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JAN 11 2010

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Service Commission

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PARALEGALS
A. KATHRYN DAVIS
GINA KENNEY

January 7, 2010

Secretary of the Missouri Public
Service Commission
ATTN: Data Center
P.O. Box 360
Jefferson City, MO 65102-0360

RE: Formal Complaint of Golden Pond Homeowners Association
against Aqua Missouri, Inc.

Public Service Commission:

I have been retained to represent Golden Pond Homeowners Association with regard to the above referenced matter. I am enclosing herewith for filing with the Public Service Commission a Formal Complaint on behalf of my client against Aqua Missouri, Inc. Please note that the attached Exhibit "A" to the Formal Complaint contains a list of all members of Golden Ponds Homeowners Association along with their current contact information.

If you need anything further from me to process this Formal Complaint or have any questions or concerns that need to be addressed regarding this matter, please advise.

Thank you.

Sincerely,



Kerry R. Bush

KRB/gmk
Enclosure

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

Name: **GOLDEN POND HOMEOWNERS ASSOCIATION**)
(Exhibit "A" contains a full list of all members and)
their contact information)

Complainant)

vs.)

) Case No.

Company Name: **AQUA MISSOURI, INC.**)
Respondent)

COMPLAINT

Complainant resides at: **2002 Teal Lane, Holts Summit, MO 65043**

(address of complainant)

1. Respondent, **AQUA MISSOURI, INC.**, of **221 Bolivar, Jefferson City, Missouri 65101**

(location of company)

jurisdiction of the Public Service Commission of the State of Missouri.

2. As the basis of this complaint, Complainant states the following facts:

A. There is no evidence of any deed or other legal transfer from the original Developer, Archie McDaniel, or any subsequent owners to Aqua Missouri, Inc. which would transfer the rights of ownership of Golden Pond Subdivision sewer system to Aqua Missouri, Inc.

B. Aqua Missouri, Inc. has informed Golden Pond Homeowners Association that they are only responsible for the care and maintenance at the point beginning where the sewer lines enter the lagoon. Golden Pond Homeowners Association had the understanding that Aqua Missouri, Inc. was responsible for the care and maintenance from the point where the septic tanks connect to the main lines.

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C. Aqua Missouri treated the following residences differently when explaining that they needed to be billed, as they were never billed for the sewer service until they contacted Aqua Missouri:

1. A member of Golden Pond Homeowners Association was told they would shut off their water if they did not pay the sewer bill.

2. A member of Golden Pond Homeowners Association - It took Aqua three months to get them on a billing cycle put them on the list.

3. A member of Golden Pond Homeowners Association were told they had to pay back fees from when a previous owner had the property.

D. Article IV, Section 4 of the Declaration of Covenants and Restrictions for the Subdivision states that the Home Owners Association "shall maintain, operate, repair, improve, and regulate the use of the sewer system." It further states that before transfer of any part of the common properties is made, that an instrument signed by two-thirds of the owners must be recorded.

E. During the Association's annual meeting the members were asked if anyone had ever agreed to the transfer of the sewer system to any other organization. The response from the Owners was that no one at the meeting ever signed any document transferring control of the system to any other organization.

F. It is our belief that the system is owned by the Association and that Aqua Missouri has no right to control the use of any part of the system.

G. The rate increase proposal was because some systems in Jefferson City have to be upgraded and have lift stations. Golden Pond's is gravity flow with no lift stations and no special treatment requirements and is not connected to the Jefferson City system in any manner.

H. The members of Golden Pond Homeowners Association's residences are in the Golden Ponds Subdivision in the outskirts of Holts Summit, Callaway County, Missouri and **not** in Jefferson City, Cole County, Missouri. Not all Golden Pond members even live in the Jefferson City School District.

I. The sewer system for the Golden Pond Subdivision is contained wholly within the subdivision. The system does not have any connection with the Jefferson City system nor does it have any wastewater treatment equipment, chlorination equipment or any pumps of any kind that require maintenance or replacement.

J. Article IV, Section 4 of the Declaration of Covenants and Restrictions for the Subdivision states, that the Home Owners Association, "shall maintain, operate, repair, improve, and regulate the use of the sewer system."

K. The members of Golden Pond Homeowners Association are prepared to insure that all standards, rules and regulations pursuant to the proper use and management of the sewer system are followed once the issue of the ownership and authority are clarified.

L. At present, to the best knowledge of the members of Golden Pond Homeowners Association, the only service being provided by Aqua Missouri, Inc. is to control the weeds around the wastewater collection ponds along with some water sampling.

