

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

In the Matter of Missouri-American Water )  
Company's Application for a Certificate of )  
Convenience and Necessity Authorizing it )  
to Install, Own, Acquire, Construct, ) **File No. WA-2022-0229**  
Operate, Control Manage and Maintain a )  
Water and Sewer System in an area of )  
Pettis County, Missouri (Monsees Lake )  
Estates Subdivision) )

In the Matter of Missouri-American Water )  
Company's Application for a Certificate of )  
Convenience and Necessity Authorizing it )  
to Install, Own, Acquire, Construct, ) **File No. SA-2022-0230**  
Operate, Control Manage and Maintain a )  
Water and Sewer System in an area of )  
Pettis County, Missouri (Monsees Lake )  
Estates Subdivision) )

**ORDER DIRECTING NOTICE, SETTING DEADLINE FOR  
INTERVENTION REQUESTS, AND DIRECTING FILING OF  
STAFF RECOMMENDATION**

Issue Date: March 1, 2022

Effective Date: March 1, 2022

On February 25, 2022, Missouri-American Water Company (MAWC) filed an application that seeks permission and approval for a certificate of convenience and necessity (CCN) to install, own, acquire, construct, operate, control, manage, and maintain a water system and sewer system in Pettis County, Missouri in a subdivision known as Monsees Lake Estates Subdivision ("Monsees"). MAWC also requests waiver of the Commission's rule requiring sixty days' notice prior to filing an application.

The Monsees water system consists of one water producing well, and a 10,000-gallon storage tank with approximately 3,000 feet of distribution piping. The

wastewater system is a two-cell lagoon system with approximately 3,000 feet of gravity collection system. MAWC proposes to purchase all the water and sewer utility assets of Monsees. On November 16, 2020, MAWC entered into a purchase agreement with the Monsees Lake Estates Homeowners Association.

MAWC proposes to provide water service using a monthly flat rate of \$35.30 and the rules governing water service in MAWC's currently effective water tariff, P.S.C. Mo No. 13. MAWC proposes to provide sewer service using a monthly flat rate of \$58.00 and the rules governing sewer service in MAWC's currently effective sewer tariff, P.S.C. Mo No. 26.

The Commission will direct notice of the application be given to the Pettis County Commission, local newspapers, and members of the General Assembly representing residents of Pettis County. The Commission will set a deadline for interested parties to intervene. The Staff of the Commission (Staff) will be directed to file a recommendation with regard to said application.

**THE COMMISSION ORDERS THAT:**

1. The Commission's Data Center shall provide a copy of this order and the Application to the County Commission of Pettis County, Missouri.
2. The Commission's Public Policy and Outreach Department shall make notice of this order available to the members of the General Assembly representing Pettis County and to the media serving that county.
3. Any person wishing to intervene in this matter shall file an application to intervene no later than March 25, 2022. The application to intervene shall be filed in the

Commission's Electronic Filing and Information System (EFIS) or with the Secretary of the Commission. Comments on MAWC's application may also be made in EFIS.

4. No later than April 25, 2022, Staff shall file a recommendation regarding Spire's application.

5. This order shall be effective when issued.



**BY THE COMMISSION**

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

Morris L. Woodruff  
Secretary

Charles Hatcher, Regulatory Law Judge,  
By delegation of authority pursuant  
To Section 386.240, RSMo (2016).

Dated at Jefferson City, Missouri,  
On the 1<sup>st</sup> day of March, 2022

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

In the Matter of Missouri-American            )  
Water Company for a Certificate of            )  
Convenience and Necessity Authorizing it    )  
to Install, Own, Acquire, Construct,        )  
Operate, Control, Manage and Maintain a    )  
Water and Sewer System in an area of        )  
Pettis County, Missouri (Monsees Lake        )  
Estates Subdivision).                         )

**File Nos. WA-2022-**  
**SA-2022-**

**APPLICATION  
AND MOTION FOR WAIVER**

**COMES NOW** Missouri-American Water Company (“MAWC”) pursuant to Sections 393.140, and 393.170 RSMo, and 20 CSR 4240-2.060, 20 CSR 4240-3.305, 20 CSR 4240-3.600, and 20 CSR 4240-4.017(1)(D), and for its *Application and Motion for Waiver*, states as follows to the Missouri Public Service Commission:

**BACKGROUND INFORMATION**

1. This Application is being filed by MAWC to obtain a Certificate of Convenience and Necessity (CCN) to install, own, acquire, construct, operate, control, manage and maintain a water system and sewer system in Pettis County, Missouri in a subdivision known as Monsees Lake Estates Subdivision ("Monsees").

2. MAWC is a Missouri corporation, active and in good standing with the Missouri Secretary of State, with its principal office and place of business at 727 Craig Road, St. Louis, Missouri 63141. Pursuant to Commission regulation 20 CSR 4240-2.060(1)(G), MAWC incorporates by reference its certificate of good standing previously filed in File No. WO-2020-0190.

