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

Missouri Public
Service Commission

In the matter of the Application of St. Louis)
County Water Company, d/b/a Missouri-)
American Water Company, for Restatement)
And Clarification of its Certificate of)
Convenience and Necessity for St. Louis)
County Missouri)

Case No. WA-2001-288

MOTION FOR LEAVE TO INTERVENE AND FOR A HEARING

Comes now the City of Winchester and the City of Maryland Heights and pursuant to Section 386.420 RSMo moves for Leave to Intervene and for a Hearing and states as follows:

1. The City of Winchester is a Fourth Class City located within St. Louis County and has received notice in the above styled matter pursuant to the Commission's Order.
2. The City of Maryland Heights is a Third Class City located within St. Louis County and has not received notice in this matter. However, due to the high regard for which the City's hold Counsel for Applicant, we believe that this was merely inadvertence or loss.
3. Both Cities have an interest in this matter as these municipal Corporations have the ultimate responsibility for the construction, maintenance and repair of City streets and rights-of-way within their City limits. Applicant has easements for some of its water mains to run along and underneath the streets of the Cities. Neither City has a franchise agreement that grants Applicant the authority to place their mains within City streets.
4. Both Cities are unclear as to what relief the Applicant is requesting:
 - a. The Notice of November 20, 2000 from Mid-America Water Company to

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the City of Winchester states in part as follows:

... “that the application specifically states that it does not effect the existence or necessity for municipal franchise in any manner what so ever. . . .”

b. However, within its application, it appears, that Applicant is attempting to restate and clarify its authority to serve the entire St. Louis County including those areas within the city limits of the City of Winchester and the City of Maryland Heights.

c. Applicant is taking the position that municipal franchises are not legally necessary.

Therefore, it appears that Applicant is attempting to have this body declare its legal relationship with each incorporated municipality within St. Louis County.

5. Both City of Winchester and especially, the City of Maryland Heights are receiving numerous requests for franchises to use rights-of-way. This is especially true in the communications industry due to deregulation under the 1996 Telecommunications Act. With underground boring by these new entrant telecommunication companies, interruption of both their service and water service becomes highly likely in the limited space of what is becoming the crowded rights-of-ways.

6. It is necessary for the above reasons that the City of Winchester and the City of Maryland Heights in order to avoid public health and safety issues and to allow each City to govern its own rights-of-way, intervene in this matter.

7. For the reasons above, given the conflicting nature of the parties positions, a Hearing is also necessary in this matter.

WHEREFORE, the City of Winchester and the City of Maryland Heights pray that the Commission allows their intervention and that the Commission further set a Hearing for Applicant's request for Restatement and Clarification of Its Certificate of Convenience and Necessity for St. Louis County.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Motion For Leave to Intervene and for a Hearing on behalf of the Cities of Winchester and Maryland Heights was mailed, postage prepaid this 11th day of December, 2000 to the following:


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