M. It is estimated that the residences of the Subdivision are presently paying Aqua Missouri approximately \$15,049 for the weed clearing services (assumes 28 houses connected to the system).

N. Aqua Missouri, Inc. now wants to raise its rates to \$19,444 per year to control weeds around the Subdivision's wastewater collection ponds.

3. The Complainant has taken the following steps to present this Complaint to the Respondent.

A. When a member of Golden Ponds Homeowners Association contacted Aqua Missouri, Inc., they were informed that the Public Service Commission **authorized** the charges and that if their fees were not paid, Aqua Missouri, Inc. could shut off services to that member and that Aqua Missouri, Inc. could take that member of Golden Pond Homeowners Association to court and force that member to pay other penalties.

WHEREFORE, Complainant now requests the following relief:

1. The members of Golden Pond Homeowners Association request that the ownership of the sewer system be clarified and that the Association be deemed the party responsible for the care and maintenance of the system.
2. The members of Golden Pond Homeowners Association request clarification as to what point Aqua Missouri is responsible for the sewage system.
3. The members of Golden Pond Homeowners Association request a complete list of addresses of all residences that are being charged by Aqua Missouri for connection to the Golden Ponds Sewer System.

4. The members of Golden Pond Homeowners Association requests that the authority of Aqua Missouri, Inc. to charge for the use of the sewer system of the Golden Pond Homeowners Association in Callaway County, Missouri be rescinded and to recover all past fees charged by Aqua Missouri as they had no right to charge the fees in the first place.

5. The members of Golden Pond Homeowners Association request that the Public Service Commission withdraw its support for the outrageous rates being charged by Aqua Missouri, Inc. and if the law allows, instruct them to allow the Golden Pond Homeowners Association to manage, maintain, and regulate its own system.

Dated: _____

1-7-10



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columbialawyers@email.com
Attorney for Complainant,
GOLDEN POND HOMEOWNERS
ASSOCIATION

EXHIBIT "A"

Golden Ponds Phone List 2009

Lot #	Name	Street address	Phone#
1	Bill & Janet Holt	1950 Co. Rd 382	896-4096
2	Larry & Ann Williams	2006 Co. Rd 382	896-5351
3	Debbie & Tony Lansford	2016 Co. Rd 382	896-4030
4	Alan & Jackie Walker	2024 Co. Rd 382	896-4037
5	Benjamin & Elizabeth Fischer	2032 Co. Rd 382	896-4898
6	Dana & Jeanie Canning	2044 Co. Rd 382	896-5958
7	Kyel & Jennifer Richards	2056 Co. Rd 382	356-0241
8	Randy & Myra Hall	2068 Co. Rd 382	353-7111
9	Randy Rice	2080 Co. Rd 382	220-6297
10	Bill & Angela Glenn	2092 Co. Rd 382	896-4967
11	Chris & Kayla Gunier	2071 Teal Lane	896-4699
12	Phil & Sheri Atkinson	2055 Teal Lane	896-4086
13	Karen Tervo	2041 Teal Lane	896-5244
14	John & Jolene Alberts	2023 Teal Lane	896-4180
15	Brad & Michelle Backues	2001 Teal Lane	896-9560
16	Bill Zeaman	2002 Teal Lane	896-8714
17	Mike & Norma Rockhold	2024 Teal Lane	896-4329
18	Heath & Jamie Duemmel	2042 Teal Lane	896-9228
19	Ron & Sharon Schuman	2060 Teal Lane	896-8449
20	Don & Evelyn Holtmeyer	2082 Teal Lane	896-4617
21	Bill Gilpin	2088 Teal Lane	896-3122
22	Jason & Nichole Voss	10871 Mallard Ct.	896-4285
23	Dave & Mae Rall	10887 Mallard Ct.	896-8352
24	Brad & Crystal Tennesen	10898 Mallard Ct.	896-4841
25	Curtis & Dawn Wall	10872 Mallard Ct.	645-1165
26	Jodie Baker	10854 Mallard Ct.	896-8832
27	Barbara Hofstetter Wilson	10814 Mallard Ct.	896-3944
28	Carl & Lisa Tyree	2087 Teal Lane	634-1456

Please **DO NOT** give out phone #s without the permission of the home owner.

President-Bill Zeaman

Treasurer-Lisa Tyree

Secretary-Norma Rockhold

Board members-Sheri Atkinson

Dave Rall

Larry Williams

Updated 12-17-09