pursuant to the agreement which is the subject of your Complaint. If there have been any such complaints, please state the number and nature of those complaints and the dates such complaints were received by the Public Service Commission. Please identify the person or persons most knowledgeable about the history of the Public Service Commission's regulation of territorial agreements in general and also with regard to the agreement which is the subject of this Complaint. Please identify all those persons you claim knowledge of the facts alleged in this Complaint. Please identify any person who is either a retained or non-retained expert which you intend to call as a witness, and please identify the subject matter on which the expert is expected to testify.</p> <p>Data Request submitted by Terrance J. Good (tjgood@lashlybaer.com).</p>
Response	See Attachment. This data request response provided by James Busch (james.busch@psc.mo.gov).
Objections	NA

The attached information provided to Missouri Public Service Commission Staff in response to the above data information request is accurate and complete, and contains no material misrepresentations or omissions, based upon present facts of which the undersigned has knowledge, information or belief. The undersigned agrees to immediately inform the Missouri Public Service Commission if, during the pendency of Case No. WC-2014-0018 before the Commission, any matters are discovered which would materially affect the accuracy or completeness of the attached information. If these

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data are voluminous, please (1) identify the relevant documents and their location (2) make arrangements with requestor to have documents available for inspection in the **MO PSC Staff-(All)** office, or other location mutually agreeable. Where identification of a document is requested, briefly describe the document (e.g. book, letter, memorandum, report) and state the following information as applicable for the particular document: name, title number, author, date of publication and publisher, addresses, date written, and the name and address of the person(s) having possession of the document. As used in this data request the term "document(s)" includes publication of any format, workpapers, letters, memoranda, notes, reports, analyses, computer analyses, test results, studies or data, recordings, transcriptions and printed, typed or written materials of every kind in your possession, custody or control or within your knowledge. The pronoun "you" or "your" refers to **MO PSC Staff-(All)** and its employees, contractors, agents or others employed by or acting in its behalf.

Security : Public
Rationale : NA

STAFF'S RESPONSES TO PEVELY'S FIRST SET OF DRs

1. Please furnish any and all documents in your possession or available to you that relate to the allegations of the Complaint.

RESPONSE:

See attached.

2. Please provide a list of all territorial agreements between public water supply districts and municipal water utilities which the Public Service Commission has approved, denied approval or sought to enjoin pursuant to § 247.172 RSMo. since 1994.

RESPONSE:

See attached.

3. Please state whether the alleged territorial agreement which is the subject of this Complaint is the first such agreement over which the Public Service Commission has taken affirmative action to assert jurisdiction; and, if it is not, please identify those territorial agreements where it has taken affirmative action and identify such affirmative action.

RESPONSE:

To the best of my knowledge and after review of PSC cases from 1994 to the present, it is the first. However, I did not review PSC cases between 1913 and 1994.

4. Please state when the Public Service Commission first became aware of the agreement which is the subject of this Complaint.

RESPONSE:

When it received the complaint of John F. Holborow.

5. Please state whether any citizen of the City of Pevely or the surrounding area has complained about water service provided pursuant to the agreement which is the subject of your Complaint. If there have been any such complaints, please state the number and nature of those complaints and the dates such complaints were received by the Public Service Commission.

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RESPONSE:

John F. Holborow, Receiver of H&H Development Co. and acting proprietor of Valle Creek Condominiums in Barnhart, Missouri, complained to the Commission in 2013 concerning the inability of CPWSD C-1 and the City of Pevely to resolve their dispute as to which of them would serve Valle Creek Condominiums and CPWSD C-1's threat to terminate service unless H&H constructed a main extension.

6. Please identify the person or persons most knowledgeable about the history of the Public Service Commission's regulation of territorial agreements in general and also with regard to the agreement which is the subject of this Complaint.

RESPONSE:

James Busch, Manager, PSC Water & Sewer Department.

7. Please identify all those persons you claim [have] knowledge of the facts alleged in this Complaint.

RESPONSE:

John F. Holborow
Bianca Eden
Terrance J. Good

8. Please identify any person who is either a retained or non-retained expert which you intend to call as a witness, and please identify the subject matter on which the expert is expected to testify.

RESPONSE:

James Busch, Manager, PSC Water & Sewer Department.

The undersigned states that the responses set out herein are true and correct according to his or her best knowledge, information and belief.

