



BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

Judge or Division:	Circuit Court Case Number: PSC Case Nos. WA-2019-0185, SA-2019-0186	
Plaintiff/Petitioner: Public Water Supply District No. 5 of Camden County Lake Area Waste Water Association, Inc. Cedar Glen Condominium Association, Inc. Missouri Water Association, Inc. vs.	Appellate Number:	<input type="checkbox"/> Filing as an Indigent
	Date of Judgment/Decree/Order: (ATTACH A COPY) Issued: April 8, 2020 Effective: May 8, 2020	Court Reporter:
	Date Post Trial Motion Filed: May 7, 2020	<input type="checkbox"/> Sound Recording Equipment
Defendant/Respondent: Missouri Public Service Commission	Date Ruled Upon: June 10, 2020	The Record on Appeal will consist of: ____ Legal File only or __X__ Legal File and Transcript

(Date File Stamp)

Notice of Appeal to Missouri Court of Appeals - CivilDistrict: ☒ Western ☐ Eastern ☐ Southern

Notice is given that _Public Water Supply District No. 5 of Camden County, Lake Area Waste Water Association, Inc., Cedar Glen Condominium Association, Inc., and Missouri Water Association_ appeals from the judgment/decreed/order entered in this action on __April 8, 2020 and June 10, 2020__ (date).	
Appellant's Name (If multiple, list all or attach additional pages) Public Water Supply District No. 5 of Camden County Lake Area Waste Water Association, Inc. Cedar Glen Condominium Association, Inc. Missouri Water Association, Inc.	Respondent's Name (If multiple, list all or attach additional pages) Missouri Public Service Commission
Address Public Water Supply District No. 5 of Camden County P.O. Box 556 Camden, MO 65020 Lake Area Waste Water Association, Inc. 515 Old South 5 Camdenton, MO 65020 Cedar Glen Condominium Association, Inc. P.O. Box 2409 Lake Ozark, MO 65049 Missouri Water Association, Inc. 515 Old South 5 Camdenton, MO 65020	Address Governor Office Building 200 Madison St, PO Box 360 Jefferson City, MO 65102
Appellant's Attorney/Bar Number (If multiple, list all or attach additional pages) Stephanie S. Bell #61855	Respondent's Attorney/Bar Number (If multiple, list all or attach additional pages) Shelley Brueggemann, #52173
Address 308 East High Street, Suite 300 Jefferson City, MO 65101	Address Governor Office Building 200 Madison St, PO Box 360 Jefferson City, MO 65102
E-mail Address sbell@ellingerlaw.com	E-mail Address Shelley.brueggemann@psc.mo.gov
Telephone 573-750-4100	Telephone 573-526-7393
Brief Description of Case (May be completed on a separate page) [See Attached]	

Issues Expected To Be Raised On Appeal (May be completed on a separate page. Appellant is not bound by this list.)
[See Attached]

Docket Fee Information

- ☒ The docket fee in the amount of \$70.00 is being tendered with this notice of appeal.
- ☐ No docket fee is being tendered because:
- ☐ a docket fee is not required by law pursuant to _____ (cite specific statute or other authority).
 - ☐ a motion to prosecute the appeal in forma pauperis has been or will be filed.
 - ☐ a docket fee in the amount of \$70.00 cannot be tendered at this time but will be submitted at a later date or this appeal will be subject to dismissal pursuant to Rule 84.08(a).

Signature of Attorney or Appellant
/s/ Stephanie S. Bell

Date
June 10, 2020

Certificate of Service on Persons other than Registered Users of the Missouri eFiling System

I certify that on ___June 10, 2020_____ (date), a copy of the foregoing was sent to the following by facsimile, hand-delivery, electronic mail or U.S. mail postage prepaid to their last known addresses.

The Missouri Public Service Commission

/s/Stephanie S. Bell

Appellant or Attorney for Appellant

Directions to Clerk

Transmit a copy of the notice of appeal and all attached documents to the clerk of the Court of Appeals and to any person other than registered users of the eFiling system in a manner prescribed by Rule 43.01. Clerk shall then fill in the memorandum below. See Rule 81.08(i). Forward the docket fee to the Department of Revenue as required by statute.

