

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office  
in Jefferson City on the 21<sup>st</sup>  
day of April, 2022.

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

**ORDER GRANTING REQUEST TO REOPEN THE RECORD**

Issue Date: April 21, 2022

Effective Date: April 21, 2022

An evidentiary hearing was held in this matter on January 20 and 21, 2022. Initial briefs were filed on February 18, 2022, and reply briefs were filed on February 28, 2022. On April 12, 2022, the Staff of the Commission (Staff) filed a request to reopen the record. Staff acknowledges that its request is not timely under 20 CSR 4240-2.110(8), which permits a party to request the record be reopened prior to the filing of briefs. Staff argues that good cause exists to grant a waiver of this rule and allow the taking of additional evidence.

The Office of the Public Counsel (OPC) filed a response in support of Staff's request. Missouri-American Water Company (MAWC) filed a response in opposition to Staff's request.

Staff's request is based on information it received from public comments submitted to the public comments section of the Commission's Electronic Filing and Information System (EFIS) after briefs were filed. Those comments led Staff to discover that some City of Eureka customers are currently paying an assessment through The Arbors of

Rockwood Community Improvement District (Arbors CID) established by City of Eureka Ordinance No. 2394 on October 18, 2016. The ordinance indicates that the Arbors CID shall be in existence a maximum of 32 years and may charge homeowners in the subdivision an assessment to pay for public improvements including: “lawns, trees, and other landscape, sidewalks, streets, traffic signs and signals, utilities, drainage, water, storm and sewer systems, and other site improvements, streetscape, and lighting . . . and . . . any other useful, necessary, or desired improvements within the” Arbors CID. Staff argues that by paying this assessment, the homeowners within the Arbors CID will be paying twice for the same assets if MAWC is allowed to purchase these assets.

Though Staff’s argument is similar to its argument about the double payment of portions of the City of Eureka’s water and sewer systems that were fully depreciated, the Arbors CID potentially presents relevant facts not previously before the Commission. Although Staff had the opportunity to more fully investigate the Arbors CID prior to the evidentiary hearing, the Commission wishes to consider concerns expressed by Arbors CID residents through public comments filed after briefing was completed.

The Commission finds good cause to reopen the record and delay its decision on MAWC’s application. However, to minimize delay, the Commission will order an accelerated procedural schedule limited to the Arbors CID issue and will dispense with post-hearing briefing. The Commission will also expedite the transcript of the evidentiary hearing.

**THE COMMISSION ORDERS THAT:**

1. Staff’s request to reopen the record is granted.

2. Staff shall file direct testimony, supported by affidavits, and any other evidence related to the Arbors CID no later than Tuesday, April 26, 2022.

3. MAWC and OPC shall file any responsive evidence related to the Arbors CID no later than Monday, May 2, 2022.

4. An evidentiary hearing limited to the Arbors CID issue shall be held May 5, 2022, at the Commission's offices in the Governor Office Building, 200 Madison Street, Room 310, Jefferson City, Missouri. The hearing shall begin at 8:30 a.m. The Governor Office Building meets accessibility standards required by the Americans with Disabilities Act. Any person who needs specific accessibility accommodations may call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 prior to the hearing.

5. Parties and witnesses may appear in person for the evidentiary hearing or remotely via WebEx. Parties wishing to appear via WebEx may request WebEx invitations for themselves and/or witnesses by providing email addresses for such persons to Jackie.Keely@psc.mo.gov no later than 2:00 p.m. on May 4, 2022.

6. No later than 2:00 p.m. on May 4, 2022, the parties shall agree upon and file a list of the witnesses to appear at the hearing, the order in which they will be called, and the order of cross-examination for each witness.

7. The Commission will allow the parties to present opening statements, limited to the Arbors CID issue, at the hearing. In lieu of post-hearing briefs, the Commission will allow closing arguments, limited to the Arbors CID issue, at the hearing.

8. The transcript of the evidentiary hearing will be expedited and filed on May 12, 2022.

9. This order is effective when issued.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Silvey, Chm., Rupp, Coleman, Holsman, and  
Kolkmeier CC., concur.

Seyer, Regulatory Law Judge

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

**WITNESS** my hand and seal of the Public Service Commission,  
at Jefferson City, Missouri, this 21<sup>st</sup> day of April, 2022.



  
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**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**April 21, 2022**

**File/Case No. WA-2021-0376**

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**Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).**

**Sincerely,**



**Morris L. Woodruff  
Secretary**

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.