

BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

IN RE: EASTERN MISSOURI
UTILITIES CO., INC.

Application No, SM2002-1062

and

CITY OF FORISTELL, MISSOURI

FIRST AMENDED

APPLICATION BY CITY OF FORISTELL, MISSOURI TO
TRANSFER ASSETS OF EASTERN MISSOURI UTILITIES CO., INC TO THE CITY OF FORISTELL, MISSOURI

COMES NOW, the City of Foristell, Missouri, by and through counsel, and for its application by City of Foristell, Missouri to transfer assets of Eastern Missouri Utilities Company, Inc., to the City of Foristell, and states to the Court as follows:

1, The applicant, the City of Foristell, Missouri, desires to transfer all assets of Eastern Missouri Utilities Company, Inc. (which is wholly owned by the City of Foristell) to the City of Foristell pursuant to Commission Rule 4CSR240-2.060(5) and pursuant to R.S.Mo. 250.010 which grants to the City of Foristell authority to construct and maintain sewerage systems,

2, The City of Foristell, Missouri, is a Missouri Municipal Corporation with its principal office located at #10 Highway T, Foristell, Missouri 63348 and whose mailing address is City of Foristell, P.O. Box 50, Foristell, Missouri 63348,

3, The City of Foristell is a municipal corporation organized to provide governmental and municipal services to its residents,

4. Eastern Missouri Utilities Co., Inc., is a Missouri corporation which is wholly owned by the City of Foristell and provides sewer services to six land owners.

5. Correspondence, communications and orders and decisions of the Commission are to be sent to Mayor Carol Rose, P.O. Box 50, Foristell, Missouri 63348 and to Jayson B. Lenox, City Attorney, 131 Jefferson Street, St. Charles, Missouri 63301.

6. The City of Foristell is authorized to construct and maintain sewer systems by Chapter 250.010 R.S.Mo.; and [R.S.Mo. 250.020](#); and R.S.Mo 250.025.

7. Eastern Missouri Utilities Co., Inc. has been providing sewer services for six residents of the City of Foristell.

8. The City of Foristell is in the business of providing sewer service for its residents.

9. On or about March 20, 2000, the City of Foristell entered into a contract to purchase the stock in Eastern Missouri Utilities Co., Inc. See copy of Sale Contract attached hereto and incorporated by reference as if set forth in full herein and marked Exhibit 1.

10. On or about May 1, 2000, the City of Foristell acquired all the outstanding stock of Eastern Missouri Utilities Co., Inc. See copy of Stock Certificates attached hereto and incorporated by reference as if set forth in full herein and marked Exhibit 2.

11. The former owners of Eastern Missouri Utilities Co., Inc. have acknowledged receipt of payment in full of stock sale agreement. See Receipt of Payment in Full of Stock Sale Agreement attached hereto and incorporated by reference as if set forth in full herein and marked Exhibit 3.

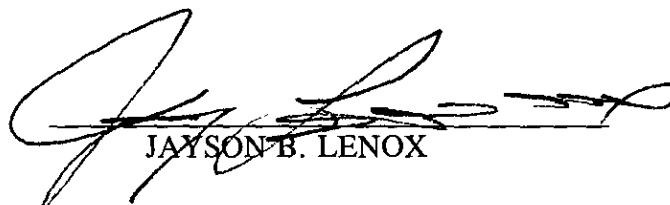
12. All former directors and officers of Eastern Missouri Utilities Co., Inc. have signed official resignations. See Resignations attached hereto and incorporated by reference as

if set forth in full herein and marked Exhibit 4.

13. The City of Foristell, Missouri has purchased all of the outstanding shares of stock in Eastern Missouri Utilities Co., Inc. and the City of Foristell desires to transfer all assets of Eastern Missouri Utilities Co., Inc. to the City of Foristell, Missouri and later to dissolve Eastern Missouri Utilities Co., Inc. for the City of Foristell to provide sewer service for the six customers currently being provided service by Eastern Missouri Utilities Co., Inc.

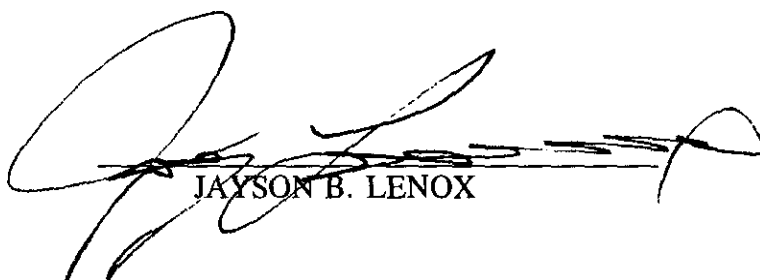
14. The proposed transfer of assets is not detrimental to the public interest and will better serve the six current customers and other residence of the City of Foristell, Missouri.

15. The proposed transfer of assets will not have an impact on tax revenues of the City of Foristell.



JAYSON B. LENOX

COMES NOW, Jayson B. Lenox, and beirfg duly sworn upon his oath, states and affirms that the contents herein are true and correct to the best of his knowledge, information, and belief and that he is the City Attorney for the City of Foristell and authorized to verify this application for transfer of Assets.



JAYSON B. LENOX

STATE OF MISSOURI)

SS:

COUNTY OF ST. CHARLES)

On this 30th day of May, 2002, before me, a notary public, personally appeared JAYSON B. LENOX, known to me to be the person who executed the foregoing instrument, and I acknowledge that he executed the same as a free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office the day and year first above written.


Notary Public

My Commission Expires:

NOTARY SEAL
LETICIA L. WILKERSON
Notary Public-STATE OF MISSOURI
ST. CHARLES COUNTY
My Commission Expires: Feb. 19, 2000

NIEDNER, BODEUX, CARMICHAEL
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By


JAYSON B. LENOX

#39469