Memorandum of the Clerk

I have this day served a copy of this notice by ☐ regular mail ☐ registered mail ☐ certified mail ☐ facsimile transmission to each of the following persons at the address stated below. If served by facsimile, include the time and date of transmission and the telephone number to which the document was transmitted.

I have transmitted a copy of the notice of appeal to the clerk of the Court of Appeals, ____Western____ District.

- ☐ Docket fee in the amount of \$70.00 was received by this clerk on _____ (date) which will be disbursed as required by statute.
- ☐ No docket fee was received.

Date

Clerk

Additional Parties and Attorneys

List every party involved in the case not listed on page 1, indicate the position of the party in the circuit court (e.g. plaintiff, defendant, intervenor) and in the Court of Appeals (e.g. appellant or respondent) and the name of the attorney of record, if any, for each party. Attach additional pages to identify all parties and attorneys if necessary.

Party Name	Attorney Name
Missouri Public Service Commission	Shelley Brueggemann
Address	Address
P.O. Box 360	P.O. Box 360
City, State, Zip Code	City, State, Zip Code
Jefferson City, MO 65102	Jefferson City, MO 65102
	E-mail Address
	Shelley.brueggemann@psc.mo.gov
	Telephone
	573-526-7397
Party Name	Attorney Name
Missouri Public Service Commission Staff	Whitney Payne
Address	Address
200 Madison Street, Suite 800	200 Madison Street, Suite 800
City, State, Zip Code	City, State, Zip Code
Jefferson City, MO 65102	Jefferson City, MO 65102
	E-mail Address
	Whitney.payne@psc.mo.gov
	Telephone
	573-751-8706
Party Name	Attorney Name
Osage Utility Operating Company	Dean L. Cooper
Address	Address
P.O. Box 456, 312 East Capitol	P.O. Box 456, 312 East Capitol
City, State, Zip Code	City, State, Zip Code
Jefferson city, MO 65101	Jefferson City, MO 65101
	E-mail Address
	dcooper@brydonlaw.com
	Telephone
	573-635-3847
Party Name	Attorney Name
Osage Utility Operating Company	Jennifer L. Hernandez
Address	Address
312 East Capitol, P.O. Box 456	312 East Capitol, P.O. Box 456
City, State, Zip Code	City, State, Zip Code
Jefferson City, MO 65101	Jefferson City, MO 65101
	E-mail Address
	jhernandez@brydonlaw.com
	Telephone
	573-635-0427

Party Name	Attorney Name
Office of Public Counsel	Marc Poston
Address	Address
200 Madison St., Suite 650 P.O. Box 2230	200 Madison St., Suite 650 P.O. Box 2230
City, State, Zip Code	City, State, Zip Code
Jefferson City, MO 65102	Jefferson City, MO 65102
	E-mail Address
	opcservice@opc.mo.gov
	Telephone
	573-751-4857
Party Name	Attorney Name
Great Southern Bank	Sue A. Schultz
Address	Address
475 Regency Park, Suite 175	475 Regency Park, Suite 175
City, State, Zip Code	City, State, Zip Code
O'Fallon, IL 62269	O'Fallon, IL 62269
	E-mail Address
	sschultz@sandbergphoenix.com
	Telephone
	314-241-7604
Party Name	Attorney Name
Great Southern Bank	Anthony J. Soukenik
Address	Address
600 Washington Ave., 15 th Floor	600 Washington Ave., 15 th Floor
City, State, Zip Code	City, State, Zip Code
St. Louis, MO 63101	St. Louis, MO 63101
	E-mail Address
	asoukenik@sandbergphoenix.com
	Telephone
	314-241-7604
Party Name	Attorney Name
Reflections Condominium Owners Association, Inc.,	Christopher I. Kurtz
Address	Address
5250 W. 116 th Place, Suite 400	5250 W. 116 th Place, Suite 400
City, State, Zip Code	City, State, Zip Code
Leawood, KS 64111	Leawood, KS 64111
	E-mail Address
	ckurtz@rousepc.com
	Telephone
	913-387-1600

