

LAW OFFICES

WITHERS, BRANT, IGOE & MULLENNIX, P.C.

A PROFESSIONAL CORPORATION
TWO SOUTH MAIN STREET
LIBERTY, MISSOURI 64068
(816) 781-4788
FAX (816) 792-2807

CONN WITHERS (1907-1993)
JEROME E. BRANT
VINCENT F. IGOE, JR.
RONALD C. MULLENNIX
JOHN M. CROSSETT
THOMAS C. CAPPS
MARK E. KELLY*
WARD K. BROWN
RODNEY A. AMES

LEIGH A. GOUCHER*
MICHAEL S. LAWSON
TROY L. DIETRICH
GARRETT L. GRIFFIN

* ALSO ADMITTED IN KANSAS

March 11, 2004

FILED⁴

MAR 16 2004

**Missouri Public
Service Commission**

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

Re: Central Rivers Wastewater Utility, Inc./Private Gardens Subdivision

Dear Mr. Roberts:

Enclosed for filing on behalf of Central Rivers Wastewater Utility, Inc., please find an original and fourteen (14) copies of an Application for Certificate of Convenience for Wastewater's treatment system for the above-referenced subdivision. Would you please see that this filing is brought to the attention of the appropriate Commission personnel.

If there are any questions regarding the filing, please direct them to the undersigned. I thank you in advance for your attention to and cooperation in this matter.

Sincerely,

Mark E. Kelly

MEK/adb

Enclosures

cc: Mr. Mark Geisinger

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the matter of the application of Central Rivers)
Wastewater Utility, Inc. a certificate of)
convenience and necessity authorizing it to)
construct, install, own, operate, control, manage)
and maintain sewer system for the public, located)
on an unincorporated area in Clay County, Missouri.)

Case No. _____

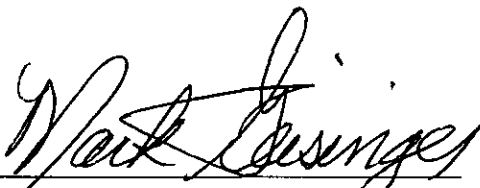
AFFIDAVIT

STATE OF MISSOURI)
) ss.
COUNTY OF CLAY)

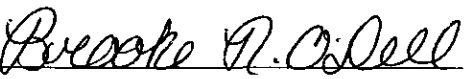
Mark Geisinger, of lawful age, being duly sworn upon his oath, states as follows:

1. I am the president of Central Rivers Wastewater Utility, Inc.
2. That I have reviewed the Application for an unincorporated area of Clay County, Missouri, commonly known as the Private Gardens Subdivision, and the same is true and correct to the best of my knowledge.

Further affiant saith not.


Mark Geisinger, President

Subscribed and sworn to before me, a Notary Public, this 27 day of February, 2004.


Notary Public
State of Missouri
Ray County

My Commission Expires:

2/14/07



FILED⁴

MAR 16 2004

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Missouri Public
Service Commission

In the matter of the application of Central
Rivers Wastewater Utility, Inc., a certificate
of convenience and necessity authorizing it
to construct, install, own, operate, control,
manage and maintain sewer system for the
public, located on an unincorporated area in
Clay County, Missouri.)
)
)
)
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)
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Case No. _____

APPLICATION

Comes now Central Rivers Wastewater Utility, Inc. (Applicant), pursuant to Section 393.170, RSMo. (1986), and 4 CSR 240-2.060(2) and, for its application for a certificate of convenience and necessity authorizing it to construct, install, own, operate, control, manage and maintain a sewer system for the public in an unincorporated area of Clay County, Missouri, states to the Missouri Public Service Commission (Commission) as follows:

1. Applicant is a Missouri corporation duly organized and existing under the laws of the State of Missouri with its principal office and place of business located at 211 Platte Clay Way, Suite D, Kearney, MO 64060. A certified copy of its certificate of incorporation and articles of incorporation were filed with the Commission under previous application, namely for Case No. SA-98-530. By this Application, Applicant proposes to provide sewer service to the public as a public utility pursuant to the jurisdiction, regulation and supervision of the Commission.

