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November 3, 2004

FILED²

NOV 03 2004

Missouri Public
Service Commission

The Honorable Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102-0360

Re: Case No. WO-2005-0086

Dear Judge Roberts:

Enclosed for filing in the referenced matter please find the original and five copies of an Application to Intervene.

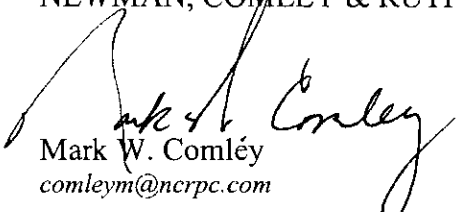
Would you please bring this filing to the attention of the appropriate Commission personnel.

Please contact me if you have any questions regarding this filing. Thank you.

Very truly yours,

NEWMAN, COMLEY & RUTH P.C.

By:


Mark W. Comléy
comleym@ncrpc.com

MWC:ab

Enclosure

cc: Office of Public Counsel
General Counsel's Office
Karen Medders

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²

NOV 03 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)
for the 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 TO INTERVENE

COMES NOW Cedar Glen Condominium Owners Association, Inc. (hereinafter sometimes Cedar Glen), pursuant to 4 CSR 240-2.075 of the Rules of Practice and Procedure, and for its Application to Intervene respectfully states:

1. Cedar Glen is a Missouri not-for profit corporation in good standing¹.
2. Correspondence, communications, orders and the decision in this matter should be

addressed to:

Dennis Blake
433 Cedar Glen Condos
Camdenton, MO 65020
573-317-1992 (H)

Mark W. Comley
NEWMAN, COMLEY & RUTH P.C.
P.O. Box 537
Jefferson City, MO 65102-0537
Telephone No.: 573/634-2266
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¹ Corporate entities are required by 4 CSR 240-2.060(1)(B) to attach a certificate of corporate good standing to their applications. Counsel for the applicant was not able to acquire such a certificate before the deadline for intervention, but has today ordered the certificate from the Secretary of State's office. Applicant requests temporary waiver of this rule. The certificate will be a late filed exhibit upon its receipt from the Secretary's offices.

3. This case arose when Missouri-American Water Company, Osage Water Company and Environmental Utilities, L.L.C. (hereinafter collectively referred to as "Joint Applicants") filed applications for approval of a transaction in which Missouri American Water Company would acquire the utility assets (both water and sewer) of Osage Water Company and Environmental Utilities, L.L.C. On October 19, 2004 the Commission issued an Order Directing Notice, Setting Intervention Deadline, and Directing Staff Recommendation directing that interested parties wishing to intervene must do so on or before November 3, 2004. This application is therefore timely.

4. Cedar Glen and its owner/members are customers of Osage Water Company. Osage Water Company has supplied water to units in Cedar Glen Condominiums by means of a deep well which, based on counsel's information and belief, exclusively serves Cedar Glen Condominiums and no other customer(s). Cedar Glen's interest in this proceeding is different from that of the general public. It is interested in the impact of any decisions in this proceeding on behalf of itself and its members, whose interests, and Cedar Glen's, may be adversely affected by a final decision in this case. Cedar Glen desires to participate fully in this proceeding including hearing and the briefing of the issues.

5. Cedar Glen is opposed to so much of the proposed asset sale that includes sale of the deep well that is dedicated to service for Cedar Glen Condominiums. It is Cedar Glen's position that in the public interest, the deep well should be severed from the transaction and transferred to Cedar Glen, whose owners/members are the only customers served by the well's total output.

6. Granting the proposed intervention would serve the public interest.

WHEREFORE, for the foregoing reasons, Cedar Glen Condominium Owners Association, Inc. respectfully requests that the Commission grant its Application to Intervene in this matter, and

thereby entitle Cedar Glen to have notice and to appear at the taking of testimony, to produce and cross-examine witnesses and to be heard on the argument, and in all other respects fully participate in this proceeding.

Respectfully submitted,

NEWMAN, COMLEY & RUTH P.C.

By:


Mark W. Comley #28847

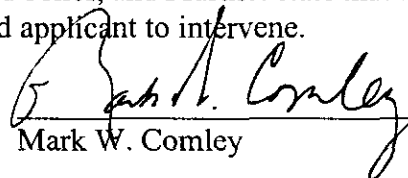
601 Monroe Street, Suite 301
P.O. Box 537
Jefferson City, MO 65102-0537
(573) 634-2266
(573) 636-3306 (FAX)

Attorneys for Cedar Glen Condominium Owners
Association, Inc.

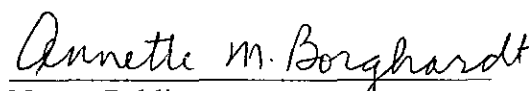
ATTORNEY VERIFICATION

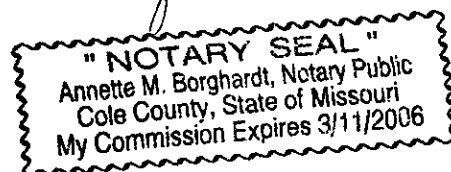
STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

I, Mark W. Comley, being first duly sworn, do hereby certify, depose and state that I am the attorney for Cedar Glen Condominium Owners Association, Inc. which seeks intervention in the above captioned proceeding before the Missouri Public Service Commission; that I have read the above and foregoing Application to Intervene and the allegations therein contained are true and correct to the best of my knowledge, information and belief; and I further state that I am authorized to verify the foregoing application by the above said applicant to intervene.


Mark W. Comley

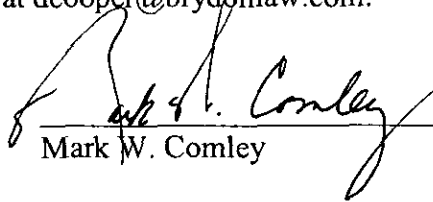
Subscribed and sworn to before me, a Notary Public, this 3rd day of November, 2004.


Notary Public



Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent via e-mail on this 3rd day of November, 2004, to General Counsel's Office at gencounsel@psc.state.mo.us; Office of Public Counsel at opcservice@ded.state.mo.us; and via U.S. Mail, postage prepaid, to Dean L. Cooper at dcooper@brydonlaw.com.



Mark W. Comley