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August 7, 2006

FILED<sup>4</sup>

AUG 07 2006

Missouri Public  
Service Commission

Mr. James A. Merceil, Jr., P.E.  
Assistant Manager-Engineering, Water &  
Sewer Department  
Missouri Public Service Commission  
PO Box 360  
Jefferson City, MO 65102

Re: Aqua Missouri Inc.

Dear Mr. Merceil:

Please find enclosed two (2) original complaints I am filing on behalf of Jason Becker and Becker Development Company against Aqua Missouri, Inc.

Thank you very much for your attention and should you have any questions, please feel free to call.

Sincerely,

HENDREN ANDRAE, LLC

Keith A. Wenzel

[kwenzel@hendrenandrae.com](mailto:kwenzel@hendrenandrae.com)

KAW:rh  
c: Jason Becker  
Marc Ellinger  
Enclosure

BEFORE THE PUBLIC SERVICE COMMISSION OF THE  
STATE OF MISSOURI

FILED<sup>4</sup>

AUG 07 2006

Jason Becker,  
Becker Development Company,  
  
Complainant,

vs.

Aqua Missouri, Inc.  
Respondent.

Case No.

Missouri Public  
Service Commission

COMPLAINT

1. Complainant resides at 8723 Nine Hills Lane, Centertown, Missouri, 65023.

2. Respondent, Aqua Missouri, Inc., 5402 Business Highway, Ste. 3, Jefferson City, Missouri 65102, is a public utility providing service to the service area where Becker Development Company owns property.

3. As the basis of this complaint, complainant states as the following facts: Attached hereto as Exhibit A and incorporated herein by reference is a memorandum from Dale Johansen dated May 3, 2006. Attached to Mr. Johansen's memo is a memorandum dated January 12, 1998, wherein at page three (3) the Public Service Commission recommended that the tariff currently being utilized by Aqua Missouri needed to be amended to reflect the Lake Carmel service area and the tariff being used at that time needed to be cancelled. No action has been taken by Aqua Missouri to amend its tariff. Also attached hereto as Exhibit B and incorporated by reference is a letter from Kevin Thompson, General Counsel for the Missouri Public Service Commission dated April 7, 2006. Mr. Thompson, on page two (2) states in part, ... "the company's obligations under the law as a public utility do not permit it to refuse to serve Mr. Becker... and "As you know, the Commission has "plenary power to coerce a public utility corporation into a safe and adequate service." Aqua Missouri, Inc. has failed and refused to expand its current facility and provide services to Mr. Becker. Also attached hereto as Exhibit C and incorporated by reference herein is a September 29, 2005 letter from Dale Johansen directed to Aqua Missouri, Inc. wherein it was again recommended that tariff changes needed to be made and that Aqua Missouri needed to take action to meet the current need for service to established lots where no extension of collecting mains is necessary for hook-up. Currently, Mr. Becker has several established lots where no extension of collecting mains is necessary for hook-up.

4. The complainant has taken the following steps to present this complaint to the respondent: Complainant has met with representatives of respondent's on numerous

occasions. In addition, Complainant and respondent have met with representatives of the Public Service Commission and Department of Natural Resources on several occasions at which time this complaint was presented to respondent.

WHEREFORE, complainant now requests the following relief: An order from the Missouri Public Service Commission ordering Aqua Missouri, Inc. to take the actions needed to meet the current need for service to established lots to Lake Carmel.

7/31/2006

Date

Jason P. Beh

Signature of Complainant