

FINNEGAN, CONRAD & PETERSON, L.C.

ATTORNEYS AND COUNSELORS AT LAW

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TELECOPIER (816) 756-0373**

**JEREMIAH FINNEGAN, P.C.
STUART W. CONRAD
C. EDWARD PETERSON***

***ALSO ADMITTED IN
KANSAS AND MASSACHUSETTS**

May 7, 2002

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

**RE: Timber Creek Sewer Company
Application for Additional Service Area**

Dear Mr. Roberts:

Enclosed find an original and 8 copies of the Application of Timber Creek Sewer Company for additional service area. This is for a completely separate service area in a different part of Platte County than the service area sought in Case No. SA-2002-404 and the Applicant is not desirous of having the cases consolidated at this time and at least not until after the intervention deadline in this case passes, if it could be assured that such consolidation would not delay the processing of the earlier application. Please file and call the application to the attention of the Commission.

Please return the extra copy of the first page of the Application with the file stamp affixed in the self-addressed stamped envelope I have also enclosed.

Very truly yours,

FINNEGAN, CONRAD & PETERSON, L.C.

By:


Jeremiah D. Finnegan

JDF:crb
Enclosures
cc: Willis Sherry
Office of the Public Counsel

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

In the matter of the application of Timber)
Creek Sewer Company, for permission,)
approval, and a certificate of convenience)
and necessity authorizing it to construct,)
install, own, operate, control, manage and)
maintain a sewer system for the public,)
located in an unincorporated area in Platte)
County, Missouri.)

CASE NO.SA-2002-_____

APPLICATION

Comes now Timber Creek Sewer Company ("Applicant" or "Timber Creek"),
pursuant to Section 393.170, RSMo and 4 CSR 240-2.060, and states as follows:

1. Applicant is Timber Creek Sewer Company, a Missouri corporation, duly organized and existing under the laws of the State of Missouri with its principal office and place of business located at 1820 C Prairie View Road, P.O. Box 511, Platte City, Missouri 64079. Applicant's telephone number is (816) 858-3989, its fax number is (816) 858-4876 and its E-mail address is sherryri@gvi.net.

2. Communications in regard to this application should be addressed to the following:

- a) Willis C. Sherry, President
TIMBER CREEK SEWER COMPANY
1820 C Prairie View Road
P.O. Box 511
Platte City, Missouri 64079
Telephone (816) 858-3989
Fax Line (816) 858-4876
E-Mail sherryri@gvi.net

b) Jeremiah D. Finnegan, Esq.
FINNEGAN, CONRAD & PETERSON, L.C.
1209 Penntower Office Center
3100 Broadway
Kansas City, Missouri 64111
Telephone (816) 753-1122
Fax Line (816) 756-0373
E-Mail jfinnegan@fcplaw.com

3. Applicant is a public utility and sewer corporation rendering sewer service under certificates of convenience and necessity to serve certain unincorporated areas in Platte County, Missouri, issued by the Commission in Case Nos. SA-95-110, SA-96-238 and SA-99-202.¹ Applicant's existing sewer system in its presently certificated areas meets all requirements of the Department of Natural Resources (DNR).

4. Applicant requests permission, approval, and a certificate of public convenience and necessity to install, own, acquire, construct, operate, control, manage, maintain and extend a sewer system for the public in an unincorporated area in Platte County, Missouri, adjacent to an area currently served by Applicant under authority issued in Case Nos. SA-95-110. The area proposed to be served pursuant to this application shall sometimes hereinafter be referred to as "the Proposed Service Area." All extensions or other plant required to serve the Proposed Service Area shall be designed and built to meet all requirements of DNR and the Commission as well as the Company's own

¹ Applicant currently has another application pending for additional service area territory in another part of Platte County that is not adjacent to the area sought in this application. Such case is Case No. SA-2002-404. Applicant prays that this case and the pending case remain separate and not be consolidated at this time. After the time for intervention in this proceeding has expired, Applicant may have an interest in consolidating the cases provided that such consolidation would not result in a delay of action on the application in Case No. SA-2002-404.

requirements.