2. Correspondence, communications, orders and decisions regarding this matter should be addressed to:

Mark Geisinger
211 Platte Clay Way, Suite D
P.O. Box 528
Kearney, MO 64060
Telephone No. (816) 903-1454
Facsimile No. (816) 903-1499

With copies to:

Withers, Brant, Igoe & Mullennix, P.C.
Attn: Mark Kelly
2 South Main Street
Liberty, MO 64068
Telephone No. (816) 781-4788
Fax No. (816) 792-2807

3. By this application, Applicant seeks permission, approval and a certificate of public convenience and necessity authorizing it to construct, install, own, operate, control, manage and maintain a sewer system for the public in an unincorporated area of Clay County, Missouri, as set forth on the map attached to this application as Exhibit 1 and legally described by metes and bounds attached to this application as Exhibit 2.
4. Marked as Exhibit 3A-3D, attached hereto and made a part of hereof for all purposes is a feasibility study containing:
 - a) A narrative. (Exhibit 3A)

- b) An overall plan for the existing STEP system and recirculation sand filter wastewater treatment system. (Exhibit 3B)
 - c) Estimated operational cost of the facilities in the area proposed to be served including the proposed rates, charges, revenues and expenses for the estimated number of customers in the proposed area. (Exhibit 3C and Exhibit 3D)
5. There are currently 61 lots in Private Gardens Subdivision in the proposed service area. There are no known residents. The owner of said subdivision is Private Gardens Development, LLC. A representative of this company is Joe Duffey.
 6. There are no municipalities located within the proposed areas. Applicant has complied with all known legal requirements of the Clay County Commission to operate in said county.
 7. Said sewer system will meet all requirements of the Commission and the Department of Natural Resources. A copy of the operating permit from the Department of Natural Resources will be forwarded to the Commission as soon as it is available. Application for the operating permit has been made to the Missouri Department of Natural Resources. DNR is withholding granting of the operating permit until the Company has obtained the certificate of convenience and necessity from the PSC.
 8. There are no other public utilities or governmental bodies operating or rendering sewer service to the public within the area proposed to be served.
 9. The area proposed to be served is rapidly being developed into a subdivision by a developer. The majority of the soils in the subdivisions are not suited for long

term use of on-site disposal systems. Therefore, a public need exists for adequate sewer service within the area proposed to be served and the public convenience and necessity will be promoted by the granting of the authority herein requested.

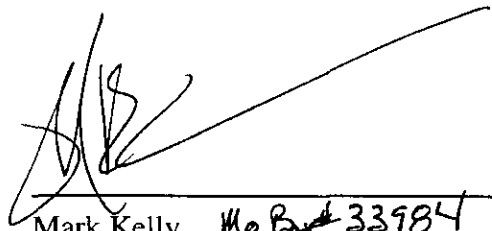
A central collection and treatment system that is operated and maintained in a safe and orderly manner is the best suited wastewater system for these subdivisions and for the Citizens of Missouri in general.

10. The granting of this application is in the public interest because it will present an opportunity for the public in the area proposed to be served to obtain and utilize sewer service which is otherwise unavailable, and make the area more attractive to develop, with the corresponding benefits of temporary and permanent jobs and, in general better livelihood for citizens of Clay County and the State of Missouri.

WHEREFORE, Applicant respectfully requests that the Commission issue its order:

- (a) Granting Applicant permission, approval and a certificate of convenience and necessity authorizing it to construct, install, own, operate, control, manage and maintain a sewer utility system for the public in an unincorporated area in Clay County, Missouri, as more particularly described herein;
- (b) Granting such further relief as the commission deems appropriate.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Mark Kelly', is written over a horizontal line.

Mark Kelly Mo Bar # 33984
Withers, Brant, Igoe & Mullennix, P.C.
2 South Main Street
Liberty, MO 64068
Telephone No. (816) 781-4788
Facsimile No. (816) 792-2807

ATTORNEY FOR CENTRAL RIVERS
WASTEWATER UTILITY, INC.

