

CONSISE STATEMENT OF ISSUES TO BE APPEALED

1. Whether or not section 247.172 RSMo is applicable to an agreement solely between a consolidated public water district and a municipality.
2. If section 247.172 RSMo is applicable to an agreement solely between a consolidated public water district and a municipality, whether or not the agreement entered into between Consolidated Public Water Supply District No. C-1 of Jefferson County, Missouri (herein after C-1) and City of Pevely, Missouri (herein after Pevely) displaces competition as contemplated by section 247.172 RSMo.
3. Whether or not, if section 247.172 RSMo is applicable, the Public Service Commission has authority or jurisdiction under section 247.172 RSMo to order the C-1 and Pevely to submit their territorial agreement for approval.
4. Whether or not, if section 247.172 RSMo is applicable, the agreement entered into between C-1 and Pevely which was never submitted to the Public Service Commission is *void ab initio* pursuant to section 432.070 RSMo as an *ultra vires* contract.

This matter did not require a reconciliation under subsection 4 of section 386.420 RSMo as said hearing and complaint does not pertain to the establishment of new rates for a public utility that is not classified as a price-cap or competitive company.