

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

In the Matter of Missouri-American Water Company for a Certificate of Convenience and Necessity Authorizing it to Install, Own, Acquire, Construct, Operate, Control, Manage and Maintain a Water System and Sewer System in and around the City of Neosho, Missouri.))))))) **File Nos. WA-2026- 0072**

MOTION TO INTERVENE OUT OF TIME

COMES NOW the City of Neosho, Missouri (“Neosho”) and for its *Motion to Intervene Out of Time* states as follows to the Missouri Public Service Commission (“Commission”), pursuant to Commission Rule 20 CSR 4240-2.075:

1. On September 24, 2025, MAWC filed an *Application and Motion for Waiver* requesting authority from the Commission to purchase the water and sewer utility assets of Neosho, and permission, approval and a Certificate of Convenience and Necessity to install, own, acquire, construct, operate, control, manage and maintain water and sewer systems for the public in an area in and around Neosho, Missouri.
2. Neosho is a Home Rule Charter City located in Newton County. Neosho serves approximately 5,400 water accounts and approximately 5,400 sewer accounts and has a population of approximately 13,000 people.
3. Neosho’s City Hall is located at 203 E Main St, Neosho, MO 64850. Communications respecting this Application should be addressed to the undersigned counsel.

Intervention

4. As the seller of the assets at issue in this matter, Neosho has a direct and immediate interest in these proceedings that is different from that of the general public.

5. As previously indicated at the local public hearing in this matter and as evidenced by the unanimous vote of the Neosho council members to pass Ordinance No. 641-2025 authorizing an Agreement with MAWC for the purchase of the water and sewer systems, Neosho supports the relief sought by MAWC.

6. As a seller of the subject assets and the municipality in which water and service is, and will be, provided, Neosho has an interest which is different from that of the general public and may be adversely affected by a final order arising from this case and such intervention would serve the public interest.

Good Cause

7. On September 24, 2025, the Commission issued an order directing, among other things, that “[a]ny person wishing to intervene in this matter . . . file an application to intervene no later than October 8, 2025.” Neosho did not intervene at that time as it did not appear its participation would be necessary or helpful to the process; beyond the information it would be able to present at the local public hearing.

8. On January 26, 2026, the Staff of the Commission (“Staff”) filed its *Report and Recommendation* (“Report”). Staff’s Report, among other things, recommends that if the transaction is completed, the purchase price (which is also the appraised value of the system) would not initially be used for the net book value of the assets and further recommends that Neosho sewer customers be charged a flat, rather than volumetric, rate for the sewer service received after closing.

9. Elected officials have a fiduciary duty to constituents to obtain proper compensation from the best bidder for the sale of property belonging to a municipal government. The net book value does not reflect the proper compensation and that is why the General Assembly established§ 393.320, RSMo, the “appraisal method” for value acquisitions of a utility. A municipal official would fail to fulfill his or her fiduciary duty selling municipal property at an amount less than its appraised value. Anything that would suggest an appropriate price be something less than the appraised value is inconsistent with the duty the city officials have to their constituents.

10. Moreover, Neosho sewer customers currently are charged a volumetric rate for the sewer service they receive, which the City has historically determined to be the most equitable for users of the system. It is very important to Neosho that this rate design continue for Neosho. Indeed, on August 19, 2025, after public hearing, the City Council approved a sewer service rate increase under Ordinance 644-2025 to aid in improvements and ongoing maintenance to the sewer system. This approved and enacted increase was calculated on continuing the volumetric rate. Given that the transaction would involve both water and sewer assets and the set of customers to be served would almost exclusively be both water and sewer customers of MAWC, the normal impediments to the use of a volumetric rate for sewer service would not be present.

11. Commission Rule 20 CSR 4240-2.075(10) states as follows:

Motions to intervene or add new member(s) filed after the intervention date may be granted upon a showing of good cause. Any motion so filed must include a definitive statement whether or not the entity seeking intervention or to be added as a new member accepts the record established in that case, including the requirements of any orders of the commission, as of the date the motion is filed.

12. Good cause for Neosho's intervention exists as until the filing of the Staff Report there was no indication of matters that would be contrary to the City's interest and there is no other party to this case that can represent the City's interests as the matter moves forward.

13. Neosho accepts the record established thus far in this case and is unaware of any requirements of orders of the Commission with which it needs to comply at this time.

WHEREFORE, Neosho requests the Commission issue an order granting its *Motion to Intervene Out of Time* and issue such further and other relief as is just and proper in the circumstances.

Respectfully submitted,

By: 
Derek A. Snyder MBN No. 67751
613 S. Byers Ave., P.O. Box 939
Joplin, MO 64802
(417) 624-3818
E-mail: dsnyder@neoshomo.gov
ATTORNEY FOR CITY OF NEOSHO

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document was sent by electronic mail to all counsel of record this 6TH day of February 2026.


Derek A. Snyder