

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

In the Matter of Missouri-American)
Water Company for Certificate of)
Convenience and Necessity Authorizing)
It to Install, Own, Acquire, Construct,) **File No.: SA-2019-0334**
Operate, Control, Manage and Maintain)
A Sewer System in an area of Callaway)
County, Missouri (Hillers Creek Association))

ORDER DIRECTING NOTICE

Issue Date: May 3, 2019

Effective Date: May 3, 2019

On May 2, 2019, Missouri-American Water Company (“MAWC”) filed the above-referenced application. The application seeks, among other things, authority for MAWC to acquire and operate the assets of a sewer company in Callaway County, Missouri, in a subdivision known as Hillers Creek.

The Commission will direct notice of the application be given to the county commission, local newspapers, and members of the General Assembly representing residents of the Callaway County, Missouri. The Commission will also direct notice of the application to the General Counsel for the Missouri Department of Natural Resources and will further set a deadline for interested parties to intervene.

THE COMMISSION ORDERS THAT:

1. The Commission’s Data Center shall provide a copy of this order and the Application to the County Commissions of Callaway County, Missouri; and to the General Counsel for the Missouri Department of Natural Resources.

2. Any person wishing to intervene in this matter shall file an application to intervene no later than May 20, 2019. The application shall be filed in the Commission's Electronic Filing and Information System ("EFIS") or with the Secretary of the Commission. Comments on the application can also be made in EFIS.

3. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Paul T. Graham, Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri
on this 3rd day of May, 2019.

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In the Matter of Missouri-American)
Water Company for Certificates of)
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it to Install, Own, Acquire, Construct,) File No. _____
Operate, Control, Manage and Maintain)
a Sewer System in an area of Callaway)
County, Missouri (Hillers Creek)
Association).)

**APPLICATION AND
MOTION FOR WAIVER**

COMES NOW Missouri-American Water Company (MAWC) pursuant to Sections 393.140 and 393.170, RSMo, and 4 CSR 240-2.060, 4 CSR 240-3.305, and 4 CSR 240-4.017, and for its Application and Motion for Waiver, states as follows to the Missouri Public Service Commission (Commission):

BACKGROUND

1. This Application is to obtain a certificate of convenience and necessity for MAWC to install, own, acquire, construct, operate, control, manage and maintain a sewer system in Callaway County, Missouri, in a subdivision known as Hillers Creek.

2. MAWC is a Missouri corporation with its principal office and place of business at 727 Craig Road, St. Louis, Missouri 63141. MAWC is a Missouri corporation in good standing. A certified copy of MAWC's certificate of good standing was submitted in Case No. SA-2007-0316 and is incorporated by reference. MAWC currently provides water service to the public in and around the cities of St. Joseph, Joplin, Brunswick, Mexico, Warrensburg, Parkville, Riverside, Jefferson City, and parts of Cole, St. Charles, Warren, Jefferson, Morgan, Pettis, Benton, Barry, Stone, Greene, Taney, Christian, Platte, Newton, Jasper, Lincoln, Washington, Clay, Clinton, Ray,

Moniteau counties and most all of St. Louis County, Missouri. MAWC currently provides water service to approximately 457,300 customers. MAWC provides sewer service to approximately 13,221 customers in Callaway, Jefferson, Pettis, Cole, Morgan, Platte, Taney, Stone, Christian, Clay, Clinton, Ray, Washington and Warren Counties, Missouri. MAWC is a “water corporation,” a “sewer corporation” and a “public utility” as those terms are defined in Section 386.020 RSMo, and is subject to the jurisdiction and supervision of the Commission as provided by law. MAWC has no overdue Commission annual reports or assessment fees. There is no pending action or final unsatisfied judgment or decision against MAWC from any state or federal agency or court which involves customer service or rates, which action, judgment or decision has occurred within three years of the date of this Application other than cases pending before this Commission – Cases Nos. SA-2019-0183 (Timber Springs Estates), WA-2019-0259 (Joplin Reservoir), WC-2019-0178 (Ghasedi), WC-2019-0271 (Eliceiri), WC-2019-0324 (Travis), WO-2019-0184 (ISRS), WF-2019-0206 (Finance), and WW-2019-0242 (Working Group).

3. Communications respecting this Application should be addressed to the undersigned counsel and:

Ms. Takisha Walker
Manager Business Development – Proposal & Integration
Missouri American Water
727 Craig Rd
St. Louis, MO 63141
O: 314.996.2215
M: 314.440.9236
E: takisha.walker@amwater.com

CERTIFICATE

4. MAWC requests permission, approval and Certificates of Convenience and Necessity to install, own, acquire, construct, operate, control, manage and maintain a sewer system for the public in an area of Callaway County, Missouri, as set forth on the map attached to this Application as **Appendix A**. This area is generally known as the Hillers Creek subdivision. There are approximately 43 wastewater customers at this time.

5. A legal description of the area sought to be certificated for sewer service is attached to this Application as **Appendix B**.

6. Attached hereto and marked as **Appendix C-C** is a list of ten residents or land owners within the proposed service area. Appendix C has been identified as Confidential in accordance with Commission Rule 4 CSR 240-2.135(2)(A)1, as it contains customer specific information.

7. Attached hereto and marked as **Appendix D-C** is a feasibility study for the sewer systems, including estimated expenses and revenues during the first three years of operation by MAWC. No external financing is anticipated. Appendix D has been identified as Confidential in accordance with Commission Rule 4 CSR 240-2.135(2)(A)4 and 6, as it contains market specific information and information representing strategies employed in contract negotiations.

