

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

The Staff of the Missouri Public	)	
Service Commission,	)	
	)	
Complainant,	)	
	)	
v.	)	<b>Case No. SC-2010-0161</b>
	)	
Box Canyon Watershed Association, Inc.,	)	
Dream Builders, LLC, Horse Trading, LLC,	)	
Canyon Treatment Facility, LLC, Super Market	)	
Merchandising & Supply, Inc., Kandis Davis,	)	
Thomas Davis, David Sanford, Curtis Butrick,	)	
and Kevin Knasel,	)	
	)	
Respondents.	)	

**APPLICATION TO INTERVENE**

COMES NOW VPG Partners VI, LLC ("VPG"), pursuant to 4 CSR 240-2.060 and 2.075 of the Commission's Rules of Practice and Procedure, and hereby applies to intervene and become a party in respect to the Complaint filed by the Staff of the Missouri Public Service Commission ("Staff") in the above captioned proceeding. In support of this Application, VPG respectfully states as follows:

1. VPG is a Missouri Limited Liability Company formed for the purpose of owning, developing and managing real estate. VPG's principal office in the state of Missouri is 3179 N. Gretna Rd., Branson, Missouri 65616. Attached as Appendix A is a copy of the certificate of good standing indicating that VPG is authorized to do business in the State of Missouri. VPG has no pending actions or final unsatisfied judgments or decisions which involve customer service or rates, nor is VPG delinquent in any annual reports or assessment fees.

2. Correspondence or communications regarding this application, including service of all notices and orders of this Commission should be addressed to:

David L. Woodsmall  
FINNEGAN, CONRAD & PETERSON, L.C.  
428 East Capitol Avenue, Suite 300  
Jefferson City, MO 65102-0148  
Voice: 573-635-2700  
Fax: 573-635-6998  
Email: [dwoodsmall@fcplaw.com](mailto:dwoodsmall@fcplaw.com)

AND

Joshua Neally  
VPG Partners VI, LLC  
3179 N. Gretna Road  
Branson, Missouri 65616

3. On November 24, 2009, the Staff filed its Complaint alleging that the Respondents were unlawfully providing “sewer service to the public for gain, without certification or other authority from the Missouri Public Service Commission.” On November 30, 2009, the Commission issued its Notice of Complaint. 4 CSR 240-2.075(1) provides that an application to intervene “shall be filed within thirty (30) days after the commission issues its order giving notice of the case.” As such, this Application is timely.

4. VPG owns and operates Stormy Point Village, a vacation resort in Stone County, Missouri. Stormy Point Village is comprised of 135 residential dwellings and is located immediately outside the city limits of Branson, Missouri within the area served by Respondents. To date, VPG has paid in excess of \$540,000 for tap-on fees under the auspices of receiving sewer service from the Respondents. Furthermore, VPG has conveyed approximately 1.8 acres to Respondents for the construction of sewer facilities.

Despite such payments and despite their recognition that they must offer service to everyone, Respondents have been unwilling to provide safe and adequate service to VPG.

5. VPG supports the relief sought by the Staff in its Complaint. Based upon information garnered in the course of its dealings with Respondents, VPG believes that Respondents have provided utility service to the public for gain without seeking certification by the Commission. Based upon its possession of unique information relevant to the Commission's immediate inquiry, VPG asserts that granting the proposed intervention would serve the public interest.

6. Given its location within the area served by Respondents as well as the size of its facilities, VPG has an interest in this case that differs from that of the general public. Ultimately, VPG is interested in ensuring that Respondents provide safe and adequate sewer service at just and reasonable rates.

WHEREFORE, for the reasons stated herein, VPG respectfully requests that the Commission issue an order permitting VPG to intervene as a party in this case.

Respectfully submitted,



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David L. Woodsmall (MBE #40747)  
FINNEGAN, CONRAD & PETERSON, L.C.  
428 East Capitol Avenue, Suite 300  
Jefferson City, MO 65102-0148  
Voice: 573-635-2700  
Fax: 573-635-6998  
Email: [dwoodsmall@fcplaw.com](mailto:dwoodsmall@fcplaw.com)

**Attorneys for VPG Partners VI, LLC**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have this day served the forgoing pleading by email, facsimile or First Class United States Mail to all parties by their attorneys of record as provided by the Secretary of the Commission.



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David L. Woodsmall

Dated: December 4, 2009

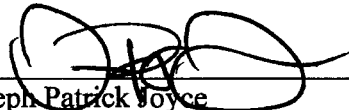
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	)	
Respondents.	)	

**AFFIDAVIT**

STATE OF MISSOURI     )  
                                      ) SS  
COUNTY OF TANEY     )

I, Joseph Patrick Joyce, having been duly sworn upon my oath, state that I am the Managing Member of VPG Partners VI, LLC and that I am duly authorized to make this application on behalf of VPG and that the matters set forth in this application are true and correct to the best of my information, knowledge and belief.

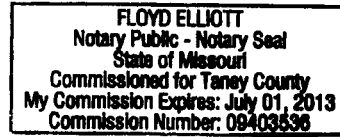
  
\_\_\_\_\_  
Joseph Patrick Joyce

Subscribed and sworn before me this 3<sup>rd</sup> day of December, 2009.

Floyd Elliott

Notary Public

My commission expires on July 1, 2013



# STATE OF MISSOURI



Robin Carnahan  
Secretary of State

**CORPORATION DIVISION  
CERTIFICATE OF GOOD STANDING**

I, ROBIN CARNAHAN, Secretary of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that

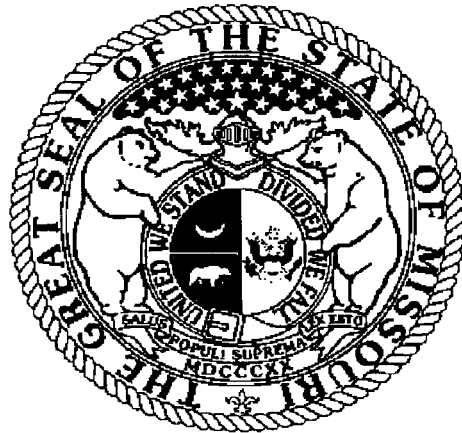
**VPG PARTNERS VI, LLC  
LC0831862**

was created under the laws of this State on the 25th day of July, 2007, and is in good standing, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 4th day of December, 2009

*Robin Carnahan*

Secretary of State



Certification Number: 12339224-1    Reference:  
Verify this certificate online at <http://www.sos.mo.gov/businessentity/verification>