

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

In the Matter of the Joint Application of)
Missouri-American Water Company and DCM)
Land, LLC, for a Variance from the Company’s) **File No. WE-2021-0390**
Tariff Provisions Regarding the Extension of)
Company Mains.)

MOTION FOR EXPEDITED TREATMENT

COMES NOW DCM Land, LLC (“DCM Land”), and pursuant to 20 CSR 4240-2.080(14), states as follows to the Missouri Public Service Commission (the “Commission”):

BACKGROUND INFORMATION

1. DCM LAND is one of the Joint Applicants in this matter, which seeks a variance from Missouri-American Water Company’s (“MAWC’s”) Commission-approved Tariff Sheet, 1st Revised Sheet No. R 48, Rule 23 Extension of Company Mains, A.2. and 3., to allow DCM Land’s Cottleville Trails development to be economically viable and nearer in cost to what would be incurred if the development were served by the public water district that, also, serves the Cottleville area. The Joint Applicants also requested a waiver of the notice requirement in Commission Rule 20 CSR 4240-4.017 that requires sixty (60) days’ notice prior to the filing of a case.

2. As noted in the original Application filed in this matter on May 6, 2021, DCM Land is currently developing Cottleville Trails for residential use, with 354 single family residences, and 175 apartment units planned for the initial development (“Phase 1”); and 217 additional attached, single family residences planned for future development (“Phase 2”).

3. DCM Land has contracts with builders who will construct the homes in Cottleville Trails; and those contracts require the initial closings on lot sales to be no later than October 31, 2021(the “Initial Closing Date”).

4. If the Initial Closing Date is not met, under the builder contracts, the first closings will occur March 1, 2022; and the builders will have the option to extend the second closing by another year.

5. The Initial Closing cannot occur, until this proceeding is completed and the water source is confirmed.

6. Until the Initial Closing, DCM Land is carrying \$16,420,000 of financing on the development.

7. If the Initial Closing is postponed from October 31, 2021 to March 1, 2022, the carrying cost to DCM Land will be \$150,500.00 and, if the builders exercise their option to postpone the second closings, the additional carrying cost will be \$98,000.00; for a total cost of delay to DCM Land of \$248,500.00.

8. The Commission originally directed the Staff of the Commission to file its recommendation or a status report no later than June 14, 2021.

9. On or about that date, Staff filed a status report stating that it expected to file its recommendation no later than August 13, 2021.

10. On June 17, 2021, the Commission issued an Order directing that Staff shall file a recommendation or a status report no later than August 13, 2021.

**20 CSR 4240-2.080 (14)
REQUIREMENTS**

11. DCM Land hereby, respectfully, requests that the Staff not delay its recommendation past August 13, 2021; and that Commission act in this matter no later than October 15, 2021, in order to allow sufficient time for DCM Land to meet the Initial Closing Date and be in a position to perform under its contracts with the builders on the Initial Closing Date.

12. Being able to proceed with the first closing on the Initial Closing Date will avoid the damage to DCM Land that will occur if it is required to pay an additional \$248,500.00 in carrying costs due to delay past the requested date.

13. There will be no negative effect on the general public and MAWC's existing customers will be benefited, because the sooner the homes are built and the additional customers the development will generate are on-line, the sooner there will be a greater customer base across which to spread MAWC's fixed costs. In addition, MAWC has indicated in its data request response to Staff in PSC 00006 that fire protection will be improved to the Old Town Cottleville area, and access to water service provided to several additional properties, because MAWC is requiring DCM Land to install a 12" main in place of an existing 2" main in Old Town Cottleville, as a part of this development. Thus, both MAWC's existing customers and the public will be benefited, the sooner the development occurs.

14. This Motion has been filed as soon as it could have been, because, until the Commission entered its June 17th Order, it was not apparent that the Staff's recommendation could be allowed to be filed after August 13, 2021, which is the date Staff itself had proposed in its June status report.

WHEREFORE, having shown good cause for the requested expedited treatment, DCM Land respectfully requests the Steff to file its recommendation to approve the requested variances no later than August 13, 2021; and the Commission enter its decision in this matter, no later than October 15, 2021.

Respectfully submitted,

/s/Sue A. Schultz
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ATTORNEYS FOR DCM LAND, LLC

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been sent by electronic mail this 13th day of July 2021, to:

Missouri Public Service Commission
staffcounsel@psc.mo.gov
casi.aslin@psc.mo.gov

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

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*/s/Sue A. Schultz*_____

VERIFICATION

State of Missouri)
)
County of _____) ss

I, Jeffrey D. Kolb, under penalty of perjury, and pursuant to Section 509.030, RSMo, state that I am a Manager of DCM Land, LLC, that I am duly authorized to make this affidavit on behalf of DCM Land, LLC, that I have knowledge of the matters stated herein, and that said matters are true and correct to the best of my knowledge and belief. Additionally, no representative of DCM Land, LLC, 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.

Jeffrey D. Kolb