5. A copy of Applicant's Certificate of Incorporation and Articles of Incorporation were previously filed with the Commission in Case No. SA-95-110 and are hereby incorporated by reference herein. A copy of a Certificate of Good Standing from the Secretary of State is attached hereto as **Appendix 1**.

6. The legal description of Applicant's Proposed Service Area is attached hereto as **Appendix 2**.

7. Applicant's Proposed Service Area is depicted on the map attached hereto as **Appendix 3**.

8. A feasibility study is attached to this application as **Appendix 4**.

9. There is no sewer service, regulated or nonregulated, available in the Proposed Service Area. Applicant currently provides sewer service to its certificated area adjacent to the Proposed Service Area.

10. Inasmuch as the Proposed Service Area is for an unincorporated area in Platte County, there is no approval required from any municipalities. Applicant has also ascertained that no approval of the Platte County Court is required. A copy of a letter from the Clerk of the Platte County Court dated September 11, 2001 so advising is attached as **Appendix 5**.

11. The Proposed Service Area is in need of sewer service. There is presently located within the Proposed Service Area an existing subdivision, Summerset, of 30 lots, which currently has 17 existing homes with a population of approximately 65 residents,

which utilize on-site disposal (septic tanks and lateral fields) for sewer service. The other 13 lots are currently vacant but are awaiting sanitary sewers in order that they may be developed with new single-family residences. The facilities to be constructed to serve this subdivision are sewer mains and service lines to be connected to Applicant's sewer treatment facility in an adjacent subdivision, Timber Creek.

There is also a request from Martin Investments for sewer service for a proposed subdivision which will be adjacent to the North side of the existing Summerset Subdivision and lying South of the existing Shiloh Springs Golf Course. The proposed subdivision will contain approximately 150 town home units to be built along and adjacent to the golf course. This development is currently just in the planning stage and projected starting date is not known at this time. Service to such area will require an expansion of the existing treatment facility to provide additional treatment capacity when this proposed development is constructed. This expansion will be financed by CIAC charges collected from the Summerset customers as well as the Developer of the new proposed town homes.

Due to economies of scale, the increase in the size of Applicant's contiguous service area with the subsequent increase in population will benefit both the public in the Proposed Service Area as well as the public in Applicant's existing service area. Therefore, a public need exists for adequate sewer service within the Proposed Service Area and the public convenience and necessity will be promoted by the granting of the authority herein requested.

12. Attached as **Appendix 6**, is a list of the names and addresses of residents

and landowners in the proposed service area.


13. Applicant has no pending actions or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates and has had no such actions, judgments or decisions within three (3) years of the date of this application.

14. Applicant states that no annual reports or assessment fees are overdue.

WHEREFORE, Applicant requests the Commission to grant it permission, approval, and a certificate of convenience and necessity authorizing it to install, acquire, build, construct, own, operate, control, manage, maintain and extend a sewer system for the public within the Proposed Service Area and for such further orders as the Commission may deem meet and proper.

Respectfully Submitted,

TIMBER CREEK SEWER COMPANY



Jeremiah D. Finnegan #18416
FINNEGAN, CONRAD & PETERSON, L.C.
1209 Penntower Office Center
3100 Broadway
Kansas City, Missouri 64111
Telephone (816) 753-1122
Fax Line (816) 756-0373
E-Mail jfinnegan@fcplaw.com

ATTORNEYS FOR APPLICANT

VERIFICATION

County of JACKSON)
) ss.
State of Missouri)

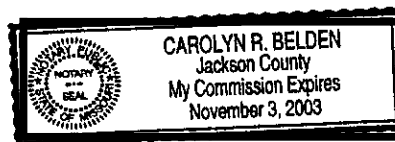
I, Willis C. Sherry, having been duly sworn, state that I am President of Timber Creek Sewer Company, the Applicant herein, and attest that the statements contained in this Application are true and accurate to the best of my information and belief.

