

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

In the Matter of the Name Change Request)	
of Algonquin Water Resources of Missouri)	<u>File No. WN-2012-0025</u>
LLC to Algonquin Water Resources of)	Tariff No. JW-2012-0035
Missouri d/b/a Liberty Water.)	

In the Matter of the Name Change Request)	
of Algonquin Water Resources of Missouri)	<u>File No. SN-2012-0026</u>
LLC to Algonquin Water Resources of)	Tariff No. JS-2012-0036
Missouri d/b/a Liberty Water.)	

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through counsel, and for its *Staff Recommendation*, respectfully states to the Missouri Public Service Commission (“Commission”) as follows:

1. On July 25, 2011, Algonquin Water Resources of Missouri, LLC, d/b/a Liberty Water (“Liberty”) submitted revised cover pages and revised adoption notices for its existing water tariff and existing sewer tariff, along with supporting documentation, seeking to apply the fictitious name “Liberty Water” to its water and sewer tariffs and other filings to be made before the Commission. The proposed tariff sheets bear an effective date of August 24, 2011.

2. On July 27, 2011, the Commission issued its *Order* directing the Staff to file a Recommendation no later than August 15, 2011. This filing is meant to comply with that *Order*.

3. Staff has examined Liberty Water’s filing and in the attached Appendix A, recommends the Commission approve the proposed tariff sheets, consisting of revised cover pages and revised adoption notices, one of each for Liberty’s water tariff and sewer tariff, to become effective on August 24, 2011. Staff further recommends that the Commission update its listings of water and sewer utilities by changing the name “Algonquin Water Resources of

Missouri, LLC” to “Algonquin Water Resources of Missouri, LLC d/b/a Liberty Water”; and order that Liberty consistently use “Liberty Water” in any and all future filings with the Commission and communications with customers.

WHEREFORE, Staff supports the revision filed by Liberty Water, and recommends that the Commission approve the proposed tariff sheets, update its listings of water and sewer utilities by changing the name “Algonquin Water Resources of Missouri, LLC” to “Algonquin Water Resources of Missouri, LLC d/b/a Liberty Water”; and further order that Liberty consistently use “Liberty Water” in any and all future filings with the Commission and communications with customers.

Respectfully submitted,

/s/ Meghan McClowry
Meghan E. McClowry
Legal Counsel
Missouri Bar No. 63070

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 3rd day of August, 2011.

/s/ Meghan McClowry

MEMORANDUM

TO: Missouri Public Service Commission Official Case File
Case Nos. WN-2012-0025 and SN-2012-0026
Tariff Tracking Nos. JW-2012-0035 and JS-2012-0036
Algonquin Water Resources of Missouri, LLC d/b/a Liberty Water

FROM: Jim Merciel – Water & Sewer Department

<u>/s/ Jim Busch</u>	<u>8/3/2011</u>
Water and Sewer Department	Date

<u>/s/ Rachel Lewis</u>	<u>8/3/2011</u>
General Counsel's Office	Date

SUBJECT: Staff Recommendation Regarding Tariff Filing – Name Change

DATE: August 3, 2011

BACKGROUND

On July 25, 2011 Algonquin Water Resources of Missouri, LLC d/b/a Liberty Water (Liberty) submitted revised cover pages and revised adoption notices for its existing water tariff and existing sewer tariff, along with supporting documentation, seeking to apply the fictitious name “Liberty Water” to its water and sewer tariffs, and other filings to be made before the Commission. The proposed tariff sheets bear an effective date of August 24, 2011.

STAFF'S INVESTIGATION, FINDINGS AND CONCLUSIONS

Staff does not have any reason to believe that use of the fictitious name “Liberty Water” will cause any confusion or problems related to its water and sewer utility operations in Missouri. Staff is aware that Liberty has been using this name recently, and also that this name is shared with some of its parent companies that also includes use of the name “Liberty” on a national level (i.e. Liberty Utilities Company and Liberty Water Company).

