

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

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

**JOINT APPLICATION FOR APPROVAL OF  
ADDENDUM TO TERRITORIAL AGREEMENT**

COME NOW Missouri-American Water Company (MAWC) and Public Water Supply District No. 2 of St. Charles County, Missouri (District) and for their Joint Application for Approval of Addendum to Territorial Agreement state as follows:

1. MAWC is 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 727 Craig Road, St. Louis, Missouri 63141. A certified copy of MAWC's certificate of good standing was submitted in Case No. SA-2007-0316 and is incorporated by reference. MAWC provides water service to the public and, accordingly, is a "water corporation" and "public utility" as those terms are defined in section 386.020(58) and (42) RSMo. MAWC has no overdue Commission annual reports or assessment fees. There is no pending action or final unsatisfied judgment or decision against MAWC from any state or federal agency or court which involves customer service or rates, which action, judgment or decision has occurred within three years of the date of this Joint Application.

2. The District is a public water supply district organized and existing under Chapter 247 RSMo with its principal office and place of business located at 100 Water Drive, O'Fallon, Missouri 63366. The District currently provides water service at retail and at wholesale to customers located within the District's water service area in and around St.

Charles County and Warren County, Missouri. The District is a political subdivision of the State of Missouri and is otherwise not subject to regulation by the Commission. The District is not regulated by the Commission and therefore has no overdue Commission annual reports or assessment fees. There is no pending action or final unsatisfied judgment or decision against the District from any state or federal agency or court which involves customer service or rates, which action, judgment or decision has occurred within three years of the date of this Joint Application.

3. Communications in regard to this Joint Application should be addressed to:

Greg Weeks  
Vice President  
Missouri-American Water Company  
727 Craig Road  
St. Louis, Missouri 63141  
(314) 996-2351  
(314) 997-2451 (facsimile)  
[greg.weeks@amwater.com](mailto:greg.weeks@amwater.com)

Tracy Elzemeyer  
Vice President Legal and Secretary  
Missouri-American Water Company  
727 Craig Road  
St. Louis, Missouri 63141  
(314) 996-2279  
(314) 997-2451 (facsimile)  
[tracy.elzemeyer@amwater.com](mailto:tracy.elzemeyer@amwater.com)

Virginia Dowden  
President  
Public Water Supply District No. 2  
100 Water Drive  
P.O. Box 967  
O'Fallon, Missouri 63366

Mark C. Piontek, Esq.  
Lewis, Rice & Fingersh, L.C.  
1200 Jefferson Street  
P.O. Box 1040  
Washington, Missouri 63090

4. MAWC and the District entered into a Territorial Agreement dated October 4, 2000 (attached as Exhibit 1) in order to avoid wasteful duplication of facilities, stranded investment and underutilized system capacity; to allow orderly development, efficient planning for water system expansion and improvement, effective utilization of existing and future system capacity, and efficient service; and to minimize disputes which may result in higher costs in serving each party's respective inhabitants.

5. As required by Section 247.172 RSMo, MAWC and the District filed a Joint Application for Approval of Territorial Agreement with the Missouri Public Service Commission on February 13, 2001, in Case No. WO-2001-441. The Commission issued its Report and Order approving the Territorial Agreement effective May 25, 2001. MAWC filed revised tariff sheets in compliance with the Territorial Agreement on June 25, 2001, effective date July 25, 2001.

6. Section 6 of the Territorial Agreement permits MAWC and the District to "agree on a case-by-case basis by an Addendum ... to allow a structure to receive service from one party though the structure is located in the service area of the other." Furthermore, the Addendum is to be "filed with the Executive Secretary of the Missouri Public Service Commission in the same manner as a motion or other pleading, with a copy submitted to the Office of Public Counsel."

7. MAWC and the District entered into an Addendum at the request of the 88<sup>th</sup> U.S. Army Reserve Regional Support Command, which has constructed an Operational Maintenance Building at Highway 94S, St. Charles, Missouri 63304, an area located within

MAWC's territory according to the Territorial Agreement. A copy of the Addendum is attached as Exhibit 2.

8. The Army requested service from the District because the cost of connecting to the MAWC water system would be substantially more than the cost of connecting to the District water system. (The District does not serve customers in MAWC's territory, but it does have distribution mains running through MAWC's territory, as permitted by Section 14 of the Territorial Agreement.) In order to receive service from MAWC, the Army would have to install more than 1,000 feet of 12-inch main to reach the MAWC transmission main, at a cost of approximately \$100,000. In addition, the Army would incur substantial additional costs for pavement restoration. On the other hand, connection to the District's distribution main, which is situated along the Army's property, would simply require installation of a service line.

