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May 11, 2004

FILED²

MAY 11 2004

Missouri Public
Service Commission

Mr. Dale Hardy Roberts
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Re: Emerald Pointe Utility Company

Dear Mr. Roberts:

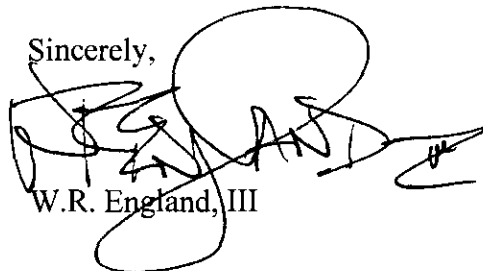
Enclosed for filing on behalf of Emerald Pointe Utility Company, please find an original and eight (8) copies of an Application for a Certificate of Public Convenience and Necessity to Expand its Existing Certificated Area.

Would you please see that this filing is brought to the attention of the appropriate Commission personnel.

Copies of the attached are being sent to the Office of the Public Counsel.

Thank you in advance for your attention to and cooperation in this matter.

Sincerely,



W.R. England, III

WRE/lar

Enclosures

cc: General Counsel
Office of the Public Counsel
Bruce Menke
Gordon Garrett

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²

MAY 11 2004

Missouri Public
Service Commission

In the matter of the application of EMERALD)
POINTE UTILITY COMPANY for permission,)
approval, and a certificate of convenience and)
authorizing it to construct, install, own, operate,)
control, manage, and maintain a water and sewer)
system for the public located in an unincorporated)
area in Taney County, Missouri.)

Case No. _____

APPLICATION

Comes now Emerald Pointe Utility Company (hereinafter "Emerald Pointe" or "Applicant") and pursuant to §393.170, RSMo 2000, and 4 CSR 240-3.305 and 4 CSR 240-3.060 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 111 E. Main St., Branson, Missouri 65616. Applicant provides water and sewer service to the public in accordance with a certificate of public convenience and necessity as issued by the Commission in its Case No. WA-96-96 as such, Emerald Pointe is a "public utility" as that term is defined in §386.020(32), RSMo 2000, and is subject to the jurisdiction, control and regulation of the Commission. A copy of Emerald Pointe's certificate of incorporation and articles of incorporation is on file with the Commission in its Case No. WA-96-96 and is incorporated herein by reference.

2. Communications in regard to this Application should be addressed to:

Bruce D. Menke, Chief Operations Officer
Emerald Pointe Utility Company
111 East Main St.
Branson, MO 65616
(417) 332-1099
(bmenke@snadonproperties.com)
(417) 335-4473

W.R. England, III
Brydon, Swearngen & England P.C.
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
(573) 635-7166

3. Applicant requests permission, approval and a certificate of public convenience and necessity to install, own, acquire, construct, operate, control, manage and maintain a water and sewer system for the public in an unincorporated area in Taney County, Missouri, as set forth on the map marked as Exhibit A of Exhibit 1 (Feasibility Study) and attached to this Application.

The area is legally described by metes and bounds on the document marked as Exhibit B of Exhibit 1 and attached to this application.

4. In accordance with 4 CSR 240-3.305(1)(A)5 and 3.600(1)(A)5, Applicant has prepared a feasibility study which, among other things, contains plans and estimated costs of the utility plant and equipment, proposed rates and charges, and an estimate of the number of customers, revenues and expenses during the first three years of operation. Said feasibility study is marked Exhibit 1 and attached to this Application as if more fully incorporated herein.

5. There are no municipalities located within the proposed area, and the approval of Taney County is not required for Applicant to provide the water and sewer service proposed.

6. Applicant's water and sewer systems will meet all requirements of the Missouri Department of Natural Resources.

7. There are no other public utilities or governmental bodies being operated or rendering water or sewer service within the area proposed to be served.

8. The area requested to be certificated is adjacent to the existing certificated area of

the Applicant and it is being developed into a subdivision development. Plans are to eventually build approximately 281 residential cabin units along with a clubhouse and other amenities, all of which will need adequate water and sewer service. Therefore, a public need exists for adequate water and 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.

9. At present there is one owner of the land in the proposed service area. Following is the name of the land owner.

Branson Canyon, LLC
Gordon Garrett
3 Corporate Woods, Suite 207
8700 Indian Parkway
Overland Park, KS 66210

10. Applicant has no pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involved customer service or rates which action, judgment or decision has occurred within three years of the date of the filing of this Application. None of Applicant's annual reports or assessment fees as required by this Commission are presently overdue.

WHEREFORE, Applicant requests the Commission to grant permission, approval and a certificate of convenience and necessity authorizing it to install, acquire, build, construct, own, operate, control, manage and maintain a water and sewer system for public within the area referred to in paragraph three (3) hereof, authorizing Applicant to implement rates and charges for the provision of water and sewer service consistent with those contained in the feasibility study attached hereto as Exhibit No. 1, and for such other orders as the Commission deems proper under the circumstances.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W.R. England', written over a horizontal line.

W.R. England, III Mo. Bar 23975
BRYDON, SWEARENGEN & ENGLAND P.C.
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102-0456
(573) 635-7166
trip@brydonlaw.com

VERIFICATION

STATE OF MISSOURI)
) ss
COUNTY OF Taney)

I, Bruce Menke, of lawful age, being first duly sworn upon my oath, state that I am the Chief Operations Officer; that I am authorized to execute this document on behalf of Emerald Pointe Utility Company; and that the facts set forth in the foregoing are true to the best of my knowledge, information and belief.



Bruce Menke

Subscribed and sworn to before me this 7 day of May, 2004.



Notary Public

My Commission expires:

5-10-2005

