

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

In the Matter of the Application of Timber)
Creek Sewer Company for a Certificate of)
Convenience and Necessity Authorizing it)
to Construct, Install, Own, Operate,)
Maintain, Control and Manage a Sewer)
System in Clay County, Missouri as an)
expansion of its Existing Certificated Areas)

File No. SA-2022-_____

APPLICATION AND MOTION FOR WAIVER

COMES NOW Timber Creek Sewer Company (“Timber Creek”), pursuant to Section 393.170, RSMo and Commission Rules 20 CSR 4240-2.060, 20 CSR 4240-3.305, and 20 CSR 4240-4.017, and for its *Application and Motion for Waiver* states as follows to the Missouri Public Service Commission (“Commission”):

1. This Application is being filed by Timber Creek to obtain a certificate of convenience and necessity (“CCN”) to install, own, acquire, construct, operate, control, manage and maintain a sewer system in Clay County, Missouri as an expansion of its existing certificated service areas.

2. Timber Creek is a Missouri general business corporation, active and in good standing with the Missouri Secretary of State, with its principal office and place of business located at P.O. Box 511, Platte City, MO 64079. Pursuant to Commission Rule 20 CSR 4240-2.060(1)(G), Timber Creek incorporates by reference the certified copy of its Certificate of Good Standing previously filed in Case No. SA-2010-0100.

3. Other than cases that have been docketed at the Commission, Timber Creek has no pending action or final unsatisfied judgment or decision against it from any state or federal agency or court within the past three years that involves customer service or rates. Timber Creek has no overdue Commission annual reports or assessment fees.

4. Timber Creek provides sewer service to approximately 2,357 customers in Platte and Clay Counties, Missouri, pursuant to certificates of convenience and necessity previously granted in Commission Cases Nos. SA-95-110, SA-96-238, SA-99-202, SA-2002-404, SO-2002-1061, SA-2005-0297, SA-2005-0467, SA-2010-0063, SA-2010-0100, SA-2019-0006, and SA-2020-0013. Timber Creek is a "sewer corporation" and a "public utility" as those terms are defined in Section 386.020, RSMo and is subject to the jurisdiction and supervision of the Commission as provided by law.

5. Communications respecting this Application should be addressed to the undersigned counsel and:

Mr. Kaleb Sherry, General Manager
Timber Creek Sewer Company
P.O. Box 511
Platte City, Missouri 64079
(816) 858-3989 (telephone)
kaleb@timbercreeksewerco.com

6. The service area Timber Creek requests the Commission certificate will contain 19 single family sewer connections. A map of the area Timber Creek requests the Commission certificate is attached as **Appendix A**. A legal description of the area Timber Creek requests the Commission certificate is attached as **Appendix B**.

7. Timber Creek holds a CCN for sewer service and provides sewer service in an area adjoining the service area being requested by this Application (Johnson Ridge). Timber Creek's existing certificated service area in relation to the requested expansion area is identified in **Appendix A**. Sewer service is not currently offered in the expansion area by any unregulated entity or other regulated entity.

8. The sole owner of the identified expansion area has requested sewer service from Timber Creek. A copy of the letter requesting such service is attached hereto as **Appendix C-C**.

Appendix C-C has been identified as Confidential pursuant to Commission Rule 20 CSR 4240-2.135(2)(A)1, as it contains customer-specific information. The owner of this property will be responsible for the building the necessary collection line to the Timber Creek system and then contributing that line to Timber Creek.

9. In order to provide sewer service to the above-described areas, Timber Creek will not need to install new facilities and will not need to engage in any construction, nor require any new financing. Timber Creek currently operates a wastewater plant for Johnson Ridge with a Missouri Department of Natural Resources (DNR) design capacity of 40,000 gallons per day. The identified expansion area may be served within the design capacity of the existing treatment plant.

10. Attached as **Appendix D** is an estimate of the additional customer and revenues associated with service in this area for the following three years.

11. As stated above there are no plans and specifications or estimated cost of construction, as Timber Creek will not be required to construct plant for purposes of this expansion. Further, there are no plans for financing associated with the expansion. To the extent necessary, Timber Creek requests a waiver as to any additional information that might be required in a feasibility study.