8. MAWC will not require any franchises or permits from municipalities, counties, or other authorities in connection with the proposed systems.

9. To provide service to the proposed area, MAWC will purchase a sewer distribution system from the Hillers Creek Association Sewer System (Seller). A copy of the Asset Purchase Agreement governing this transaction is attached hereto as **Appendix E-C**

(Agreement). Appendix E has been identified as Confidential in accordance with Commission Rule 4 CSR 240-2.135(2)(A)4 and 6, as market specific information and information representing strategies employed in contract negotiations.

10. MAWC proposes to provide sewer service pursuant to the existing rules and regulations currently found in its Mo. P.S.C. No. 26 tariff; and pursuant to the rates found on Sheet RT 2.1 of that tariff.

11. The grant of the requested certificates (and approval of the underlying transaction) will result in regulated sewer service to be provided to the current and future residents of the Hillers Creek subdivision. The systems would be acquired by MAWC, a Missouri public utility, and be subject to the jurisdiction of the Commission. MAWC has considerable expertise and experience in providing water and sewer utility services to residents of the State of Missouri and is fully qualified, in all respects, to own and operate the sewer system currently being operated in Hillers Creek Subdivision.

MOTION FOR WAIVER

12. Rule 4 CSR 240-4.017(1) provides that “(a)ny person that intends to file a case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such case.” A notice was not filed 60 days prior to the filing of this Petition, and MAWC seeks a waiver of the 60-day notice requirement.

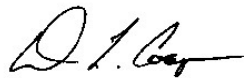
13. Rule 4 CSR 240-4.017(1)(D) provides that a waiver may be granted for good cause. Good cause exists in this case. MAWC declares (as verified below) that it has had no communication with the office of the Commission (as defined by Commission Rule 4 CSR 240-4.015(10)) within the prior 150 days regarding any substantive issue likely to be in this case, other than those pleadings filed for record. Accordingly, for good cause shown, MAWC moves

for a waiver of the 60-day notice requirement of Rule 4 CSR 240-4.017(1) and acceptance of this Application.

WHEREFORE, MAWC requests the Commission grant it permission, approval and Certificates of Convenience and Necessity authorizing MAWC to:

- a) install, acquire, build, construct, own, operate, control, manage and maintain a sewer system for the public within the areas referred to above;
 - b) acquire the assets identified herein of Hillers Creek Association Sewer System;
- and,
- c) take such other actions as may be deemed necessary and appropriate to accomplish the purposes of the Agreement and the Application and to consummate related transactions in accordance with the Agreement.

Respectfully submitted,



Dean L. Cooper Mo. Bar 36592
BRYDON, SWEARENGEN & ENGLAND P.C.
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102-0456
Telephone: (573) 635-7166
dcooper@brydonlaw.com

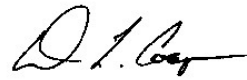
Timothy W. Luft, MBE #40506
Corporate Counsel
MISSOURI-AMERICAN WATER COMPANY
727 Craig Road
St. Louis, MO 63141
(314) 996-2279 telephone
timothy.luft@amwater.com
**ATTORNEYS FOR MISSOURI-AMERICAN WATER
COMPANY**

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been sent by electronic mail this 2nd day of May, 2019, to:

General Counsel's Office
staffcounsel@psc.mo.gov

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



D. J. Bay

AFFIDAVIT

State of Missouri)
) ss
County of St. Louis)

I, Timothy Luft, having been duly sworn upon my oath, state that I am the Vice-President Legal and Corporate Secretary of Missouri-American Water Company, that I am duly authorized to make this affidavit on behalf of MAWC, that the matters and things stated in the foregoing application and appendices thereto are true and correct of the best of my information, knowledge and belief. Additionally, no representative of MAWC has had any communication with the office of the Missouri Public Service Commission as defined in Commission Rule 4 CSR 240-4.015(10) within the immediately preceding 150 days regarding the subject matter of this Application.

Tim Luft

Subscribed and sworn before me this 1st day of May, 2019.

Mary Beth Hercules
Notary Public

My Commission Expires April 26, 2020



APPENDICES

Appendix A	Map of Area
Appendix B	Legal Description
Appendix C-C	List of Ten Residents or Land Owners - Confidential
Appendix D-C	Feasibility Study - Confidential
Appendix E-C	Asset Purchase Agreement - Confidential

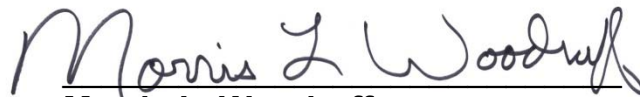
STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission,
at Jefferson City, Missouri, this 3rd day of May 2019.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

May 3, 2019

File/Case No. SA-2019-0334

**Missouri Public Service
Commission**

Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Office of the Public Counsel

Marc Poston
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opcservice@ded.mo.gov

County of Callaway, Missouri

County Commission Clerk
10 E Fifth St.
Callaway County Courthouse
Fulton, MO 65251

**Missouri Department of Natural
Resources**

Legal Department
1101 Riverside Drive
P.O. Box 176
Jefferson City, MO 65102-0176

**Missouri-American Water
Company**

Dean L Cooper
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dcooper@brydonlaw.com

**Missouri-American Water
Company**

Timothy W Luft
727 Craig Road
St. Louis, MO 63141
Timothy.Luft@amwater.com

Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.