Willis C. Sherry
Willis C. Sherry

Subscribed and sworn to before me, Carolyn R. Belden, a notary public in and for such county this 7th day of MAY, 2002.

Carolyn R. Belden
Notary Public

My Commission Expires: Nov 3, 2003



No. 00400859

STATE OF MISSOURI



Matt Blunt
Secretary of State

CORPORATION DIVISION


CERTIFICATE OF CORPORATE GOOD STANDING

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

TIMBER CREEK SEWER COMPANY

was incorporated under the laws of this State on the 14th
day of SEPTEMBER, 1994, 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
11th day of SEPTEMBER, 2001.


Secretary of State



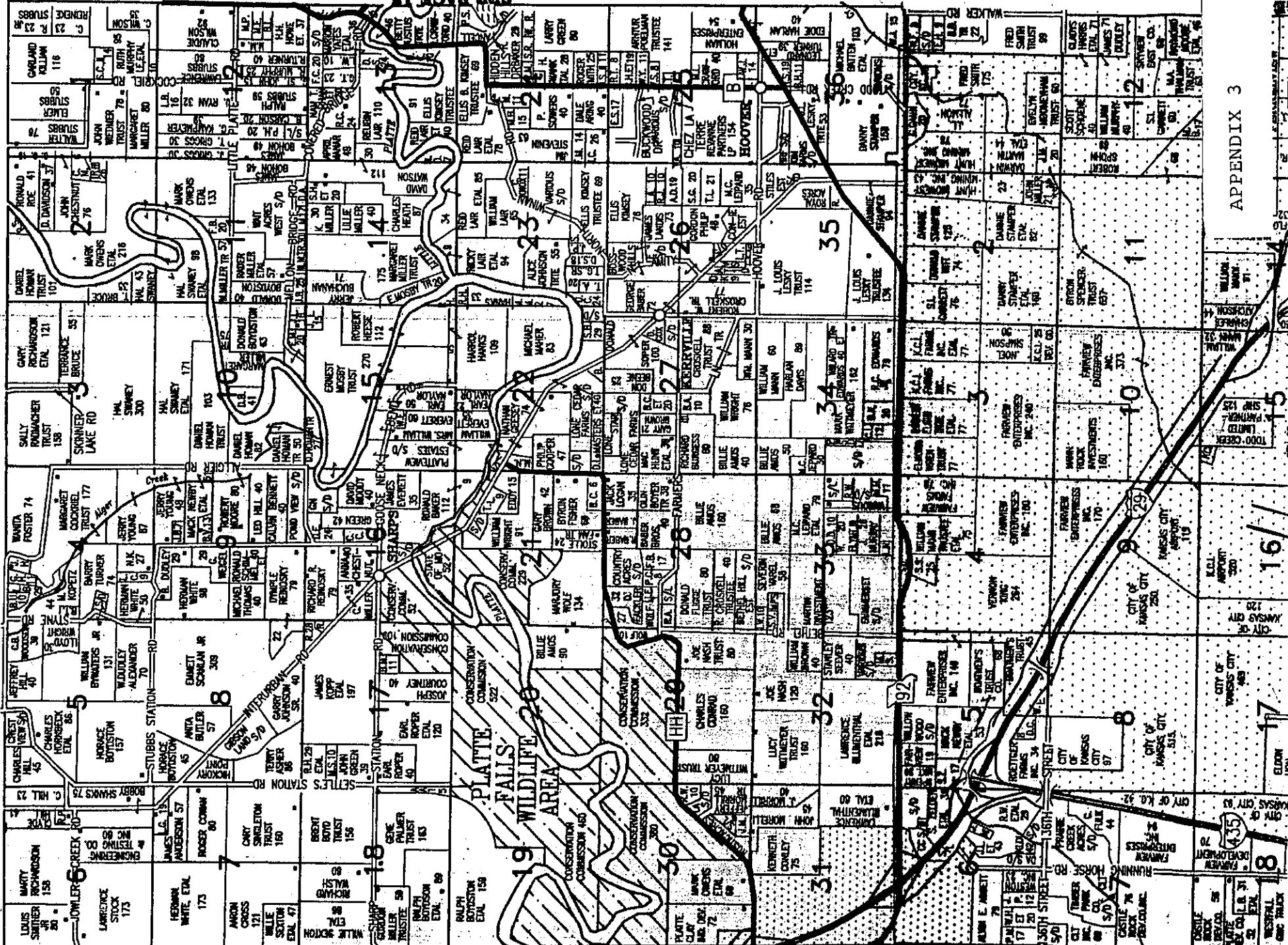
TIMBER CREEK SEWER COMPANY
PROPOSED SERVICE AREA