3. MAWC currently provides water service to the public in and around the cities of St. Joseph, Joplin, Brunswick, Mexico, Warrensburg, Parkville, Riverside, Jefferson City, and parts of Cole, St. Charles, Warren, Jefferson, Morgan, Pettis, Benton, Barry, Stone, Greene, Taney, Christian, Clay, Ray, Newton and Platte Counties, and most all of St. Louis County, Missouri. MAWC currently provides water service to approximately 470,000 customers. MAWC provides sewer service to approximately 15,000 customers in Callaway, Jefferson, Pettis, Cole, Morgan, Platte, Taney, Stone, Christian, St. Louis, Clinton, Clay, Ray, and Warren Counties, Missouri. MAWC is a “water corporation,” a “sewer corporation” and a “public utility” as those terms are defined in Section 386.020, RSMo and is subject to the jurisdiction and supervision of the Commission as provided by law. MAWC has no overdue Commission annual reports or assessment fees. Other than proceedings before this Commission, 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 Application.

4. Communications respecting this Application should be addressed to the undersigned counsel and:

**Missouri-American Water Company:**

**Ms. Nikki Pacific**

Manager Business Development – Proposal and  
Integration

Missouri-American Water Company

727 Craig Road

Creve Coeur, Missouri 63021

Direct Dial 314-996-2215

[Nikki.pacific@amwater.com](mailto:Nikki.pacific@amwater.com)

## CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN)

5. MAWC proposes to purchase substantially all of the water and sewer assets of the currently unregulated system of Monsees Lake Estates Subdivision, and requests permission, approval and a CCN to own, acquire, construct, operate, control, manage and maintain the water system and sewer system for the public in an area in Pettis County, Missouri. There are approximately 60 water and 60 sewer customers at this time.

6. The Monsees water and wastewater systems consist of one water producing well, 10,000 gallon storage tank with approximately 3000 feet of distribution piping. The wastewater system is a two-cell lagoon system with approximately 3000 feet of gravity collection system.

7. On October 11, 2020, the homeowners of Monsees Lake Estates Subdivision held their annual meeting at which time the majority of the residents submitted their ballots as to whether to enter into an *Agreement for Purchase of our Water and Wastewater Systems* offered by MAWC. There were 12 homeowners who did not submit their ballots at the October 11, 2020 meeting and over the course of the following week the ballots were collected from them. Pursuant to the Bylaws of Monsees Lake Estates Subdivision, a two-thirds (2/3) consent vote for approval was required. The vote passed with 48 homeowners in favor of entering into the purchase agreement with MAWC and 15 homeowners not in favor. A copy of the official ballot and the voting results are attached as **Appendix A-C**. **Appendix A-C** has been identified as Confidential in accordance with Commission Rule 20 CSR 4240-2.135(2)(A)1, as it contains customer-specific information.

8. On November 16, 2020, MAWC entered into an *Agreement for Purchase Water and Wastewater Systems* (“*Purchase Agreement*”) with Monsees Lake Estates Homeowners Association. A copy of the *Purchase Agreement* is attached as **Appendix B-C**. Appendix B-C has

been identified as Confidential in accordance with Commission Rule 20 CSR 4240-2.135(2)(A)6 as it contains information representing strategies employed in contract negotiations. The schedules and exhibits to the *Purchase Agreement* have not been created at this time. In most cases, they are prepared if, and when, approval is received from the Commission to proceed with the transaction since these items are part of the closing process.

9. MAWC proposes to purchase all the water and sewer utility assets of Monsees, as specifically described in, and under the terms and provisions of the *Purchase Agreement*. A legal description of the area sought to be certificated is attached hereto as **Appendix C**. A map of the area sought to be certificated is attached to this Application as **Appendix D**.

10. Attached hereto and marked as **Appendix E-C** is a list of ten residents or landowners within the proposed service area. **Appendix E-C** has been identified as Confidential in accordance with Commission Rule 20 CSR 4240-2.135(2)(A)1, as it contains customer- specific information.

#### **ADDITIONAL INFORMATION**

11. Attached hereto and marked as **Appendix F-C** is the feasibility study for the water system. Attached hereto and marked as **Appendix G-C** is the feasibility study for the sewer system. The feasibility studies contain estimated costs of the utility systems during the first three (3) years of ownership; proposed rates and charges; and estimates of the number of customers and estimated expenses and revenues during the first three years of operation by MAWC. No external financing is anticipated. **Appendix F-C** and **Appendix G-C** have been identified as Confidential in accordance with Commission Rule 20 CSR 4240-2.135(2)(A)3, 4 and 6 as it contains market specific information and information representing strategies employed in contract negotiations.

12. Attached hereto and marked as **Appendix H** is the Integration Appendix which

includes information relevant to the integration process of this proposed acquisition.

### **TARIFFS/RATES**

13. MAWC proposes to provide water service using a monthly flat rate of \$35.30 and the rules governing rendering of water service currently found in MAWC's water tariff P.S.C. MO No. 13. MAWC proposes to provide sewer service using a monthly flat rate of \$58.00 and the rules governing rendering of sewer service currently found in MAWC's sewer tariff P.S.C. MO No. 26, until such time as the rates and rules are modified according to law.

