

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

In the Matter of Missouri-American)
Water Company for a Certificate of)
Convenience and Necessity Authorizing)
it to Install, Own, Acquire, Construct,) File No. WA-2021-0376
Operate, Control, Manage and Maintain)
a Water System and Sewer System in)
and around the City of Eureka, Missouri.)

PARTIAL STIPULATION AND AGREEMENT

COMES NOW Missouri-American Water Company (“MAWC” or “Company”), the Jefferson County Public Sewer District (“District”), and the Staff of the Missouri Public Service Commission, known together herein as “the Parties,” and submit the following *Partial Stipulation and Agreement* (“*Partial Stipulation*”), to the Missouri Public Service Commission (“Commission”). The Office of Public Counsel has advised the Parties that it neither supports nor opposes the *Partial Stipulation*.

BACKGROUND

1. The Application in this case was filed on April 26, 2021. MAWC proposes to purchase substantially all of the water and sewer assets of the currently unregulated system of Eureka, and requests certificates of convenience and necessity (“CCN”) for water and wastewater systems for the public in an area in and around the City of Eureka, Missouri. The city limits of Eureka include area in both St. Louis County and Jefferson County.

2. On May 4, 2021, the District applied to intervene, and intervention was granted on May 18, 2021. The District is a reorganized common sewer district and political subdivision of the state of Missouri, organized pursuant to the provisions of Chapter 249 of the Revised Statutes of Missouri and reorganized pursuant to Section 204.608, RSMo. The District, among

other areas, provides service to certain areas annexed into the City of Eureka, which are located in Jefferson County.

3. While the Eureka city limits extend into Jefferson County, Eureka does not currently provide water or sewer service to that area, as sewer service is provided by the District and water service is provided by the District and Jefferson County Public Water Supply District #2.

PARTIAL STIPULATION

4. The Parties agree that should the Commission grant the CCNs requested in this case, the service areas associated with those CCNs should be limited to St. Louis County and not extend to Jefferson County.

5. Accordingly, the service area map and legal description as provided as Schedules BWE-3 and BWE-4 to the Direct Testimony of Brian W. Eisenloeffel should describe the boundaries of any certificates of convenience and necessity issued in this case and the map and legal description should be depicted in MAWC's tariff.

GENERAL PROVISIONS

6. Except as otherwise expressly specified herein, none of the signatories to this *Partial Stipulation* shall be deemed to have approved or acquiesced in any ratemaking or procedural principle, including, without limitation, any method of cost determination or cost allocation, depreciation or revenue-related method, or any service or payment standard; and none of the signatories shall be prejudiced or bound in any manner by the terms of this *Partial Stipulation* in this or any other Commission or judicial review or other proceeding, except as otherwise expressly specified herein. Nothing in this *Partial Stipulation* shall preclude the Staff in future proceedings from providing recommendations as requested by the Commission nor

limit Staff's access to information in any other proceedings. Nothing in this *Partial Stipulation* shall be deemed a waiver of any statute or Commission regulation.

7. This *Partial Stipulation* has resulted from negotiations among the signatories and the terms hereof are interdependent. In the event that the Commission does not approve this *Partial Stipulation*, or approves this *Partial Stipulation* with modifications or conditions to which a Party to this proceeding objects, this *Partial Stipulation* shall be void and no signatory shall be bound by any of the agreements or provisions hereof.

8. In the event the Commission accepts the specific terms of this *Partial Stipulation*, the Parties waive, with respect to the issue resolved herein: their respective rights pursuant to Section 536.080.1, RSMo, to present testimony, to cross-examine witnesses, and to present oral argument and written briefs; their respective rights to the reading of the transcript by the Commission pursuant to Section 536.070, RSMo; and their respective rights to judicial review of the Commission's Report and Order in this case pursuant to Section 386.510, RSMo. These waivers apply only to a Commission order regarding the issues addressed in this *Partial Stipulation* in this above-captioned proceeding, and do not apply to any matters raised in any prior or subsequent Commission proceeding, or any matters not explicitly addressed by this *Partial Stipulation*.

9. The Staff shall have the right to provide, at any agenda meeting at which this *Partial Stipulation* is noticed to be considered by the Commission, whatever oral explanation the Commission requests. Staff shall, to the extent reasonably practicable, provide the other Parties with advanced notice of the agenda in which Staff will respond to the Commission's request for information. Staff's oral explanation shall be subject to public disclosure, except to the extent it refers to matters that are privileged, highly confidential, or proprietary.

10. To assist the Commission in its review of this *Partial Stipulation*, the Parties also request that the Commission advise them of any additional information the Commission may desire from the Parties relating to the matters addressed in this *Partial Stipulation*, including any procedures for furnishing such information to the Commission.

WHEREFORE, the undersigned Parties respectfully request that the Commission issue its Order approving the stipulation identified in this *Partial Stipulation and Agreement*.

Respectfully submitted,

/s/ Dean L. Cooper

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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been sent by electronic mail this 14th day of January, 2022, to:

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