Date: March 28, 2014

/s/ James Busch
JAMES BUSCH
Manager, Water & Sewer Department
Missouri Public Service Commission

List of Territorial Agreements

WO-2013-0443, In the Matter of the Application of Missouri-American Water Company, for the Approval of an Agreement with the Chariton County Public Water Supply District #2 to Sell and Deliver Water for Resale and Related Tariff Sheets.

WO-2013-0193, In the Matter of the City of Chillicothe, Missouri, and Public Water Supply District No. 2 of Livingston County, Missouri's Application for Approval of Joint Service Agreement.

WO-2012-0088, In the Matter of the Application of Missouri-American Water Company and the Public Water Supply District No. 2 of St. Charles County, Missouri, for Approval of a Territorial Agreement Concerning Territory in St. Charles County, Missouri.

WO-2009-0351, In the Matter of the Joint Application of the City of Centralia, Missouri and Public Water Supply District No. 10 of Boone County, Missouri for Approval of a Third Amendment to a Written Territorial Agreement Concerning Territory Within Boone County, Missouri.

WO-2007-0188, In the Matter of the Application of the Consolidated Public Water Supply District No. 1 of Clark County, Missouri and the City of LaGrange, Missouri for Approval of a Territorial Agreement Concerning Territory Encompassing Part of Lewis County, Missouri.

WO-2007-0091, In the Matter of the Joint Application of the City of Centralia, Missouri and Public Water Supply District No. 10 of Boone County, Missouri for Approval of a Second Amendment to a Written Territorial Agreement Concerning Territory within Boone County, Missouri.

WO-2006-0488, In the Matter of the Joint Application of Public Water Supply District No. 3 of Franklin County, Missouri and the City of St. Clair, Missouri for Approval of a Water Service Area Territorial Agreement in Franklin County, Missouri.

WO-2006-0230, 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.

WO-2006-0135, In the Matter of the Application of Consolidated Public Water Supply District No. 1 of Clark County, Missouri and the City of Canton, Missouri for Approval of a Territorial Agreement Concerning Territory Encompassing Part of Lewis County, Missouri.

WO-2005-0286, In the Matter of the Application of Missouri-American Water Company, for the approval of an Agreement with the City of Kirkwood, Missouri to Construct Transmission Mains and Points of Delivery and to Sell and Deliver Water for Resale and Related Tariff Sheets.

LIST OF TERRITORIAL AGREEMENTS

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WO-2005-0242, In the matter of the application of Consolidated Public Water Supply District NO. 1 of Boone County, Missouri for approval of a territorial agreement concerning territory encompassing part of Boone County, Missouri.

WO-2005-0127, In the matter of the joint application of the City of Hannibal, Missouri and Public Water Supply District No. 1 of Ralls County, Missouri for approval of a water service area territorial agreement.

WO-2005-0084, In the Matter of the Joint Application of the City of Centralia, Missouri and Public Water Supply District No. 10 of Boone County, Missouri for approval of a first amendment to a written territorial agreement concerning territory within Boone County, Missouri and Audrain County, Missouri.

WO-2004-0163, In the Matter of the Joint Application of the City of Hannibal, Missouri and Public Water Supply District No. 1 of Ralls County, Missouri for Approval of Three Territorial Agreements Concerning Water Service Areas in Marion County, Missouri.

WO-2003-0186, In the matter of the joint application of the City of Union, Missouri and Public Water Supply District No.1 of Franklin County, Missouri for approval of a Territorial Agreement concerning territory in Franklin County, Missouri.

WO-2002-208, Centralia, City of (Water territorial agreement with Public Water Supply District No. 10 of Boone County which designates boundaries in Boone County, approved).

WO-2002-226, Pacific, City of (Water territorial agreement with Public Water Supply District No. 3 of Franklin County which encompasses part of Franklin County, approved).

WO-2001-326, Public Water Supply District No. 3 of Franklin County (Water territorial agreement with the City of Washington, encompassing part of Franklin County, approved).

WO-2000-472, City of Columbia (Territorial agreement with Public Water Supply District No. 4 of Boone County which encompasses part of Boone County, approved).

WO-2000-849, Public Water Supply District No. 2 of St. Charles County (Water territorial agreement with City of Wentzville, granted).

WO-99-129, Columbia, City of and Consolidated Public Water Supply District No. 1 of Boone County (Water territorial agreement, Boone County, approved).

WO-99-561, Public Water Supply District #1 of Nodaway County & City of Maryville (Territorial agreement, approved).

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WO-95-282, City of Ste. Genevieve, Public Water Supply District No. 1 of Ste. Genevieve, (Water territorial agreement, approved).