### **PUBLIC INTEREST**

14. The grant of the requested CCN (and the approval of the underlying transaction) is in the public interest and will result in the provision of regulated water and sewer service to the current and future residents of the service area. The water and sewer assets of the Monsees systems would be acquired by MAWC, a Missouri public utility, and be subject to the jurisdiction of the Commission. MAWC has considerable expertise and experience in providing water and sewer utility services to residents of the State of Missouri and is fully qualified, in all respects, to own and operate the water system currently being operated in Monsees Lake Estates Subdivision.

### **MOTION FOR WAIVER**

15. Commission Rule 20 CSR 4240-4.017(1) provides that "(a)ny person that intends to file a case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such case." A notice was not filed 60 days prior to the filing of this Application. As such, and to the extent required, MAWC seeks a waiver of the 60-day notice requirement.

16. Rule 20 CSR 4240-4.017(1)(D) provides that a waiver may be granted for good cause. In this regard, MAWC declares (as verified below) that it has had no communication with the Office of the Commission (as defined by Commission Rule 20 CSR 4240-4.015(10)) within

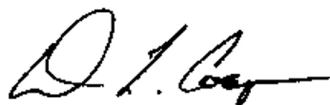


the prior 150 days regarding any substantive issue likely to be in this case, other than those pleadings filed for record. Accordingly, for good cause shown, MAWC moves for a waiver of the 60-day notice requirement of Rule 20 CSR 4240-4.017(1) and acceptance of this Application at this time.

**WHEREFORE**, MAWC requests the Commission issue an order:

1. Granting MAWC permission, approval, and a Certificate of Convenience and Necessity authorizing MAWC to install, acquire, build, construct, own, operate, control, manage and maintain water and sewer systems for the public within the areas referred to above;
2. Granting MAWC permission to acquire the water and sewer assets of Monsees identified herein; and,
3. Authorizing MAWC to take such actions as may be deemed necessary and appropriate to accomplish the purposes of the *Purchase Agreement* and the Application and to consummate related transactions in accordance with the *Purchase Agreement*.

Respectfully submitted,



Dean L. Cooper, Mo. Bar #36592  
Jennifer L. Hernandez, Mo. Bar #59814  
**BRYDON, SWEARENGEN & ENGLAND P.C.**  
312 East Capitol Avenue  
P.O. Box 456  
Jefferson City, MO 65102-0456  
Telephone: (573) 635-7166  
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Timothy W. Luft, Mo. Bar #40506  
Corporate Counsel  
**MISSOURI-AMERICAN WATER COMPANY**  
727 Craig Road

St. Louis, MO 63141  
(314) 996-2279 telephone  
(314) 997-2451 facsimile  
[timothy.luft@amwater.com](mailto:timothy.luft@amwater.com)

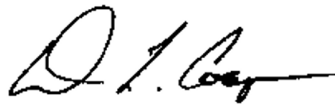
**ATTORNEYS FOR MISSOURI-AMERICAN  
WATER COMPANY**

**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing document has been sent by electronic mail this 25<sup>th</sup> day of February 2022, to:

General Counsel's Office  
[staffcounsel@psc.mo.gov](mailto:staffcounsel@psc.mo.gov)

Office of the Public Counsel  
[opcservice@opc.mo.gov](mailto:opcservice@opc.mo.gov)



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**VERIFICATION**

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

I, Timothy W. Luft, under penalty of perjury, and pursuant to Section 509.030, RSMo, state that I am Vice-President - Legal of Missouri-American Water Company, that I am duly authorized to make this affidavit on behalf of MAWC, that I have knowledge of the matters stated herein, and that said matters are true and correct to be best of my knowledge and belief. Additionally, no representative of MAWC has had any communication with the office of the Missouri Public Service Commission as defined in Commission Rule 20 CSR 4240-4.015(10) within the immediately preceding 150 days regarding the subject matter of this Application.

Tim Luft

## List of Appendices

Appendix A-C	Monsees Lake Estates Official Ballot and voting results
Appendix B-C	Purchase Agreement
Appendix C	Legal description
Appendix D	Map
Appendix E-C	List of Ten Residents
Appendix F-C	Feasibility Study - water system
Appendix G-C	Feasibility Study - sewer system
Appendix H	Integration Appendix with attachments 1 through 4

**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 1<sup>st</sup> day of March, 2022.**



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

**MISSOURI PUBLIC SERVICE COMMISSION**

**March 1, 2022**

**File/Case No. WA-2022-0229 and SA-2022-0230**

**Missouri Public Service Commission**  
Staff Counsel Department  
200 Madison Street, Suite 800  
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Jefferson City, MO 65102  
staffcounsel@psc.mo.gov

**Office of the Public Counsel**  
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P.O. Box 2230  
Jefferson City, MO 65102  
opcservice@opc.mo.gov

**County of Pettis, Missouri**  
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415 S. Ohio  
Pettis County Courthouse  
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**Missouri-American Water Company**  
Timothy W Luft  
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Timothy.Luft@amwater.com

**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.