In addition to adding the fictitious name to the tariffs, these filings also serve to limit the water tariff to Liberty's three (3) existing water service areas, and the sewer tariff to Liberty's existing two (2) sewer service areas. This limitation is important because Liberty is currently seeking permission from the Commission to acquire two (2) separate regulated entities for which existing tariffs for those entities would be adopted. Liberty may also seek to acquire additional entities or operations in Missouri, adopting additional tariffs. In such situations, Liberty's existing water and sewer tariffs should properly not apply to those additional service areas.

OTHER PENDING CASES

In Commission Case Number WO-2011-0328, Liberty seeks to acquire the assets of Noel Water Company, Inc.; and in Commission Case Number WO-2011-0350, Liberty seeks to acquire the assets of KMB Utility Corporation. Staff filed positive recommendations in both of these cases, informing the Commission that the acquisitions are not detrimental to the public interest. Approval of these proposed tariff sheets will have no negative impact upon either of those two pending cases, nor will approval of the sales of assets proposed in either of those cases have any negative impact upon these pending tariff sheets.

In its recommendations in the above referenced cases, Staff recommended the Commission order Liberty to either continue the use of the actual company name Algonquin Water Resources of Missouri, LLC, or file appropriate paperwork with the Commission to use its chosen fictitious name, "Liberty Water."¹ The filing of these proposed tariff sheets and the related paperwork reflecting the fictitious name is the first step in addressing Staff's recommendations. Staff continues to recommend that Liberty use "Liberty Water" in any and all filings to the Commission and with customer bills and correspondence from here on out, unless and until another name change is properly recognized.

OTHER MATTERS

Liberty is current on its filings of annual reports with the Commission through the calendar year 2010, according to information submitted in the Commission's Electronic Filing and Information System (EFIS). Liberty is also current on its annual assessment payments through the fiscal year 2012, according to information posted by the Commission's Administration Division on its intranet site.

STAFF'S RECOMMENDATION

The Staff recommends the Commission approve the proposed tariff sheets, consisting of revised cover pages and revised adoption notices, one of each for Liberty's water tariff and sewer tariff, to become effective on August 24, 2011.

Staff further recommends that the Commission update its listings of water and sewer utilities by changing the name Algonquin Water Resources of Missouri, LLC to Algonquin Water Resources of Missouri, LLC d/b/a Liberty Water; and that Liberty consistently use "Liberty Water" in any and all future filings with the Commission and communications with customers.

¹ Ref. Case File WO-2011-0328, EFIS item 11, Staff Recommendation No. 7 on page 13; and, Case File WO-2011-0350, EFIS item 12, Staff Recommendation No. 8 on page 10.

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Algonquin Water Resources of Missouri,) Case No. WN-2012-0025
LLC to Algonquin Water Resources of)
Missouri, LLC d/b/a Liberty Water)

In the Matter of the Name Change of)
Algonquin Water Resources of Missouri,) Case No. SN-2010-0026
LLC to Algonquin Water Resources of)
Missouri, LLC d/b/a Liberty Water)

AFFIDAVIT OF JAMES A. MERCIEL, JR., P.E.

STATE OF MISSOURI)
) ss
COUNTY OF COLE)

James A. Merciel, Jr., P.E., of lawful age, on his oath states: (1) that he is the Assistant Manager – Engineering in the Water and Sewer Department of the Missouri Public Service Commission; (2) that he participated in the preparation of the foregoing *Staff Recommendation Regarding Tariff Filing*; (3) that he has knowledge of the matters set forth in the foregoing *Staff Recommendation Regarding Tariff Filing*; and, (4) that the matters set forth in the foregoing *Staff Recommendation Regarding Tariff Filing* are true and correct to the best of his knowledge, information and belief.



James A. Merciel, Jr., P.E.

Subscribed and sworn to before me this 3rd day of August 2012.



Notary Public