12. Timber Creek proposes to use its rates and charges currently on file and approved by the Commission for service in its existing certificated territories and proposes to use the general terms and conditions of service found in its Commission-approved tariff to govern its provision of sewer service to this territory. The customer will be billed the “Clay County” Sewer Service Rate reflected on P.S.C. MO No. 2, 2nd Revised Sheet No. 4.

13. The subject territory is not within the boundaries of an incorporated municipality. Timber Creek is not aware of any other governmental approval that it must obtain.

14. The territory Timber Creek proposes to certificate has a need for an operating sewer system and otherwise has no sewer service available. Timber Creek's experience in the operation of sewer systems and its existing facilities give it the ability to provide this service in an efficient manner. For these reasons, a grant of the Application will further the public convenience and necessity.

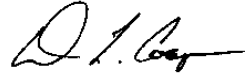
MOTION FOR WAIVER

15. Rule 20 CSR 4240-4.017(1) provides that "(a)ny person that intends to file a case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such case." A notice was not filed 60 days prior to the filing of this Application, and Timber Creek seeks a waiver of the 60-day notice requirement.

16. Rule 20 CSR 4240-4.017(1)(D) provides that a waiver may be granted for good cause. Good cause exists in this case. Timber Creek declares (as verified below) that it has had no communication with the office of the Commission (as defined by Commission Rule 20 CSR 4240-4.015(10)) within the prior 150 days regarding any substantive issue likely to be in this case, other than those pleadings filed for record. Accordingly, for good cause shown, Timber Creek moves for a waiver of the 60-day notice requirement of Rule 20 CSR 4240-4.017(1) and acceptance of this Application at this time.

WHEREFORE, Timber Creek requests, for good cause shown, that the Commission waive the notice requirement of 20 CSR 4240-4.017, and issue an Order approving this Application, issuing a CCN to Timber Creek as set forth above, and granting such other and further relief as is just and proper under the circumstances.

Respectfully submitted,



Dean L. Cooper, MBE #36592
Jennifer L. Hernandez, MBE #59814
BRYDON, SWEARENGEN & ENGLAND P.C.
312 E. Capitol Avenue
P.O. Box 456
Jefferson City, MO 65012
(573) 635-7166 telephone
(573) 636-7431 facsimile
dcooper@brydonlaw.com
jhernandez@brydonlaw.com

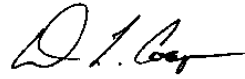
**ATTORNEYS FOR TIMBER CREEK SEWER
COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail on this 1st day of June 2022 to:

Staff Counsel's Office
Missouri Public Service Commission
staffcounsel@psc.mo.gov


Office of the Public Counsel
opcservice@opc.mo.gov



VERIFICATION

State of Missouri)
)
County of Platte) ss

I, Kaleb Sherry, under penalty of perjury, and pursuant to Section 509.030, RSMo, state that I am General Manager of Timber Creek Sewer Company (“Timber Creek”), that I am duly authorized to make this affidavit on behalf of Timber Creek, that I have knowledge of the matters stated herein, and that said matters are true and correct to be best of my information, knowledge and belief. Additionally, no representative of Timber Creek has had any communication with the Office of the Missouri Public Service Commission as defined in Commission Rule 20 CSR 4240-4.015(10) within the immediately preceding 150 days regarding the subject matter of this Application.

