

**BEFORE THE PUBLIC SERVICE COMMISSION**

**STATE OF MISSOURI**

In the Matter of the Application of the City )  
Of Union, Missouri and Public Water Supply )  
District No. 1 of Franklin County, Missouri for ) Case No. WO-2003-0186  
Approval of a Second Amendmen to Territorial )  
Agreement Concerning Territory in Franklin )  
County, Missouri )

**SECOND ADDENDUM TO WATER SERVICE TERRITORIAL AGREEMENT**

Come now the City of Union, Missori (“City”) and Public Water Supply District No. 1 of Franklin County, Missouri (“District”)(collectively “Joint Applicants”), by and through counsel, and pursuant to Paragraph 6 of the Territorial Agreement approved by Commission on March 6, 2003 as amended by that First Amendment and Addendum to Territorial Agreement filed with the Commission on September 20, 2006 in the above captioned case and respectfully state as follows:

1. On March 6, 2003 the Commission approved by *Report and Order* the Territorial Agreement submitted by Joint Applicants in this case.

2. Paragraph 6 of the Territorial Agreement provides:

“The parties may agreed on a case-by-case basis by an Addendum hereto to allow a structure to receive service from one party though the structure is located in the service area of the other. Such Addendum referred to above shall be filed with the Executive Secretary of the Missouri Public Service Commission in the same manner as a motion or other pleading, with a copy submitted to the Office of the Public Counsel. Each Addendum shall consist of a notarized satetment identifying the structure, the party to serve the structure and the justification for the Addendum and indicating that the parties support the Addendum. Each Addendum shall be accompanied by a notarized statement,

signed by the customer to be served which acknowledges such customer's receipt of notice of the contemplated service to be provided and that the Addendum represents an exception to the territorial boundaries approved by the Public Service Commission and shall indicate the customer's consent to be served by the Party contemplated by the Addendum. If the Staff of the Public Service Commission or Office of the Public Counsel do not submit a pleading objecting to the Addendum within forty-five (45) days of the filing thereof, the Addendum shall be deemed approved by the aforesaid parties. However, if a pleading in opposition to the Addendum is filed by the above-listed parties, the Commission shall schedule an evidentiary hearing at the earliest reasonable opportunity to determine whether the Addendum should be approved. Each Addendum shall contain a statement in bold uppercase typeface indicating that the Staff of Office of Public Counsel has forty-five (45) days to oppose the Addendum or else the Addendum shall be deemed approved by the aforesaid parties. Each party, pursuant to an executed Addendum, shall have the right to provide temporary service until the Commission approves or disapproves the Addendum. No party shall be required to remove any facilities installed pursuant to an Addendum until the effective date of an Order of the Commission or a court regarding removal of same."

3. Pursuant to paragraph 6 of the Territorial Agreement **THE STAFF OF THE MISSOURI PUBLIC SERVICE COMMISSION OR OFFICE OF THE PUBLIC COUNSEL HAS FORTY-FIVE (45) DAYS TO OPPOSE THIS ADDENDUM OR ELSE THIS ADDENDUM SHALL BE DEEMED APPROVED BY THE AFORESAID PARTIES.**

4. On December 1, 2004, the City and District executed the *First Amendment and Addendum to Territorial Agreement* (hereinafter “First Amendment”) which was filed with the Commission on September 20, 2006. Pursuant to Paragraph 6 of the Territorial Agreement, neither the Staff of the Commission or the Office of Public Counsel opposed the First Amendment so it was deemed automatically approved forty five (45) days later.
5. On November 12<sup>th</sup>, 2019, the City and District executed the *Second Amendment and Addendum to Territorial Agreement* (hereinafter “Second Amendment”), attached hereto and incorporated in full herein by reference as part of this Addendum. Pursuant to the Second Amendment, the District agreed to transfer a parcel of land from the District’s service territory to the City for the right to provide water service to a parcel of land (specifically described in Exhibit A to the Second Amendment), conditioned upon approval by the Missouri Public Service Commission. Under the Commission approved Territorial Agreement, said parcel lies within the District’s water service area. In order to receive water service to and within said parcel from the District, new District water facilities would have to be installed at considerable cost to all involved. The City, however, currently does have nearby water facilities in place.
6. All of the property owners within the parcel, which is undeveloped, have requested the City to provide water service to their properties. All current property owners have consented to be served by the City and support the filing and Commission approval of this Addendum to the original Territorial Agreement.
7. There are no customers who are currently receiving service from the District whose service will transfer to the City as this parcel is undeveloped.

8. The Joint Applicants recognize that this Addendum represents an exception to the water service territorial boundaries approved by the Commission in Case No. WO-2003-0186, as amended by the *First Amendment and Addendum to Territorial Agreement* and that once effective, this Addendum will allow the City to provide water service to the aforementioned parcel unless and until the Commission, upon proper petition, would authorize a change of water supplier in a subsequent proceeding brought for that purpose.
9. Attached as Exhibit A to the Second Amendment is a copy of the legal description of the property to be added to the City's water service area under the Territorial Agreement if this Addendum becomes effective.
10. To assist the Staff and the Commission in their review, attached as Exhibit B to the Second Amendment is a copy of the legal description of the District's service territory upon approval of this Addendum.

Wherefore, Joint Applicants the City of Union, Missouri and Public Water Supply District No. 1 of Franklin County, Missouri respectfully request that this Second Amendment and Addendum to Territorial Agreement, as originally approved by the Commission in Case No. WO-2003-0186, be approved.

Respectfully submitted,

Sandberg Phoenix & Von Gontard P.C.

By: /s/ Mark C. Piontek  
Mark C. Piontek MBE #36221  
1200 Jefferson Street  
P.O. Box 1040  
Washington, Missouri 63090  
(636) 239-7747  
(636) 239-8450 (fax)  
mpiontek@sandbergphoenix.com

Attorneys for Joint Applicants

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Second Addendum To Water Service Territorial Agreement and appendices, filed in Commission Case No. WO-2003-0186, was delivered to the General Counsel's Office of the Missouri Public Service Commission and to the Office of the Public Counsel by U.S. Mail, firstclass postage prepaid,, this 14<sup>th</sup> day of February, 2020.

/s/ Mark C. Piontek