

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

In the Matter of Emerald Pointe Utility       )  
Company for a Certificate of                       )  
Convenience and Necessity Authorizing       )  
it to Construct, Install, Own, Operate,       ) File No. \_\_\_\_\_  
Control, Manage and Maintain a Sewer       )  
System and Sewer Line in Taney               )  
County, Missouri.                                   )

**APPLICATION**

**COMES NOW** Emerald Pointe Utility Company (Emerald Pointe or Company) pursuant to Sections 393.140 and 393.170., RSMo and 4 CSR 240-2.060 and 4 CSR 240-3.305, and for its Application to the Missouri Public Service Commission (Commission) states as follows:

**BACKGROUND**

1. This Application is being filed by Emerald Pointe to obtain from the Commission a Certificate of Convenience and Necessity to construct, install, own, operate, control, manage and maintain a sewer system and sewer line in Taney County, Missouri, adjacent to Applicant's existing certificated service area. The requested certificate will allow Emerald Pointe to obtain access to an alternate treatment plant that will allow the system to grow and provide environmental benefits for Table Rock Lake.

2. Emerald Pointe 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 118 State Drive, Hollister, MO 65672. Applicant provides water and sewer service to the public in accordance with certificates of public convenience and necessity issued by the Commission in Cases Nos. WA-96-96, WA-2004-0581 and WA-2005-0306. Emerald Pointe is a "water corporation," "sewer corporation" and "public utility" as those terms are defined in Section 386.020(43), (49) and (59), RSMo, and is subject to the jurisdiction, control and regulation of the

Commission. A certified copy of Emerald Pointe's certificate of good standing is attached hereto as **Appendix 1**. Emerald Pointe has no pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates having occurred within three years from the date of this Application. Emerald Pointe has no annual report or assessment fees that are currently overdue.

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

Bruce D. Menke, Chief Operations Officer  
Emerald Pointe Utility Company  
118 State Drive  
Hollister, Missouri 65672  
(417) 332-1099  
[bmenke@snadonproperties.com](mailto:bmenke@snadonproperties.com)

### **CERTIFICATE**

4. Emerald Pointe requests permission, approval and a Certificate of Convenience and Necessity to construct, install, own, operate, control, manage and maintain a sewer system and sewer line in Taney County, Missouri, as set forth on the maps attached to this Application as **Appendix 2**. A legal description of the requested service area and a legal description of the route of construction that extends beyond the proposed service area is provided as Exhibit E to the Feasibility Study (Appendix 4).

5. Emerald Pointe has entered into a Sewer Services Agreement with the City of Hollister ("Hollister") whereby Hollister will provide sewer collection, transfer and treatment services to Emerald Pointe, on a wholesale basis. The line to be constructed pursuant to this Application begins in the existing Emerald Pointe certificated area, travels through certain highway right-of-way and, ultimately, terminates at a Wastewater Treatment Plant owned and operated by Hollister.

6. Emerald Pointe's existing sewage treatment facility consists of an extended aeration sewage treatment plant with a capacity of 77,900 gallons per day. The existing treatment plant discharges its effluent into Table Rock Lake. That facility, while currently adequate, does not provide sufficient capacity for growth. This fact was stated as early as March 16, 2005, when Emerald Pointe filed the Feasibility Study associated with its Application in Case No. WA-2005-0306. Therein, it was stated that the Company was "currently developing plans to construct a new sewage treatment facility that will have sufficient capacity to serve not only the existing development but the future needs of the system as well" (Feasibility Study, p. 2).

7. After further review, and instead of constructing a new plant, the Company has contracted with Hollister for the treatment of waste water. Hollister has an existing treatment facility with sufficient capacity for the immediate future, and beyond. Emerald Pointe will be charged for the treatment of sewage based on the flow provided to Hollister.

8. To take advantage of the treatment agreement, the Company must construct a line that will allow for the delivering of Emerald Pointe's waste water to Hollister's treatment plant. The requested certificate will allow the Company to construct such a line.

9. Attached hereto and marked as **Appendix 3** is a list of all of the residents and land owners within the proposed service area. Emerald Pointe has obtained private easements for that portion of the proposed sewer line located on private property. Thus, there should be no need to exercise its rights of eminent domain in the construction of this line.

10. Attached hereto and marked as **Appendix 4** is a feasibility study for construction of the proposed line including plans and specifications and estimated cost of the construction during the first three (3) years of construction; 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. The Feasibility Study exhibits described as “Detached” may be viewed by contacting the undersigned counsel.

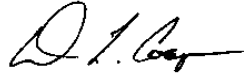
11. No franchise is required for Emerald Pointe to construct the proposed line. Emerald Pointe’s sewer system will continue to meet all requirements of the Missouri Department of Natural Resources (DNR). Attached as **Appendix 5** is a copy of the DNR construction permit that has been issued for this project. Emerald Pointe is unaware of any other governmental approval necessary for the proposed construction that it must obtain.

12. A public need exists for adequate wastewater treatment now, and in the future, within Emerald Pointe’s existing certificated area and in the proposed service area. The certificate requested herein will promote the public interest by allowing Emerald Pointe to satisfy that need.

**WHEREFORE**, Emerald Pointe requests the Commission grant it permission, approval and a Certificate of Public Convenience and Necessity authorizing it to construct, install, own, operate, control, manage and maintain a sewer system and sewer line as described above, and to

issue such other orders as the Commission may deem reasonable and just.

Respectfully submitted,



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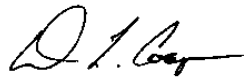
ATTORNEYS FOR EMERALD POINTE  
UTILITY COMPANY

**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing document has been sent by electronic mail this 1<sup>st</sup> day of May, 2012, to:

Rachel Lewis  
General Counsel's Office  
[Rachel.Lewis@psc.mo.gov](mailto:Rachel.Lewis@psc.mo.gov)

Christina Baker  
Office of the Public Counsel  
[christina.baker@ded.mo.gov](mailto:christina.baker@ded.mo.gov)



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**AFFIDAVIT**

State of Missouri     )  
                                      )  
County of Taney     )     ss

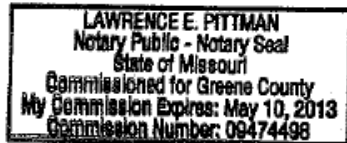
I, Gary W. Snadon, having been duly sworn upon my oath, state that I am the President of Emerald Pointe Utility Company (Emerald Pointe), that I am duly authorized to make this affidavit on behalf of Emerald Pointe, and that the matters and things stated in the foregoing application and appendices thereto are true and correct to the best of my information, knowledge and belief.



Subscribed and sworn before me this 30 day of April, 2012.

  
Notary Public

My Commission Expires MAY 10, 2013



## **APPENDICES**

APPENDIX 1	Certificate of Corporate Good Standing
APPENDIX 2	Map(s) of the Service Area and Route
APPENDIX 3	List of the Residents and Land Owners Within the Proposed Service Area
APPENDIX 4	Feasibility Study
APPENDIX 5	DNR Construction Permit