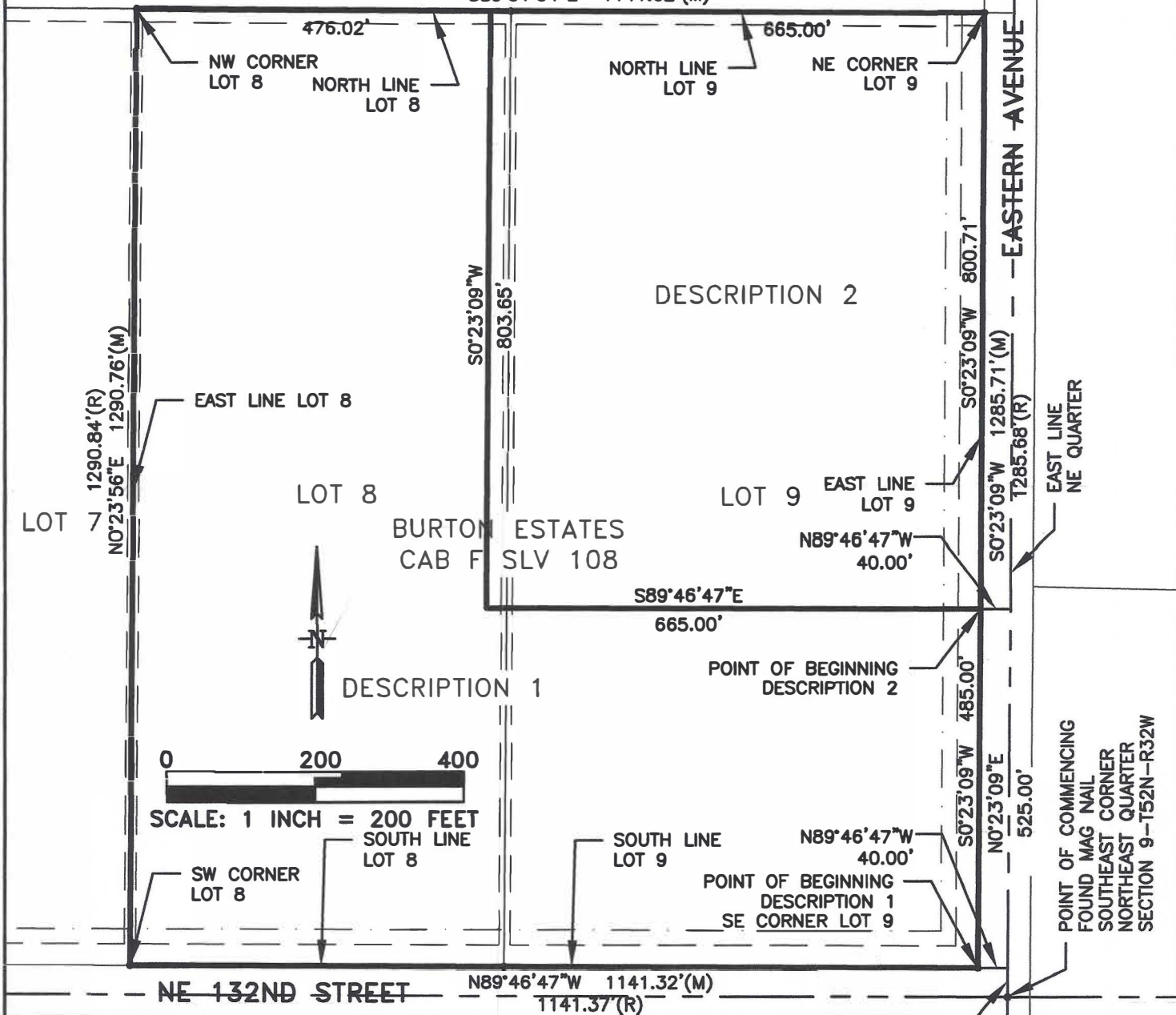




ORDERED BY:
 AGC ENGINEERS, INC
 405 SOUTH LEONARD ST, SUITE D
 LIBERTY MO 64068

EXHIBIT

1141.11'(R)
 S89°31'34"E 1141.02'(M)



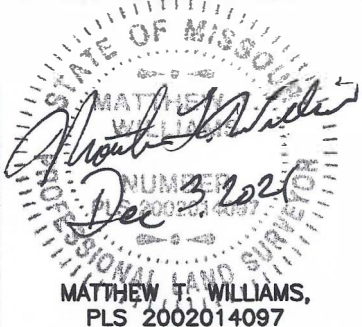
THIS EXHIBIT IS BASED ON THE DESCRIPTION IN MISSOURI GENERAL WARRANTY DEED NO°23'09"E RECORDED IN BOOK 4648 AT PAGE 833. BEARINGS SHOWN HEREON ARE BASED ON GRID NORTH MISSOURI STATE PLANE COORDINATE SYSTEM 1983, WEST ZONE USING GPS METHODS. FROM STATION CL-80, N=351309.471M, E=848094.758M, GRID FACTOR=0.9998983, DATE OF ADJUSTMENT 2003. THIS EXHIBIT IS NOT A BOUNDARY SURVEY.

