

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

In the Matter of the Application of The )  
Meadows Water Company, North )  
Suburban Public Utility Company and the )  
City of Willard, Missouri, for An Order )  
Authorizing the Sale, Transfer and )  
Assignment of Water and Sewer Assets to )  
the City of Willard and in Connection )  
Therewith Certain Other Related )  
Transactions. )

Case No. WO-2007-0424

**STAFF'S REPLY TO THE CITY OF SPRINGFIELD'S  
APPLICATION TO INTERVENE**

**COMES NOW** the Staff of the Missouri Public Service Commission and for its *Reply to the City of Springfield's Application to Intervene* respectfully states:

1. This case was initiated on May 1, 2007, by The Meadows Water Company, North Suburban Public Utility Company and the City of Willard, Missouri (collectively, the "Applicants") application for Commission authorization for The Meadows to sell both its water and sewer assets, along with North Suburban to sell related real estate, to the City of Willard, Missouri.

2. The City of Springfield filed a timely *Application To Intervene* on May 23, 2007, after which the Applicants filed *Applicants' Suggestions Opposing Application to Intervene* on June 1, 2007.

3. On June 5, 2007, the Commission ordered Staff to reply to the application to intervene. Later that same day, the City of Springfield filed its *Response to Applicants' Suggestions Opposing Application to Intervene*.

4. The Meadows is a water and sewer corporation pursuant to § 386.020 RSMo. 2000, a public utility, and subject to Commission jurisdiction (See *Joint Application for Approval of*

*Transfer of Assets* at pg 2, paragraph 3). Currently, The Meadows serves approximately 1115 water and 279 sewer customers within its certificated area. *Id.*

5. The city of Willard is a political subdivision of the state of Missouri.<sup>1</sup> Therefore, Willard would not be subject to Commission regulation for the setting of municipal utility rates pursuant to § 250.190 and § 386.250(3) RSMo. 2000 (See also *In the Matter of Springfield City Utilities' Surcharges on Nonresidents of Springfield, Missouri*, PSC Case No. AC-2003-0526 (February 10, 2004)). Willard's corporate municipal boundaries do not encompass all of The Meadows certificated service area (See Springfield's *Response* at pg 4). Therefore, the possibility exists that nonresident water and sewer customers may be served by the city of Willard.

6. "Commission rule 4 CSR 240-2.075 governs intervention before the Commission" (*In the Matter of the Joint Application of Great Plains Energy Incorporated et al.*, PSC Case No. EM-2007-0374, *Order Granting Application To Intervene* issued May 15, 2007 and *Order Granting Application To Intervene* issued May 17, 2007). Rule 2.075 states the Commission may permit intervention if: "(4)(A) The proposed intervenor has an interest which is different from that of the general public and which may be adversely affected by a final order arising from the case; or (B) Granting the proposed intervention would serve the public interest."

7. The City of Springfield is a political subdivision of the State of Missouri with interests that are different than those of the general public.<sup>2</sup>

8. Springfield asserts it currently owns property located within and adjacent to The Meadows certificated water and sewer service area, including the Springfield-Branson National

---

<sup>1</sup> See *Joint Application for Approval of Transfer of Assets Id.* at pg 2, paragraph 6, and pg 4, para. 11.

<sup>2</sup> See *Application to Intervene* at pg 2, paragraph 3, and pg 4, para. 8; see also *Applicants Joint Application for Approval of Transfer of Assets* at pg 3, paragraph 7.

Airport.<sup>3</sup> Therefore, Springfield states it has an interest in rates, terms and conditions of service (See Springfield's *Response* at pg 4).

9. Springfield currently has public infrastructure, presumably to serve its customers and support its system, "within the certificated water and sewer service area of The Meadows to serve the Airport and portions of the surrounding areas."<sup>4</sup> This infrastructure includes public water, electric, gas, and sewer utilities. *Id.*

10. Commission rule 4 CSR 240-2.075(2)'s requires a statement of a proposed intervenor's interest. The City of Springfield asserted in its application that it "is unsure of the position it will take in this proceeding as it has not yet had the opportunity to review the possible ramifications that the transactions proposed by the Joint Applicants might have on Springfield's interests," fulfilling this requirement.

### **CONCLUSION**

11. Staff believes that the City of Springfield has met the requirements of 4 CSR 240-2.075, and that the Commission could thus permit Springfield to become an intervenor in this case.

12. First, it is undisputed by the parties that Springfield has interests different from that of the general public.<sup>5</sup>

13. Second, Springfield owns land within and adjacent to The Meadows certificated service area, and thus has an interest in the rates, terms and conditions that may apply to its property and facilities.

---

<sup>3</sup> See *Application to Intervene* at pg 2 and Springfield's *Response* at 4.

<sup>4</sup> See *Application to Intervene* at pg 3, and Springfield's *Response* at 6.

<sup>5</sup> See *Application to Intervene* at pg 2, paragraph 3, and pg 4, para. 8; see also Applicants *Joint Application for Approval of Transfer of Assets* at pg 3, paragraph 7.

14. Third, because Springfield possesses public infrastructure for public water, electric, gas and sewer utilities it has a clear public interest in this case. Therefore, Springfield's interests "which may be adversely affected by a final order" in this case have been adequately established for purposes of 4 CSR 240-2.075.

WHEREFORE, the Staff respectfully states that it believes the City of Springfield has met the requirements of 4 CSR 240-2.075, and that the Commission could thus permit Springfield to become an intervenor in this case.

Respectfully submitted,

/s/ Shelley Syler Brueggemann

Shelley Syler Brueggemann

Senior Counsel

Missouri Bar No. 52173

Attorney for the Staff of the  
Missouri Public Service Commission

P. O. Box 360

Jefferson City, MO 65102

(573) 526-7393 (Telephone)

(573) 751-9285 (Fax)

[shelley.syler@psc.mo.gov](mailto:shelley.syler@psc.mo.gov) (e-mail)

### **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 20<sup>th</sup> day of June 2007.

/s/ Shelley Syler Brueggemann