9. MAWC is willing to accommodate the Army's request.

10. As required by Section 6 of the Addendum, the Army has received notice of the Addendum and has consented to be served by the District, as evidenced by the notarized statement attached as Exhibit 3.

11. The following notice is provided to the Staff of the Commission and to the Office of Public Counsel, as required by Section 6 of the Territorial Agreement:

**IF THE STAFF OF THE PUBLIC SERVICE COMMISSION OR THE  
OFFICE OF PUBLIC COUNSEL DO NOT SUBMIT A PLEADING  
OBJECTING TO THE ADDENDUM WITHIN FORTY-FIVE (45) DAYS OF  
THE FILING THEREOF, THE ADDENDUM SHALL BE DEEMED  
APPROVED BY THE AFORESAID PARTIES.**

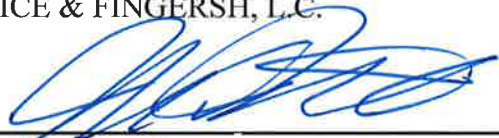
WHEREFORE, MAWC and the District pray that the Commission approve this Joint Application for Approval of Addendum to Territorial Agreement, and for such further relief as is just and proper.

Respectfully submitted,

MISSOURI-AMERICAN WATER COMPANY

By:   
Tracy D. Elzemeyer, MO Bar 50683  
727 Craig Road  
St. Louis, MO 63141  
tracy.elzemeyer@amwater.com  
(314) 996-2278 (telephone)  
(314) 997-2451 (telefax)

LEWIS, RICE & FINGERSH, L.C.

By:   
Mark C. Piontek, MBE #36221  
1200 Jefferson Street  
P.O. Box 1040  
Washington, Missouri 63090  
(636) 239-7747 (telephone)  
(636) 239-8450 (telefax)

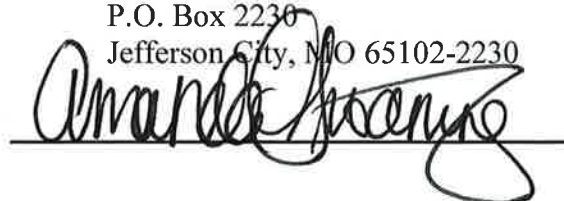
Attorneys for Public Water Supply District  
No. 2 of St. Charles County, Missouri

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a ~~true and~~ correct copy of the foregoing was filed electronically and mailed postage prepaid the 23rd day of September, 2011, to:

Kevin Thompson  
General Counsel  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

Lewis R. Mills, Jr.  
Public Counsel  
Missouri Office of Public Counsel  
P.O. Box 2230  
Jefferson City, MO 65102-2230



# AFFIDAVIT

State of Missouri       )  
                                  ) ss  
County of St. Louis    )

I, Greg Weeks, having been duly sworn upon my oath, state that I am the Vice President-Operations of Missouri-American Water Company, that I am duly authorized to make this affidavit on behalf of Missouri-American Water Company, and that the matters and things stated in the foregoing joint application are true and correct to the best of my information, knowledge, and belief.

  
\_\_\_\_\_  
Greg Weeks

Subscribed and sworn before me this 18th day of August, 2011.

  
\_\_\_\_\_  
Notary Public

**JULIE M. POLZIN**  
Notary Public - Notary Seal  
STATE OF MISSOURI  
St. Louis County  
My Commission Expires 8/11/2012  
Commission # 08575308

**AFFIDAVIT**

State of Missouri       )  
                                  ) ss  
County of St. Charles    )

I, Virginia Dowden, having been duly sworn upon my oath, state that I am the President of Public Water Supply District No. 2 of St. Charles County, Missouri, that I am duly authorized to make this affidavit on behalf of Public Water Supply District No. 2 of St. Charles County, Missouri, and that the matters and things stated in the foregoing joint application are true and correct to the best of my information, knowledge, and belief.

Virginia Dowden  
Virginia Dowden

Subscribed and sworn before me this 7th day of SEPTEMBER, 2011.

[Signature]  
Notary Public



MARK C. PIONTEK  
My Commission Expires  
April 6, 2015  
Franklin County  
Commission #11429404