The Proposed Service Area is described as follows:

All of a tract of land described as follows: All of the Southwest 1/4 of Section 33, Township 53N, Range 34W, in Platte County, Missouri.

TOWNSHIP 53N • RANGE 34W

SEE PAGE 13



TIMBER CREEK SEWER COMPANY FEASIBILITY STUDY

Timber Creek Sewer Company (Timber Creek) was incorporated on September 14, 1994 for the purpose of owning, operating, managing and/or maintaining a private Sewer system. On May 18, 1995, in Case No. SA-95-110, it was granted a Certificate of Convenience and Necessity by the Commission to serve certain unincorporated areas in Platte County effective June 1, 1995. On June 11, 1996, in Case No. SA-96-238, Timber Creek was granted a Certificate of Convenience and Necessity by the Commission to serve an additional unincorporated area in Platte County effective June 21, 1996. On September 11, 1999, in Case No. SA-99-202, Timber Creek was granted a Certificate of Convenience and Necessity by the Commission to serve an additional unincorporated area in Platte County effective September 14, 2000.

Timber Creek is now proposing to serve an additional unincorporated area in Platte County, Missouri, the "Proposed Service Area", which is adjacent to the original certificated area it was granted in Case No. SA-95-110, to wit:

PROPOSED SERVICE AREA:

All of a Tract of Land described as follows: All of the Southwest 1/4 of Section 33, Township 53N, Range 34W, in Platte County, Missouri.

The Proposed Service Area is shown on the map attached to the Application as Appendix 3 thereto and incorporated herein by reference.

There are no sanitary sewer facilities in the Proposed Service Area. Timber Creek proposes to provide sanitary sewer service an existing subdivision, Summerset Subdivision, consisting of 30 lots, which currently has 17 existing homes with a population of approximately 65 residents. Such homes presently utilize on site sewage disposal (septic tanks and lateral fields) for sewer service. The other 13 lots in this subdivision are currently vacant and are awaiting sanitary sewers in order to be developed with new single-family residences. Timber Creek has received a request for sewer service from the Summerset Homes Association to provide sanitary sewer service for the entire subdivision.

The Proposed Service Area is adjacent to Timber Creek's existing service area located in Section 32, of Township 53N, Range 34W, in Platte County, Missouri. The existing wastewater treatment facility located in the existing service area currently has existing capacity to provide treatment for the existing homes as well as the vacant lots in the Summerset Subdivision. The facilities to be constructed to serve the Summerset Subdivision are sewer mains and service lines.

Timber Creek also has a request from Martin Investments for sewer service for a proposed subdivision which will be located in North half of the Southwest 1/4 of Section 33 of the Proposed Service Area adjacent to the North side of the existing

Summerset Subdivision and lying South of the existing Shiloh Springs Golf Course.

This proposed subdivision will contain approximately 150 town home units to be built along and adjacent to the Golf Course. This development is just currently in the planning stage and projected starting date is not known at this time.

While it is not necessary to expand the existing treatment facility at this time to serve the Summerset Subdivision, Timber Creek will need to expand its existing treatment facility to provide treatment capacity when this proposed town home development is constructed. Timber Cree proposes to finance the expansion by the use of CIAC charges collected from Summerset customers as well as from the Developer of the new proposed town home subdivision.