BY MCLAUGHLIN MUELLER, INC.

MCLAUGHLIN MUELLER, INC.

Professional Land Surveyors
 218 West Mill Street
 Liberty, MO 64068

PH 816-407-0002 FX 816-407-0003
 Corporation LS 1999141096



MATTHEW T. WILLIAMS,
 PLS 2002014097

DRAWING NAME: 21031desc.dwg

DATE: DECEMBER 3, 2021

© McLaughlin Mueller, Inc. 2021

PROJECT NO.: 21031

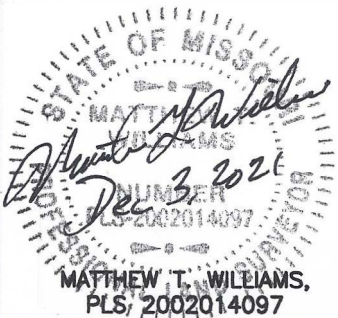
DESCRIPTION 1:

A TRACT OF LAND IN PART OF LOT 8 AND PART OF LOT 9, BURTON ESTATES, A SUBDIVISION OF LAND IN CLAY COUNTY, MISSOURI, DESCRIBED AS FOLLOWS; COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 52 NORTH, RANGE 32 WEST; THENCE N00°23'09"E, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 40.00 FEET; THENCE N89°46'47"W, ALONG A LINE 40.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING ON THE SOUTHEAST CORNER OF SAID LOT 9; THENCE N89°46'47"W, ALONG THE SOUTH LINE OF SAID LOT 9 AND ALONG THE SOUTH LINE OF SAID LOT 8, A DISTANCE OF 1141.32 FEET TO THE SOUTHWEST CORNER OF SAID LOT 8; THENCE N00°23'56"E, ALONG THE WEST LINE OF SAID LOT 8, A DISTANCE OF 1290.76 FEET TO THE NORTHWEST CORNER OF SAID LOT 8; THENCE S89°31'34"E, ALONG THE NORTH LINE OF SAID LOT 8, A DISTANCE OF 476.02 FEET; THENCE S00°23'09"W, ALONG A LINE 705.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 803.65 FEET; THENCE S89°46'47"E, ALONG A LINE 525.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 665.00 FEET TO A POINT ON THE EAST LINE OF SAID LOT 9; THENCE S00°23'09"W, ALONG SAID EAST LINE OF LOT 9, A DISTANCE OF 485.00 FEET TO THE POINT OF BEGINNING. CONTAINING 21.50 ACRES, MORE OR LESS.

DESCRIPTION 2:

A TRACT OF LAND IN PART OF LOT 8 AND PART OF LOT 9, BURTON ESTATES, A SUBDIVISION OF LAND IN CLAY COUNTY, MISSOURI, DESCRIBED AS FOLLOWS; COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 52 NORTH, RANGE 32 WEST; THENCE N00°23'09"E, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 525.00 FEET; THENCE N89°46'47"W, ALONG A LINE 525.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING ON THE EAST LINE OF SAID LOT 9; THENCE N89°46'47"W, CONTINUING ALONG A LINE 525.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 665.00 FEET; THENCE N00°23'09"E, ALONG A LINE 705.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 803.65 FEET TO THE NORTH LINE OF SAID LOT 8; THENCE S89°31'34"E, ALONG SAID NORTH LINE OF LOT 8 AND ALONG THE NORTH LINE OF SAID LOT 9, A DISTANCE OF 665.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 9; THENCE S00°23'09"W, ALONG SAID EAST LINE OF LOT 9, A DISTANCE OF 800.71 FEET TO THE POINT OF BEGINNING. CONTAINING 12.25 ACRES, MORE OR LESS.

BY MCLAUGHLIN MUELLER, INC.



MCLAUGHLIN MUELLER, INC.