FILED AND CERTIFICATE OF
INCORPORATION ISSUED

DEC 15 1997

HONORABLE REBECCA MCDOWELL COOK
SECRETARY OF STATE
STATE OF MISSOURI
P.O. BOX 778
JEFFERSON CITY, MISSOURI 65102

Rebecca McDowell Cook
SECRETARY OF STATE

ARTICLES OF INCORPORATION

The undersigned natural persons of the age of eighteen(18), or more, for the purpose of forming a Corporation under The General and Business Corporation Law of Missouri, adopt the following Articles of Incorporation:

ARTICLE I

The name of the Corporation: **CENTRAL RIVERS WASTEWATER UTILITY, INC.**

ARTICLE II

The purpose of the Corporation is to engage in any lawful act or activity for which a corporation may be organized under the General and Business Corporation Law of the State of Missouri other than the banking business, the trust company business or the practice of a profession permitted to be incorporated by the State of Missouri Corporations Code.

ARTICLE III

The street address of the Corporation's initial registered office in this State is: 205 S. Spartan Drive, Richmond, MO 64085, and the name of its initial registered agent at such address is Mark E. Geisinger.

ARTICLE IV

The total number of shares of which the Corporation shall have the authority to issue are thirty thousand (30,000), all of which will be common stock and the par value of each share shall be \$1.00 per share..

ARTICLE V

The provisions for the regulations of the internal affairs of the Corporation shall be as set forth in the bylaws.

ARTICLE VI

Shareholders shall not have any preemptive rights to additional shares.

ARTICLE VII

The duration of the Corporation shall be perpetual.

ARTICLE VIII

The name and place of residence of each Incorporator is as follows:

Mark E. Geisinger, 10021 Rock Falls Road, Orrick, MO 64077

Jack C. Chalmers, 3608 NE Basswood, Lee's Summit, MO 64064

Kevin B. Hawthorne, 12920 West 105th Terrace, Overland Park, KS 66215

ARTICLE IX

The number of directors constituting the initial Board of Directors of the Corporation is three (3)

ARTICLE X

The Board of Directors may repeal or amend the By-Laws of this corporation, and may adopt new or additional By-Laws.

IN WITNESS THEREOF, the undersigned incorporator has executed these Articles of Incorporation on this, the 12 day of December, 1997

Mark C. Gisinger

Ken Hawthorne

Jack L. Chalmers

FILED AND CERTIFICATE OF
INCORPORATION ISSUED
DEC 15 1997

Rebecca M. Smith
SECRETARY OF STATE

STATE OF MISSOURI



Rebecca McDowell Cook
Secretary of State

CORPORATION DIVISION
 CERTIFICATE OF INCORPORATION

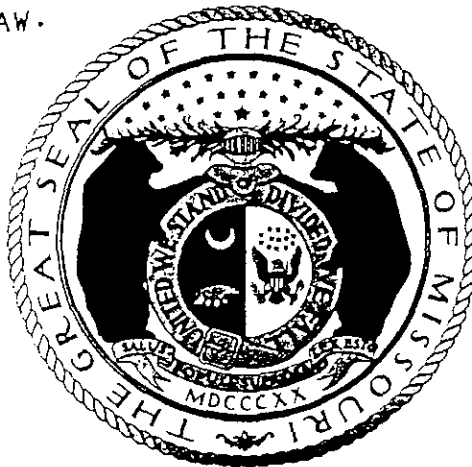
WHEREAS, DUPLICATE ORIGINALS OF ARTICLES OF INCORPORATION OF
 CENTRAL RIVERS WASTEWATER UTILITY, INC.