The estimated cost of the construction of the sewer system during the first three (3) years of construction are contained in **Attachment 1** hereto.

The existing rates, rules, connection fees and other charges of the Company would remain unchanged at this time and would apply to the Proposed Service Area.

An estimate of the number of customers, revenues and expenses during the first three (3) years of operation are contained in **Attachment 2** hereto.

There will be no change in the professional operator responsible for the operation and maintenance of the facilities, nor will there be any change in the person responsible for the day-to-day business activities of the Company.

Timber Creek Sewer Company believes that the granting of a certificate of convenience and necessity for this additional area will not only provide a public benefit for the Proposed Service Area to be served by the provision of regulated sewer service in an area heretofore without such service, but also will benefit its customers in its existing service area by making the Company's operations more profitable and thereby alleviating or easing the need for rate increases.

The granting of the additional service area to Timber Creek Sewer Company will allow it to expand its services to meet the expanding need for sewer service in this area. It will expand the Company's customer base and improve the future profitability of the company. The granting of the Proposed Service Area would allow the Company the capability of providing service to all of the customers that are presently located and those who will be located in the Proposed Service Area in the future.

Timber Creek Sewer Company, Inc.
Proposed Construction Costs
2002-2005

		2002	2003	2004	2005	Total
1. Sewer Main Interceptor Line		\$0	\$0	\$450,000	\$0	\$450,000
2. Plant & Equipment		\$0	\$0	\$400,000	\$100,000	\$500,000
3. Building		\$0	\$0	\$0	\$0	\$0
4. Land Cost		\$0	\$0	\$0	\$0	\$0
6. Survey & Engineering Expense		\$5,000	\$5,000	\$50,000	\$15,000	\$75,000
7. Legal Fees		\$10,000	\$2,000	\$2,000	\$2,000	\$16,000
TOTAL		\$15,000	\$7,000	\$902,000	\$117,000	\$1,041,000

Timber Creek Sewer Company, Inc.
Projected Revenues
Existing Service Area
2002 - 2005

Scenario No. 1 - Existing Service Area					
Name of Plat, Subdivision or Development	2002	2003	2004	2005	Totals
Timber Park	175	18	0	0	193
Oak Creek	82	0	0	0	82
Lakes at Oakmont	170	44	47	0	261
Timber Park Meadows	40	0	0	0	40
Timber Creek	47	0	0	0	47
Hunt Midwest Townhomes	0	108	108	0	216
Hunt Midwest (250 S.F.)	0	40	40	40	120
Estates at Lakes of Oakmont	8	0	0	0	8
Summit Way	0	53	53	48	154
Kline 4-plexes	50	50	48	0	148
Barth Development (800-900 S.F.)	0	New Area	35	35	70
Reed/Kline Development	40	40	40	0	120
Summerset	0	0	0	0	0
Total Connected EDUs	612	353	371	123	1459
Accumulative total EDUs	612	965	1336	1459	1459
Basic Rate = \$16.50/mo.	\$16.50	\$16.50	\$16.50	\$16.50	\$16.50
Income from Connected EDUs	\$121,176.00	\$191,070.00	\$264,528.00	\$288,882.00	\$288,882.00
Connection /Permit Fees	\$221,000.00	\$353,000.00	\$371,000.00	\$123,000.00	\$945,000.00
Sewer Plan Review Fees	\$1,000.00	\$1,000.00	\$500.00	\$500.00	\$3,000.00
Construction Inspection Fees	\$11,050.00	\$17,650.00	\$18,550.00	\$6,150.00	\$47,250.00
City of Platte City					
Yearly Income	\$27,857.00	\$41,692.00	\$41,692.00	\$41,692.00	\$41,692.00
Connection/Permit Fees	\$67,200.00	\$24,000.00	\$0.00	\$0.00	\$0.00
Total Revenue Generated	\$449,283.00	\$628,412.00	\$696,270.00	\$460,224.00	\$1,773,965.00
Average Daily Flow (ADF), gpd	122,400	193,000	267,200	291,800	
Peak Daily Flow = 1.5x ADF, gpd	183,600	289,500	400,800	437,700	