Party Name	Attorney Name
Reflections Condominium Owners Association, Inc.,	Stanley N. Woodworth
Address	Address
5250 W. 116 th Place, Suite 400	5250 W. 116 th Place, Suite 400
City, State, Zip Code	City, State, Zip Code
Leawood, KS 66211	Leawood, KS 66211
	E-mail Address
	swoodsawroth@rousepc.com
	Telephone
	913-928-6739
Party Name	Attorney Name
Address	Address
City, State, Zip Code	City, State, Zip Code
	E-mail Address
	Telephone
Party Name	Attorney Name
	Address
	City, State, Zip Code
	E-mail Address
	Telephone
Party Name	Attorney Name
Address	Address
City, State, Zip Code	City, State, Zip Code
	E-mail Address
	Telephone

DESCRIPTION OF THE CASE

On April 8, 2020, the Missouri Public Service Commission ("Commission") issued a Report and Order ("Order") authorizing Osage Utility Operating Company ("Central States") to purchase the assets of Osage Water Company and grant Central States a certificate of convenience and necessity to provide water and sewer service in the territory previously served by Osage Water Company.

Public Water Supply District No. 5 of Camden County, Lake Area Waste Water Association, Inc., and Missouri Water Association, Inc. (collectively the "Joint Bidders") and Cedar Glen Condominium Owners Association, Inc. (Cedar Glen) timely filed a Joint Application for Rehearing, which the Commission denied on June 10, 2020. This appeal challenges that denial, as well as the Order, for the reasons set forth in the Joint Application for Rehearing (attached to the Notice of Appeal) and the Statement of Issues Being Appealed (attached to the Notice of Appeal).

Notice of Appeal (Public Service Commission Case No. WA-2019-0185)

STATEMENT OF ISSUES BEING APPEALED

- (1) The Report and Order is unlawful under Section 393.190, RSMo, and 20 CSR 4240-10.105 because the seller was not a party or participant in the matter;
- (2) The Report and Order is unlawful, unreasonable arbitrary, capricious and abuse of discretion in finding that the applicant met its burden of showing no net detriment to the public interest;
- (3) The Report and Order is unlawful and unreasonable as the Commission erroneously shifted the burden of proof to Joint Bidders and Cedar Glen;
- (4) The Report and Order is unlawful and unreasonable as the Commission erroneously considered the following irrelevant factors in the no net detriment to the public interest test: avoiding another proceeding, retaining jurisdiction, preference to a regulated entity, creating future incentives;
- (5) The Report and Order is unlawful and unreasonable because the Commission Staff's refusal and failure to review alternatives deprived the Commission of the ability to weigh the benefits and detriments to the public interest as required by law;
- (6) The Report and Order is unlawful, unreasonable, arbitrary, capricious and an abuse of discretion in that the Commission failed to consider alternatives as required by law and employed a "status quo" test;
- (7) The Report and Order is unreasonable because the substantial and competent evidence shows that the transfer would be detrimental to the public interest and any finding to the contrary is arbitrary, capricious, and an abuse of discretion. Detriments to the public interest include: rate shock, unnecessary duplication of assets, foregoing synergies, service by a private rather than public company, and service by a non-local rather than local company;
- (8) The Report and Order is unreasonable because the substantial and competent evidence shows that the transfer would be detrimental to the public interest and any finding to the contrary is arbitrary, capricious, and an abuse of discretion given the historic and consistent customer opposition;

(9) The Report and Order is unreasonable because the Commission abused its discretion in denying Cedar Glen and Joint Bidders' Motion to Strike; and

(10) The Report and Order is unlawful, unreasonable, arbitrary, capricious and an abuse of discretion in determining the applicant satisfied the requirements for a CCN for the same reasons the applicant fails the no net detriment to the public interest test.