HAVE BEEN RECEIVED AND FILED IN THE OFFICE OF THE SECRETARY OF
 STATE, WHICH ARTICLES, IN ALL RESPECTS, COMPLY WITH THE
 REQUIREMENTS OF GENERAL AND BUSINESS CORPORATION LAW;

NOW, THEREFORE, I, REBECCA MCDOWELL COOK, SECRETARY OF STATE
 OF THE STATE OF MISSOURI, BY VIRTUE OF THE AUTHORITY VESTED IN
 ME BY LAW, DO HEREBY CERTIFY AND DECLARE THIS ENTITY A BODY
 CORPORATE, DULY ORGANIZED THIS DATE AND THAT IT IS ENTITLED TO
 ALL RIGHTS AND PRIVILEGES GRANTED CORPORATIONS ORGANIZED UNDER
 THE GENERAL AND BUSINESS CORPORATION LAW.

IN TESTIMONY WHEREOF, I HAVE SET MY
 HAND AND IMPRINTED THE GREAT SEAL OF
 THE STATE OF MISSOURI, ON THIS, THE
 15TH DAY OF DECEMBER, 1997.

Rebecca McDowell Cook
 Secretary of State



\$58.00

STATE OF MISSOURI



Rebecca McDowell Cook
Secretary of State

CORPORATION DIVISION
CERTIFICATE OF CORPORATE RECORDS

CENTRAL RIVERS WASTEWATER UTILITY, INC.

I, REBECCA McDOWELL COOK, SECRETARY OF STATE OF THE STATE OF MISSOURI AND KEEPER OF THE GREAT SEAL THEREOF, DO HEREBY CERTIFY THAT THE ANNEXED PAGES CONTAIN A FULL, TRUE AND COMPLETE COPY OF THE ORIGINAL DOCUMENTS ON FILE AND OF RECORD IN THIS OFFICE.

IN TESTIMONY WHEREOF, I HAVE SET MY HAND AND IMPRINTED THE GREAT SEAL OF THE STATE OF MISSOURI, ON THIS, THE 5TH DAY OF JANUARY, 1998.

Rebecca McDowell Cook
Secretary of State

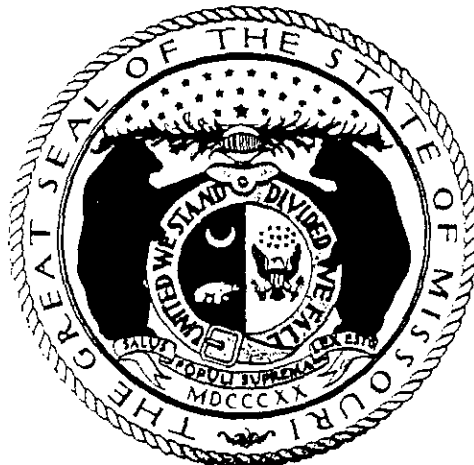
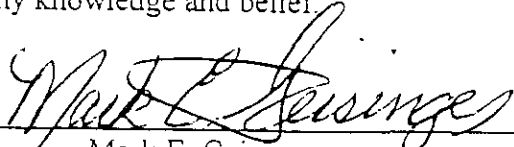


Exhibit # 1

AFFIDAVIT

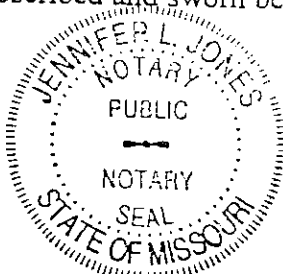
State of Missouri)
) ss
County of boone)

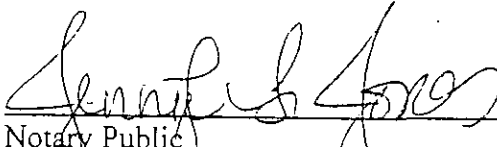
I, Mark E. Geisinger, of lawful age, being first duly sworn upon my oath, state that I am the President of Central Rivers Wastewater Utility, Inc. and that the facts set forth in the foregoing Application are true to the best of my knowledge and belief.



Mark E. Geisinger

Subscribed and sworn before me this 19th day of April, 1998.





Notary Public

My Commission expires:

JENNIFER L. JONES
Notary Public - Notary Seal
STATE OF MISSOURI
County of Boone
My Commission Expires June 24, 2001