Timber Creek Sewer Company, Inc.
Projected Revenues
Existing Service Area
2002 - 2005

Scenario No. 1 - Existing Service Area + New Service Area					
Name of Plat, Subdivision or					
Development	2002	2003	2004	2005	Totals
Timber Park	175	18	0	0	193
Oak Creek	82	0	0	0	82
Lakes at Oakmont	170	44	47	0	261
Timber Park Meadows	40	0	0	0	40
Timber Creek	47	0	0	0	47
Hunt Midwest Townhomes	0	108	108	0	216
Hunt Midwest (250 S.F.)	0	40	40	40	120
Estates at Lakes of Oakmont	8	0	0	0	8
Summit Way	0	53	53	48	154
Kline 4-plexes	50	50	48	0	148
Barth Devel. (New Svc. Area)	0	New Area	35	35	70
Reed/Kline Development	40	40	40	0	120
Summerset (New Svc. Area)	17	4	4	4	29
Total Connected EDUs	629	357	375	127	1488
Accumulative total EDUs	629	986	1361	1488	1488
Basic Rate = \$16.50/mo.	\$16.50	\$16.50	\$16.50	\$16.50	\$16.50
Income from Connected EDUs	\$124,542.00	\$195,228.00	\$269,478.00	\$294,624.00	\$294,624.00
Connection /Permit Fees	\$221,000.00	\$357,000.00	\$375,000.00	\$127,000.00	\$1,080,000.00
Sewer Plan Review Fees	\$1,000.00	\$1,000.00	\$500.00	\$500.00	\$3,000.00
Construction Inspection Fees	\$11,050.00	\$17,850.00	\$18,750.00	\$6,350.00	\$54,000.00
City of Platte City					
Yearly Income	\$27,857.00	\$41,692.00	\$41,692.00	\$41,692.00	\$41,692.00
Connection/Permit Fees	\$67,200.00	\$24,000.00	\$0.00	\$0.00	\$0.00
Total Revenue Generated	\$452,649.00	\$636,770.00	\$705,420.00	\$470,166.00	\$2,265,005.00
Average Daily Flow (ADF), gpd	125,800	197,200	272,200	297,600	
Peak Daily Flow = 1.5x ADF, gpd	188,700	295,800	408,300	446,400	

Timber Creek Sewer Company, Inc.
Estimated Annual Expenses
Existing Service Area
2002-2005

Expenditure Type				
YEAR	2002	2003	2004	2005
Inspection/Permit Expenses	\$1,150	\$1,196	\$1,250	\$1,250
Bank Charges	\$63	\$65	\$68	\$68
Dues	\$52	\$54	\$57	\$57
Insurance	\$5,895	\$6,130	\$6,375	\$6,375
Licenses and Permits	\$8,450	\$13,900	\$18,640	\$18,640
Postage and Delivery	\$203	\$210	\$220	\$220
Professional Fees	\$3,000	\$3,120	\$3,245	\$3,245
Corporation Fees	\$105	\$110	\$115	\$115
Office Expense	\$3,900	\$4,000	\$4,160	\$4,160
Tractor/truck Maint. & Fuel	\$2,100	\$2,200	\$2,300	\$2,300
Service (Maint.) Contracts	\$1,500	\$1,500	\$1,500	\$1,500
Plant Maintenance	\$7,975	\$8,294	\$8,625	\$8,625
Plant Repairs	\$1,000	\$10,000	\$15,000	\$15,000
Service Line/Manhole maint.	\$5,000	\$10,000	\$10,000	\$10,000
Utilities	\$6,430	\$6,687	\$6,954	\$6,954
Payroll Expenses	\$75,000	\$85,000	\$92,000	\$92,000
Taxes	\$6,300	\$7,140	\$7,728	\$7,728
Other Expenses	\$1,372	\$1,426	\$1,485	\$1,485
Loan Interest	\$84,000	\$66,000	\$48,000	\$48,000
Debt Service	\$125,000	\$125,000	\$125,000	\$125,000
Totals	\$338,495	\$352,032	\$352,722	\$352,722

