

STEWART & KEEVIL, L.L.C.
ATTORNEYS AT LAW

ORIGINAL

CHARLES BRENT STEWART
JEFFREY A. KEEVIL

1001 CHERRY STREET
SUITE 302
COLUMBIA, MISSOURI 65201-7931

TELEPHONE (573) 499-0635
FACSIMILE (573) 499-0638

November 16, 1999

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

FILED²

NOV 16 1999

Missouri Public
Service Commission

Re: Case No. WR-2000-281 (as consolidated)
Missouri-American Water Company

Dear Mr. Roberts:

Please find enclosed for filing in the above-referenced case an original and fourteen copies of the Application To Intervene filed on behalf of Public Water Supply District No. 2 of St. Charles County, Missouri. Copies have been sent to counsel for all parties of record. Thank you.

Sincerely,

Brent Stewart
Brent Stewart

CBS/bt

Enclosure

cc: W.R. England, III
Office of the Public Counsel
Mark Piontek

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

ORIGINAL
FILED²
NOV 16 1999

In the Matter of Missouri-American Water)
Company's Tariff Sheets Designed to Implement)
a General Rate Increase for Water Service)
Provided to Customers in the Missouri Service)
Area of the Company.)

Case No. WR-2000-281

Missouri Public
Service Commission

In the Matter of Missouri-American Water)
Company's Tariff Sheets Designed to Implement)
a General Rate Increase for Sewer Service)
Provided to Customers in the Missouri Service)
Area of the Company.)

Case No. SR-2000-282

APPLICATION TO INTERVENE

Comes now Public Water Supply District No. 2 of St. Charles County, Missouri
("District"), by and through counsel and pursuant to 4 CSR 240-2.075, and for its Application
To Intervene in the above-captioned consolidated case, respectfully states as follows:

1. The District is a political corporation and public water supply district formed and
operating under the provisions of Chapter 247 RSMo since 1974. The District's service
territory encompasses portions of St. Charles and Warren Counties, an area of approximately
261 square miles, and it serves in excess of 13,000 customers. The District's principal place
of business is 100 Water Drive, O'Fallon, Missouri 63366 and its telephone number is (314)
281-2866.

2. All communications, notices, pleadings, orders and decisions regarding this matter
should be sent to:

Charles Brent Stewart
STEWART & KEEVIL, L.L.C.
1001 Cherry Street, Suite 302
Columbia, Missouri 65201
(573) 499-0635
(573) 499-0638

Mark C. Piontek
LEWIS, RICE & FINGERSH
216 W. Main, P.O. Box 1040
Washington, Missouri 63090
(636) 239-7747
(636) 239-8450

3. On October 28, 1999, the Commission issued its Suspension Order and Notice and Order Consolidating Cases wherein, *inter alia*, it found that proper persons should be allowed 20 days to seek to intervene and set an intervention deadline of November 17, 1999. In recognition that this rate case was likely to generate a great deal of public interest across the state, the Commission further ordered the Records Department to:

“...serve a copy of this order upon the mayor of each city and the county commission of each county in the Company’s service area. In addition, the Commission’s Information Office shall send notice of this order to the publisher of each newspaper located in the counties in which the Company provides service, as listed in the newspaper directory of the current *Official Manual of the State of Missouri*, and to members of the General Assembly representing residents of the Company’s Missouri service area.”

Based on the Company’s initial filing using “system wide rates”, and the Commission’s recent Report and Order in the Company’s cost of service case, Case No. WO-98-204, this particular rate case proceeding is expected to address numerous and significant public policy issues above and beyond what otherwise might be expected in a “typical” rate case proceeding.

4. The publicly-owned District has a definite interest in those issues and how the Commission ultimately will address them. Moreover, the District is specifically interested in this proceeding because the District presently provides water service in and around Missouri-American Water Company’s (“MAWC”) certificated service areas in St. Charles and Warren Counties and because the District directly competes with MAWC for customers in these areas. The rates, rate design--and perhaps other tariff issues--addressed and ruled upon in this case will have financial and competitive consequences for the District and its customers. The District has a continuing duty to its customers to monitor all developments relating to MAWC’s operations which might affect MAWC’s service in and around the District’s service

area. It was not that long ago that the District was forced to file a complaint against MAWC with the Commission relating to MAWC's unlawful provision of water service in the District's service area. See Case Nos. WA-97-45, WO-97-492, WC-96-441 (as consolidated), initial Report and Order issued November 26, 1997.

5. The District should be permitted to intervene in this proceeding for any, if not all, of the reasons set forth in 4 CSR-240.075(4). The District has direct financial and public policy interests in this proceeding which are different than that of the general public and which cannot be adequately represented by other parties to this proceeding. While the District is not a "municipality", it can be considered to be a "municipal corporation" in the broad sense of the term. *State ex rel. Halferty v. Kansas City Power & Light Company*, 145 S.W.2d 116 (Mo. 1941). Moreover, water supply districts formed under the provisions of Chapter 247 fall under the definition of "other political subdivision". *Op. Atty. Gen. No. 365*, McGhee, 10-26-67. Finally, granting the District intervention would serve the public interest in that the District, which is publicly-owned, serves in excess of 13,000 customers in and around a portion of MAWC's water service area. The Commission should avail itself the opportunity to hear any evidence the District might bring forth as to the many public policy issues likely to arise in this case. The District notes that in the past other public water districts have been routinely granted intervention in MAWC general rate case proceedings.

6. At this time, the District neither supports nor opposes the relief sought by MAWC although the District reserves the right to take positions on issues in this case as they might arise develop as the case moves forward.

WHEREFORE, for all the foregoing reasons, Public Water Supply District No. 2 of St. Charles County, Missouri respectfully requests that the Commission grant this Application To Intervene as a party in this case.

Respectfully submitted,

Charles Brent Stewart
Charles Brent Stewart, MoBar#34885
STEWART & KEEVIL, L.L.C.
1001 Cherry Street, Suite 302
Columbia, Missouri 65201
(573) 499-0635

ATTORNEY FOR PUBLIC WATER
SUPPLY DISTRICT NO. 2 OF ST.
CHARLES COUNTY, MISSOURI

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing was sent to counsel for Missouri-American Water Company and the Office of the Public Counsel this 16TH day of November, 1999 by depositing same in the U.S. Mail or by hand-delivery.

Charles Brent Stewart