

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

In the Matter of the Carl R. Mills Trust            )  
Certificate of Convenience and Necessity        )  
Authorizing it to Install, Own, Acquire,         )       File No.WA-2018-0370  
Construct, Operate, Control, Manage            )  
And Maintain Water Systems in Carriage         )  
Oaks Estates

**AMENDED APPLICATION FOR CONVENIENCE AND NECESSITY**

COMES NOW Mr. Carl R. Mills (“Mills”) pursuant to Sections 393.140 and 393.170, RSMo and 4 CSR 240-2.060, 4 CSR 240-3.305, 4 CSR 240.3-600 and 4 CSR 240-4.020(2)(B), and for its Amended Application For Convenience and Necessity states as follows to the Missouri Public Service Commission (“Commission”).

**BACKGROUND**

1. Pursuant to the order issued in the case of *Derald Morgan et al. v. Carl Richard Mills et al.*, WC-2017-0037, Mills desires to obtain a certificate of convenience and necessary to install, own, acquire, construct, operate, control, manage and maintain the water system in Carriage Oaks Estates (as defined herein).
2. Mr. Mills, through one of his wholly owned entities, is the developer of Carriage Oaks Estates. Pursuant to the Commission’s order in *Morgan*, Mills is the current owner of the water system which services Carriage Oaks Estates. Additionally, pursuant to the order in *Morgan*, the Commission determined that Mills operates a water company through its ownership of the water system servicing Carriage Oaks Estates.
3. The previous filed Application for Convenience and Necessity wrongfully listed Mills’ personal trust, The Carl R. Mills Trust, as the original owner of the water system.
4. Communications regarding this Application should be addressed to Mills’ legal counsel.

5. Mills has no pending actions, final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates.

6. Mills has no annual report or assessment fees which are overdue.

### **CERTIFICATE**

7. Mills request permission, approval and Certificates of Convenience and Necessity to install, own, acquire, construct, operate, control, manage and maintain water services for the public in and around the subdivision located in Stone County, Missouri by the name of Carriage Oaks Estates, as more particularly described on **Appendix A** (“**Carriage Oaks Estates**”).

8. Attached hereto and marked as **Appendix B** is a list of ten residents or land owners within Carriage Oaks Estates. It has been identified as Highly Confidential pursuant to the Commission’s rules because it contains customer-specific information.

9. There are no other utility companies which provide water services to Carriage Oaks Estates. Additionally, pursuant to the Easements, Covenants and Restrictions governing Carriage Oaks Estates, homeowners must receive water services from the water system owned by Mills.

10. Attached hereto as **Appendix C** is a plat drawing of Carriage Oaks Estates.

11. The water system owned by Mills and servicing Carriage Oaks Estates was previously constructed in or around the year 2000. Attached hereto as **Appendix D** is the approximate cost of construction of the water system, including the upgrades to such system which were installed in 2016.

12. Because the water system is already constructed, there will be no financing required.

13. Attached hereto as **Appendix E** are the rates Mills proposes to charge for the provision of water services.

14. Approximately seven (7) customers will receive water services from Mills.

15. Attached hereto as **Appendix F** is an approximation of the cost associated with the operation of the water facility during the previous three (3) years.

16. No approval of the affected governmental bodies is necessary for purposes of this Application.

WHEREFORE, Mills Trust request the Commission grant it permission, approval, and a Certificate of Convenience and Necessity authorizing Mills to install, acquire, build, construct, own, operate, control, manage and maintain water systems for the public within the area referred to above.

Respectfully submitted,

**HUSCH BLACKWELL LLP**

By: /s/ Whitney S. Smith  
Bryan O. Wade, #41939  
Whitney S. Smith #68405  
Husch Blackwell LLP  
901 St. Louis St., Suite 1800  
Springfield, MO 65806  
Office: (417) 268-4000  
Fax No: (417) 268-4040  
[bryan.wade@huschblackwell.com](mailto:bryan.wade@huschblackwell.com)  
[whitney.smith@huschblackwell.com](mailto:whitney.smith@huschblackwell.com)

*Attorneys for Mills Trust*

**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing document has been sent by electronic mail this 2<sup>nd</sup> day of October, 2018 to:

General Counsel's Office

[staffcounselervices@psc.mo.gov](mailto:staffcounselervices@psc.mo.gov)

Office of the Public Counsel

[opcservice@ded.gov](mailto:opcservice@ded.gov)

**AFFIDAVIT**

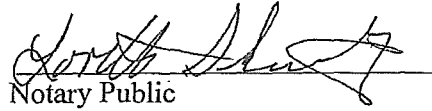
State of Missouri     )  
                                  )  
County of Stone     )

ss

I, Carl Richard Mills, having been duly sworn upon my oath, state 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.



Subscribed and sworn before me this 29 day of September, 2018.

  
Notary Public

My Commission Expires 10/18/2020

