

**FILED**

**JUL 3 2014**

**Missouri Public  
Service Commission**

Exhibit No.:

Issue:

Witness:

Type of Exhibit:

Sponsoring Party:

Case No.:

Date Testimony Prepared:

Agreement/Water Service

Terry Thomas

Direct Testimony

City of Pevely

WC-2014-0018

April 25, 2014

**MISSOURI PUBLIC SERVICE COMMISSION**

**REGULATORY REVIEW DIVISION**

**DIRECT TESTIMONY**

**OF**

**TERRY THOMAS**

**STAFF OF THE MISSOURI PUBLIC SERVICE COMMISSION v.  
CONSOLIDATED PUBLIC WATER SUPPLY DISTRICT C-1 OF  
JEFFERSON COUNTY and CITY OF PEVELY**

**CASE NO. WC-2014-0018**

*Resp* Exhibit No. 2  
Date 6-11-14 Reporter FF  
File No. WC-2014-0018

*Ex 3*


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

The Staff of the Missouri Public Service Commission,	)	
	)	
Complainant	)	
	)	
vs.	)	
	)	Case No. WC-2014-0018
Consolidated Public Water Supply District C-1 of Jefferson County, Missouri,	)	
	)	
and	)	
	)	
City of Pevely, Missouri,	)	
	)	
Respondents	)	

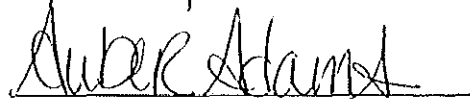
**AFFIDAVIT OF TERRY THOMAS**

STATE OF MISSOURI     )  
                                  ) SS  
COUNTY OF             )

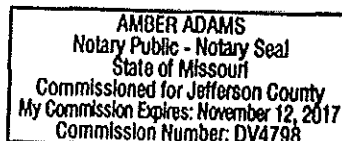
Terry Thomas, of lawful age, on his oath states: that he has participated in the preparation of the following Direct Testimony in question and answer form, consisting of 2 pages of Direct Testimony to be presented in the above case, that the answers in the following Direct Testimony were given by him; that he has knowledge of the matters set forth in such answers; and that the matters are true to the best of his knowledge and belief.

  
Terry Thomas

Subscribed and sworn to before me this 25 day of April, 2014.

  
Notary Public

My Commission Expires:



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**OF**

**TERRY THOMAS**

**STAFF OF THE MISSOURI PUBLIC SERVICE COMMISSION v.  
CONSOLIDATED PUBLIC WATER SUPPLY DISTRICT C-1 OF  
JEFFERSON COUNTY and CITY OF PEVELY**

**CASE NO. WC-2014-0018**

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**DIRECT TESTIMONY**

**OF**

**TERRY THOMAS**

**STAFF OF THE MISSOURI PUBLIC SERVICE COMMISSION v.  
CONSOLIDATED PUBLIC WATER SUPPLY DISTRICT C-1 OF  
JEFFERSON COUNTY and CITY OF PEVELY**

**CASE NO. WC-2014-0018**

Q. Please state your name and business address.

A. My name is Terry Thomas and my business address is 401 Main Street, Pevely, Missouri  
63070.

Q. By whom are you employed and in what capacity?

A. I am employed by the City of Pevely as the City Administrator.

**I. Respondents' Alleged Territorial Agreement**

Q. Could you please summarize your testimony related to the agreement at issue in this  
case?

A. In 2007, Pevely entered into an agreement with the Consolidated Public Water Supply  
District C-1 of Jefferson County, Missouri (District). If Pevely thought that Missouri Revised  
Statute § 247.172 applied to that agreement such that its conduct would be considered to violate  
that law, then it would have sought the Commission's approval of the agreement. Pevely  
received no notice from the Commission prior to these proceedings that it intended to enforce the  
provisions of § 247.172 against the Respondents' agreement. Pevely is unsure of the status of  
the agreement between Respondents as Pevely is willing to provide water services to those  
within its municipal boundaries who are in need. The District previously sued the City alleging  
that Pevely was not abiding by the agreement.

**II. Provision of Water Services in General**

1 Q. Could you please summarize your testimony related to Pevely's provision of water  
2 service in general?

3 A. Pevely does not provide water service beyond its corporate municipal boundaries.

4 **III. Water Service to Valle Creek Condominiums**

5 Q. Could you please summarize your testimony related to Pevely's provision of water  
6 service to Valle Creek Condominiums?

7 A. The property known as Valle Creek Condominiums (Valle Creek) lies within the  
8 municipal boundaries of Pevely. The District lacked the infrastructure to serve the area in which  
9 Valle Creek is located. Upon information and belief, the District and the developer of Valle  
10 Creek, H & H Development Company, Inc. (H & H) entered into an agreement providing for H  
11 & H's connection to the District's water system. At the request of H & H, Pevely agreed to  
12 provide water to Valle Creek for a period of 6 months. Pevely's water mains extend to Valle  
13 Creek, which allowed it to provide water services to Valle Creek upon H & H's request. Pevely  
14 would have directly provided water to Valle Creek if H & H had not entered into an agreement  
15 with the District to connect to the District's water system. Pevely provided water to Valle Creek  
16 beyond the 6 month period because it had not connected to the District's water system and  
17 Pevely wanted to ensure that Valle Creek received water. Pevely has advised the receiver of H  
18 & H that it is willing to meet the future water service needs of Valle Creek.