Professional Land Surveyors
 218 West Mill Street
 Liberty, MO 64068

PH 816-407-0002 FX 816-407-0003
 Corporation LS 1999141096

DRAWING NAME: 21031DESC.DWG

DATE: DECEMBER 3, 2021

© MCLAUGHLIN MUELLER, INC. 2021

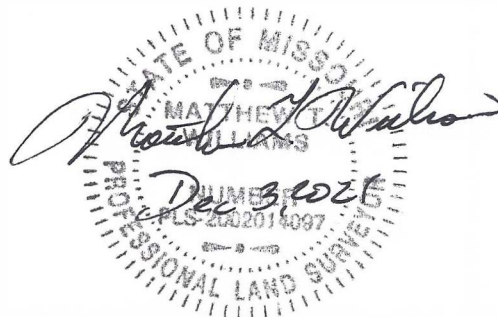
PROJECT NO.: 21031

DESCRIPTION 1:

A TRACT OF LAND IN PART OF LOT 8 AND PART OF LOT 9, BURTON ESTATES, A SUBDIVISION OF LAND IN CLAY COUNTY, MISSOURI, DESCRIBED AS FOLLOWS; COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 52 NORTH, RANGE 32 WEST; THENCE N00°23'09"E, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 40.00 FEET; THENCE N89°46'47"W, ALONG A LINE 40.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING ON THE SOUTHEAST CORNER OF SAID LOT 9; THENCE N89°46'47"W, ALONG THE SOUTH LINE OF SAID LOT 9 AND ALONG THE SOUTH LINE OF SAID LOT 8, A DISTANCE OF 1141.32 FEET TO THE SOUTHWEST CORNER OF SAID LOT 8; THENCE N00°23'56"E, ALONG THE WEST LINE OF SAID LOT 8, A DISTANCE OF 1290.76 FEET TO THE NORTHWEST CORNER OF SAID LOT 8; THENCE S89°31'34"E, ALONG THE NORTH LINE OF SAID LOT 8, A DISTANCE OF 476.02 FEET; THENCE S00°23'09"W, ALONG A LINE 705.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 803.65 FEET; THENCE S89°46'47"E, ALONG A LINE 525.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 665.00 FEET TO A POINT ON THE EAST LINE OF SAID LOT 9; THENCE S00°23'09"W, ALONG SAID EAST LINE OF LOT 9, A DISTANCE OF 485.00 FEET TO THE POINT OF BEGINNING. CONTAINING 21.50 ACRES, MORE OR LESS.

DESCRIPTION 2:

A TRACT OF LAND IN PART OF LOT 8 AND PART OF LOT 9, BURTON ESTATES, A SUBDIVISION OF LAND IN CLAY COUNTY, MISSOURI, DESCRIBED AS FOLLOWS; COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 52 NORTH, RANGE 32 WEST; THENCE N00°23'09"E, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 525.00 FEET; THENCE N89°46'47"W, ALONG A LINE 525.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING ON THE EAST LINE OF SAID LOT 9; THENCE N89°46'47"W, CONTINUING ALONG A LINE 525.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 665.00 FEET; THENCE N00°23'09"E, ALONG A LINE 705.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 803.65 FEET TO THE NORTH LINE OF SAID LOT 8; THENCE S89°31'34"E, ALONG SAID NORTH LINE OF LOT 8 AND ALONG THE NORTH LINE OF SAID LOT 9, A DISTANCE OF 665.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 9; THENCE S00°23'09"W, ALONG SAID EAST LINE OF LOT 9, A DISTANCE OF 800.71 FEET TO THE POINT OF BEGINNING. CONTAINING 12.25 ACRES, MORE OR LESS.



APPENDIX C-C
IS DEEMED CONFIDENTIAL
IN ITS ENTIRETY
PURSUANT TO COMMISSION RULE
20 CSR 4240-2.135(2)(A)1

YEAR 1	YEAR 2	YEAR 3
Customers = 6 Annual Revenues ¹ = \$2,052.00	Customers = 12 Annual Revenues = \$4,104.00	Customers = 19 Annual Revenues = \$6,498.00

¹ Number of customers multiplied by the Clay County Sewer Service Rate of \$28.50 per month.