

DAVID L. BAYLARD
P. DANIEL BILLINGTON
MICHAEL C. DEMPSEY
CHRISTOPHER W. JENSEN

A T T O R N E Y S A T L A W
**BAYLARD, BILLINGTON
& DEMPSEY, P.C.**

GORDON R. UPCHURCH
STEVEN L. KAMIENSKI

30 S. MCKINLEY • UNION, MISSOURI 63084
(636) 583-5103 • FAX (636) 583-1877
www.bbd-law.com

FILED⁴
JAN 08 2004

January 5, 2004

Missouri Public
Service Commission

Missouri Public Service Commission
Attn: Mr. Dale Hardy Roberts
PO Box 360
Jefferson City MO 65102

RE: In the matter of the application of Calvey Brook Water Inc., a certificate of convenience and necessity

Dear Mr. Roberts:

Enclosed please find the following items:

1. Application;
2. Exhibit A—Certificate of Good Standing for Calvey Brook Water Inc.;
3. Exhibit B—Affidavit required by 4 CSR 240-2.060(1)(M);
4. Exhibit C—map;
5. Exhibit D—legal description;
6. Exhibit E—Feasibility Study;
7. Item 1—Report and Specifications for Calvey Brook Estates;
8. Item 2—Site Improvement Plan - Calvey Brook Estates;
9. Item 3—Missouri Public Water System Financial Capacity Worksheets; and
10. Exhibit F—Copy of relevant correspondence with Department of Natural Resources.

If you have any questions, please call.

Sincerely,



STEVEN L. KAMIENSKI
email: kamienski@bbd-law.com

SLK/cal
Enc.

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED⁴

JAN 08 2004

Missouri Public
Service Commission

In the matter of the application of Calvey)
Brook Water Inc., a certificate of)
convenience and necessity authorizing it to)
construct, install, own, operate, control,)
manage, and maintain water system for the)
public, located in an unincorporated area of)
Franklin County, Missouri.)

Case No. _____

APPLICATION

COMES NOW Calvey Brook Water Inc. (hereinafter "Applicant"), pursuant to Section 393.170, RSMo. (1986), 4 CSR 240-2.060 and 4 CSR 240-3.600 and, for its application for a certificate of convenience and necessity authorizing it to construct, install, own, operate, control, manage, and maintain a water system for the public in an unincorporated area of Franklin County, Missouri, states to the Missouri Public Service Commission (hereinafter "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 2801 West Osage, Suite 5, Pacific, Missouri 63069. A Certificate of Good Standing from the Missouri Secretary of State and Articles of Incorporation are attached to this Application (Exhibit A). No annual report or assessment fees are overdue at the time of the submission of this Application. By this Application, Applicant proposes to provide water service to the public as a public utility pursuant to the jurisdiction, regulation and supervision of the Commission.

2. Applicant does not have any pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates, which action, judgment or decisions has occurred within three (3) years of the date of the filing of this Application.

3. The verification required by Commission Rule 4 CSR 240-2.060(1)(M) is attached hereto and incorporated herein by reference (Exhibit B).

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

Jeff Snider
2801 West Osage, Suite 5
Pacific, Missouri 63069
Telephone (636) 262-2599

Roger Gullet
2488 Hwy N
Pacific, Missouri 63069
Telephone (636) 271-2327

Steven L. Kamienski
Baylard, Billington & Dempsey, P.C.
30 South McKinley
Union, Missouri 63084
Telephone (636) 583-5103
Facsimile (636) 583-1877

5. 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 water system for the public in an unincorporated area of Franklin, County, Missouri, as set forth on the map attached to this Application (Exhibit C) and as legally described by metes and bounds attached to this Application (Exhibit D).

6. Attached hereto and incorporated herein by reference is a feasibility study containing a description of the company, plans and specifications for the proposed facilities and estimated costs associated with the construction and operation of the proposed facilities during the first three (3) years; plans for financing ; proposed rates and charges and an estimate of the number of customers, revenues and expenses during the first three (3) years of operation (Exhibit E).

7. There are currently no persons residing in the proposed service area.

8. The proposed area of operation is part of Public Water District No. 2. However, according to the Franklin County Planning & Zoning Department the aforementioned water district exists on paper only and it has no active members. A letter waiving the preferential status cannot be obtained.

9. The Applicant is in the process of permit approval with the Department of Natural Resources. A copy of all relevant correspondence is attached hereto and incorporated herein by reference (Exhibit F).

10. The proposed area of operation will be Calvey Brook Estates with the limits of the subdivision as recorded in the Franklin County Records Office. Calvey Brook Estates is a 36 lot residential subdivision on approximately 25 acres and will be the only area served by the water system. Franklin County Zoning Regulations require a dense subdivision to provide central water. One alternative would be individual or multiple wells serving several homes. The chosen central water system will provide the best central water system. The source of water will be a deep well located at the highest point of the subdivision capable of delivering approximately 38 gallons per minute of flow. A public need exists for adequate water service within the proposed area of operation and the public convenience and necessity will be promoted by the granting of the authority requested herein.

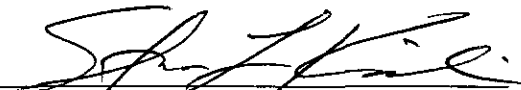
WHEREFORE, Applicant respectfully requests that the Commission issue its order:

(a) Granting Applicant permission, approval and a certificate of convenience and necessity authorizing it to construct, install, own, operate, control, manage and maintain a water utility system for the public in an unincorporated area in Franklin county, Missouri, as more particularly described in Exhibit C and Exhibit D; and

(b) Granting such further relief as the Commission deems appropriate.

Respectfully submitted,

BAYLARD, BILLINGTON & DEMPSEY, P.C.

By: 

STEVEN L. KAMIENSKI - 48732
30 S MCKINLEY, UNION, MO 63084
TELEPHONE: 636-583-5103
FACSIMILE: 636-583-1877

ATTORNEY FOR CALVEY BROOK
WATER INC.