

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

In the Matter of M.P.B., Inc.'s Request)	
for Increase in Annual Sewer System)	<u>File No. SR-2014-0067</u>
Operating Revenues)	

**MISSOURI DEPARTMENT OF NATURAL RESOURCES'
APPLICATION TO INTERVENE**

COMES NOW Missouri Department of Natural Resources ("MDNR") and, pursuant to Commission Rule 4 CSR 240-2.075, respectfully requests that the Commission issue its order granting MDNR's Application to Intervene. For its Application, MDNR states as follows:

1. On September 9, 2013, M.P.B., Inc., through its court-appointed receiver, filed a request to increase rates for its sewer services. On that date, M.P.B. also filed tariff revisions with an effective date of April 26, 2013.
2. On September 19, 2013, the M.P.B. filed revised rate tariff sheet to implement an interim/emergency monthly service charge with an expedited effective date of October 1.
3. On September 20, 2013, Staff of the Public Service Commission ("Staff") filed a Recommendation for approval of M.P.B.'s interim rate request, which the Office of Public Counsel ("OPC") supported. The Commission has not issued an order regarding intervention.
4. MDNR is a state agency charged by § 640.010 RSMo with administering and executing the environmental programs and commissions

assigned to MDNR, including the Missouri Clean Water Law, § 644.006 *et seq.* RSMo, and the Missouri Safe Drinking Water Law, § 640.100 *et seq.* RSMo.

5. MDNR has documented numerous violations of the Missouri Clean Water Law at all of M.P.B.'s wastewater treatment facilities, including those involved in this rate case.

6. On May 15, 2013, MDNR requested that the Missouri Attorney General's Office take appropriate legal action to address any violations of the Missouri Clean Water Law by M.P.B., including intervention in this case.

7. MDNR has an interest different than that of the general public, and its intervention will serve a public interest in that it seeks to protect public health and the environment. MDNR's review and participation will relate to its duty to enforce the Missouri Clean Water Law. In addition to ensuring that past violations are properly addressed, MDNR also has an interest in M.P.B. attaining and maintaining compliance in the future.

8. MDNR is uncertain at this time of the position it will take regarding the permanent relief sought by M.P.B. in this case. MDNR agrees with all parties that the emergency/interim relief is necessary for M.P.B. to move toward compliance with the Missouri Clean Water Law and the Public Service Commission Law.

9. Staff, OPC, MDNR, and the Missouri Attorney General's Office have held discussions in the past regarding the problems faced by certain PSC-

regulated wastewater and drinking water companies, which sometimes encounter difficulty obtaining financing, especially short-term financing, needed to implement measures to attain compliance with the Missouri Clean Water Law and MDNR's implementing regulations.

10. Although such discussions have not yet produced a definite path forward in the context of cases like this, one option may involve establishing an escrow account (CIAC) to be used to pay for infrastructure and other costs necessary to attain compliance with relevant environmental requirements, on a case-by-case or pilot project basis.

11. Regardless of the precise mechanism utilized to fund compliance, MDNR believes that compliance with applicable environmental requirements is a necessary component of a regulated company's obligation to provide "safe and adequate" service under § 393.130.1 RSMo.

12. Communications, correspondence, orders, and decision in this matter should be addressed to:

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WHEREFORE, the Missouri Department of Natural Resources respectfully requests that it be allowed to intervene in the above-styled matter.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been served electronically on all counsel of record this 9th day of October, 2013.

/s/ Jeremy Knee
Jeremy Knee
Assistant Attorney General