Timber Creek Sewer Company, Inc.
Projected Profit or Loss
2002 - 2005

Description of Scenario	YEAR				
	2002	2003	2004	2004	Total
Existing Service Area					
Anticipated Revenue	\$449,283	\$628,412	\$696,270	\$460,224	\$2,234,189
Anticipated Expenses	\$338,495	\$352,032	\$352,722	\$352,722	\$1,395,971
Estimated Profit or Loss	\$110,788	\$276,380	\$343,548	\$107,502	\$838,218
Existing Service Area + New Area					
Anticipated Revenue	\$452,649	\$636,770	\$705,420	\$470,166	\$2,265,005
Anticipated Expenses	\$338,495	\$352,032	\$352,722	\$352,722	\$1,395,971
Estimated Profit or Loss	\$114,154	\$284,738	\$352,698	\$117,444	\$869,034



CLERK OF THE COUNTY COURT

COUNTY OF PLATTE

Sandra S. "Sandy" Krohne

Platte County Administration Bldg.

409 Third Street, Box 30

Platte City, Missouri 64079

(816) 858-2232, ext. 3340

(816) 858-3340

September 11, 2001

Mr. Jeremiah D. Finnegan
FINNEGAN, CONRAD & PETERSON, L.C.
1209 Penntower Office center
3100 Broadway
Kansas City, Missouri 64111

RE: County Franchise Requirements

Dear Mr. Finnegan:

In reference to your letter of September 7, 2001, there has been no order or ordinance passed by the County regarding the need for a franchise from the County for privately owned sewer companies to operate in the County's unincorporated areas.

If you have any questions or need further assistance, please feel free to contact me.

Sincerely,

Sandra S. Krohne
Platte County Clerk

SSK:s

SUMMERSET HOMEOWNERS

Lots 1, 3, 8, 16, 17 18, 20, 21, 25, 27, 28, 29	Martin Investments, P.O. Box 2360, Platte City, MO 64079
Lot 2	Severin Varel, 13000 NW 145th Terr., Platte City, MO 64079
Lot 4	Jim Rusk, 12890 NW 145th Terr., Platte City, MO 64079
Lot 5	Pete Strickland, P.O. Box 2327, Platte City, MO 64079
Lot 6	Tony Martens, 12790 NW 145th Terr., Platte City, MO 64079
Lot 7	David Evans, 12700 NW 145th Terr., Platte City, MO 64079
Lot 9	Tim Ishmael, 12610 NW 145th Terr., Platte City, MO 64079
Lot 10	Harold Sherwood, 12615 NW 145th St., Platte City, MO 64079
Lot 11	Michael McGinness, P.O. Box 107, Platte City, MO 64079
Lot 12	Gary Martin, P.O. Box 2360, Platte City, MO 64079
Lot 13	Kenny Martin, P.O. Box 2360, Platte City, MO 64079
Lot 14	Jerry Martin, 12885 NW 145th St., Platte City, MO 64079
Lot 15	Howard Dawson, 12995 NW 145th St., Platte City, MO 64079
Lot 19	Scott Read, 13180 NW 145th St., Platte City, MO 64079
Lot 22	George Bickley, 12900 NW 145th St., Platte City, MO 64079
Lot 23	Walter Dowd, 12820 NW 145th St., Platte City, MO 64079
Lot 24	Fred Jackson, 12780 NW 145th St., Platte City, MO 64079
Lot 26	Pat Dowd, 12805 NW 145th Terr., Platte City, MO 64079