

BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

FILED

DEC 07 2004

**Missouri Public
Service Commission**

*IN THE MATTER OF THE JOINT APPLICATION OF)
MISSOURI-AMERICAN WATER COMPANY AND BOTH)
OSAGE WATER COMPANY AND ENVIRONMENTAL)
UTILITIES, L.L.C., FOR AUTHORITY FOR MISSOURI-)
AMERICAN WATER COMPANY TO ACQUIRE THE)
WATER AND SEWER ASSETS OF BOTH ENTITIES, AND)
FR TRANSFER TO MISSOURI-AMERICAN WATER)
COMPANY OF CERTIFICATES OF CONVENIENCE)
AND NECESSITY TO CONTINUE OPERATION OF SUCH)
ASSETS AS WATER AND SEWER CORPORATIONS)
REGULATED BY THE MISSOURI PUBLIC SERVICE)
COMMISSION)*

Case No. WO-2005-0086

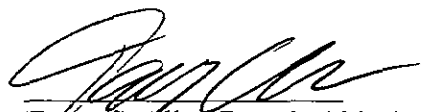
APPLICATION OF INTERVENER HANCOCK CONSTRUCTION
REQUESTING THE IT RECEIVE THE ENTIRE AMOUNT OF ITS JUDGMENT AGAINST
THE SELLERS OF THE ASSETS TO MISSOURI-AMERICAN WATER COMPANY

Hancock Construction has a Judgment acknowledged in the contract for the sale of assets to Missouri American Water Company in this case. At the pre hearing it was disclosed that only \$237,000.00 of the judgment with interest is the subject of the Contract and if the PSC would approve the sale then that amount would be deposited in the Circuit Court where the Judgment was entered. Moreover, the parties to the Contract did not relate exactly how the amount of \$237,000 was reached nor how the amount of \$350,000 for other creditors was reached in the category listed in their application and contract. The only representation was that part of the judgment to this Intervener was paid which is in dispute.

Herewith is a statement showing how much is owed as of 11-16-2004 on the Judgment with interest in favor of Hancock Construction. That is the amount plus any additional accruing interest until paid that is owed. The Applicant requests that its judgment in full be satisfied before any monies flow to the Owner or owners of the seller who has amounts budgeted for him as the dilution of the Applicant's judgment only enhances the ability of the owner or owners to receive monies.

Additionally it was indicated that once the sale is approved only the contract and the \$237,000 would be paid and the properties of the seller would be unencumbered by the judgment lien of the Applicant. The applicant believes this circumvents the judgment indebtedness if that is an accurate statement of law. Applicant does not oppose the sale of the assets but opposes any inadequate rate base or rates which would deny full payment of the judgment to the advantage of the Sellers. Either reduce the amount to the Sellers and increase the amount to the Applicant and any others in like situation or require the seller to increase the basis for the acquisition of the

assets. A copy of the Statement reflecting the debt as of 11/16/2004 is attached. The debt at that time is \$262,979.95.



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ATTORNEY FOR HANCOCK CONSTRUCTION COMPANY

CERTIFICATE OF SERVICE

The foregoing with attachment was mailed to the those listed below on this the 5 day of December, 2004, first class mail postage prepaid.

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DAVE HANCOCK

HANCOCK CONSTRUCTION CO.P.O. BOX 450 • SUNRISE BEACH, MO 65079
573-374-6362 • FAX 573-374-6691

November 16, 2004

STATEMENT**OSAGE WATER CO.**
P.O. BOX 650
SUNRISE BEACH, MO 65079

Case No. CV101-8CC

DATE	CK#	DESCRIPTION	INTEREST	PAYMENT	BALANCE OWED
9/4/02		Circuit Court Judgement			215,640.55
10/4/02		@ 9% per Judgement	1,595.15		217,235.54
11/4/02		@ 9% per Judgement	1,660.51		218,896.05
12/4/02		@ 9% per Judgement	1,619.23		220,515.28
1/4/03		@ 9% per Judgement	1,685.58		222,200.86
2/4/03		@ 9% per Judgement	1,698.47		223,899.33
3/4/03		@ 9% per Judgement	1,545.83		225,445.16
4/4/03		@ 9% per Judgement	1,723.27		227,168.43
5/4/03		@ 9% per Judgement	1,680.42		228,848.85
6/4/03		@ 9% per Judgement	1,749.28		230,598.13
7/4/03		@ 9% per Judgement	1,705.80		232,303.93
8/4/03		@ 9% per Judgement	1,775.69		234,079.62
9/4/03		@ 9% per Judgement	1,789.27		235,868.89
10/4/03		@ 9% per Judgement	1,744.78		237,613.67
11/4/03		@ 9% per Judgement	1,816.28		239,429.95
12/4/03		@ 9% per Judgement	1,771.20		241,201.15
1/4/04		@ 9% per Judgement	1,843.57		243,044.72
2/4/04		@ 9% per Judgement	1,857.83		244,902.55
3/4/04		@ 9% per Judgement	1,751.31		246,653.86
4/4/04		@ 9% per Judgement	1,885.42		248,539.28
5/4/04		@ 9% per Judgement	1,838.40		250,377.68
6/4/04		@ 9% per Judgement	1,913.94		252,291.62
7/4/04		@ 9% per Judgement	1,866.27		254,157.89
8/4/04		@ 9% per Judgement	1,942.74		256,100.63
9/4/04		@ 9% per Judgement	1,957.65		258,058.28
10/4/04		@ 9% per Judgement	1,908.90		259,967.18
11/16/04		@ 9% per Judgement	3,012.77		262,979.95

BALANCE PAST DUE:**\$262,979.95**