

FILED

FEB 14 2011

BEFORE THE STATE OF MISSOURI, PUBLIC SERVICE COMMISSION

**Missouri Public
Service Commission**

In Re:)
)
BRADEN PARK VILLAGE) Case No. _____
)
BRADEN PARK, LLC,)
Applicant.)

**APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY TO
PROVIDE WATER SERVICE**

Comes Now Applicant, and with counsel, and states as follows:

1. Braden Park Village (hereinafter, the "Subdivision") is platted subdivision located in Benton County, Missouri and consists of a mobile home park located just outside of the city limits of Warsaw, in Benton County, Missouri. A copy of the plat of such subdivision is set forth on Exhibit A, attached hereto and incorporated herein by this reference.
2. There are approximately 65 households and 140 residents located within the Subdivision that obtain their water from Applicant.
3. Applicant is a Missouri limited liability company with a Certificate Number LC0750730 and is an owner of the Braden Park Water System (hereinafter, the "Water System").
4. The Water System consists of water lines and appurtenances which provides water service to the residents of the Subdivision.
5. Applicant is in the process of upgrading of the Water System, including the replacement of water lines, connections and other appurtenances, and the Missouri Department of Natural Resources has issued approval for Applicant's plans and specifications for such work.
6. Applicant has submitted construction plans and specifications and technical, managerial and financial documentation to the Missouri Department of Natural Resources and has received approval for construction. A copy of such approval is labeled as Exhibit B, attached hereto and incorporated herein by this reference.

7. The members of the Applicant own the majority of the land located within the Subdivision, and, in addition to providing water to the residents, rents lots for residents to park their mobile home residences.
8. All of the members of the Applicant are Lynn O. Shafer and Frances E. Shafer.
9. The street and mailing address of the principal office and place of business of applicant is: 18509 Braden Road, Warsaw, Missouri 65355.
10. The name, title, address, telephone number, and electronic mail address of Applicant, and the contact information where correspondence, communications and orders and decisions of the commission are to be sent are as follows:

Lynn O. Shafer
Manager and Member
Braden Park, LLC
25250 Sunflower Rd.
Sedalia, Missouri 65301
Phone: 660-876-6868
Fax: None
E-Mail: flshafer@iland.net

With a copy sent to Applicant's attorney as follows:

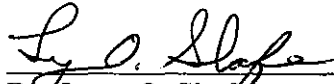
Dale Shipley, Attorney At Law
Shipley & Kjar, LLC
220 Main, P.O. Box 1495
Warsaw, Missouri 65355
Phone: (660) 438-7102
Fax: (660) 438-7910
E-Mail: shiplaw@hotmail.com

11. Applicant does not have any pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates.
12. No annual report or assessment fees are overdue from Applicant.
13. The legal description of the area to be certificated (i.e. the Subdivision) is: All of Braden Park Village, a subdivision in Benton County, Missouri, according to the recorded plat thereof.

14. Applicant and Applicant's said members have provided water service to the Subdivision continuously since Applicants members acquired the Subdivision in 1996.
15. Applicant obtains water for the Water System from the City of Warsaw, Missouri.
16. The City of Warsaw has issued a waiver of continuing operating authority for the Subdivision, and a copy is set forth on Exhibit C, attached hereto and incorporated herein by this reference. The Subdivision is outside the limits of any incorporated city and as such there are no governmental bodies that have jurisdiction over Subdivision.
17. Applicant seeks a Certificate of Convenience and Necessity to provide water service to the described area and charge the residents within the area based upon their usage, as opposed to an average of the usage of all residents, thereby making the fees charged to the residents a fair representation of the usage of such residents.
18. Applicant's proposed rate structure is as follows:
 - (i) Lot rent will include the first 2,000 gallons per month at no additional fee.
 - (ii) All water used in excess of 2,000 gallons per residence will be billed at the same rate the City of Warsaw, Missouri charges Applicant, plus 10%. Currently the City of Warsaw, Missouri is billing Applicant at the rate of \$6.86 per 1,000 gallons. The residents will be billed at the rate of \$7.55 per 1,000 gallons.
19. The names and addresses of ten residents residing in the proposed service area are set forth on Exhibit D, attached hereto and incorporated herein by this reference.
20. The estimated cost of the Water System is \$75,000 and Applicant has adequate funds to pay for the Water System and therefore does not intend to finance the cost.
21. Construction Drawings of the Water System from Phoenix Engineering are included with this Application.
22. A brief statement of estimated revenues and expenses is set forth on Exhibit E, attached hereto and incorporated herein by this reference.
23. Approval of this Application is in the best interests of the residents of the Subdivision and the general public.

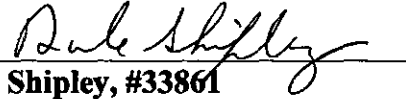
WHEREFORE, Applicant respectfully requests a Certificate of Convenience and Necessity to provide water service be issued to Applicant, and for such other and further relief as may be just and appropriate under the circumstances.

BRADEN PARK, LLC



By: Lynn O. Shafer
Manager and Member
25250 Sunflower Rd.
Sedalia, Missouri 65301
Phone: 660-866-6868
E-Mail: flshafer@iland.net

SHIPLEY & KJAR, L.L.C.

By: 

Dale Shipley, #33861
220 Main, P.O. Box 1495
Warsaw, Missouri 65355
Tel: (660) 438-7102
Fax: (660) 438-7910

Attorneys for Applicant

VERIFICATION & AFFIDAVIT OF APPLICATION

STATE OF MISSOURI)
)SS.
COUNTY OF _____)

COMES NOW, Lynn O. Shafer, Manager of Braden Park, LLC, Applicant in this Applicant for Certificate of Convenience and Necessity, being duly sworn upon his oath, and states as follows:

1. I am the Manager of Braden Park, LLC, who is the Applicant for Certificate of Convenience and Necessity.
2. That I have read the foregoing Application and the facts contained therein as well as all exhibits and attachments including with this Application, that I am personally familiar with the matters stated therein, and, I further state that same is true and correct to my best knowledge and belief.



Lynn O. Shafer

Subscribed and sworn to before me, a Notary Public for the State of _____, on this ____ day of _____, 2011.

Notary Public

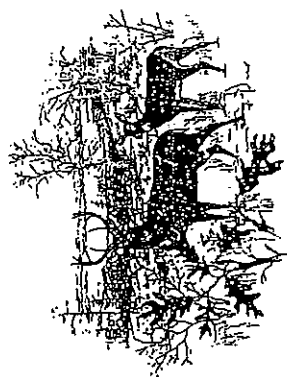
My Commission Expires: _____.

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19-15

Braden Park Village



ARTICLE I
Name of Village
The name of the village shall be "BRADEN PARK VILLAGE".

ARTICLE II
Location of Village
The village shall be located in the County of Adams, State of Nebraska, and shall include all the land within the boundaries of the village as shown on the map attached hereto and made a part hereof.

ARTICLE III
Boundaries of Village
The boundaries of the village shall be as shown on the map attached hereto and made a part hereof, and shall include all the land within the boundaries of the village as shown on the map attached hereto and made a part hereof.

ARTICLE IV
Government of Village
The government of the village shall be vested in a Board of Trustees, who shall be elected by the voters of the village for a term of four years, and shall have the power to make and alter the laws of the village, and to manage the property of the village.

ARTICLE V
Taxation
The village shall have the power to levy taxes on the property within its boundaries, and to collect the same, and to use the same for the purposes of the village.

ARTICLE VI
Miscellaneous
This ordinance shall be in full force and effect from and after the date of its passage, and shall not be subject to amendment or repeal by the Board of Trustees.

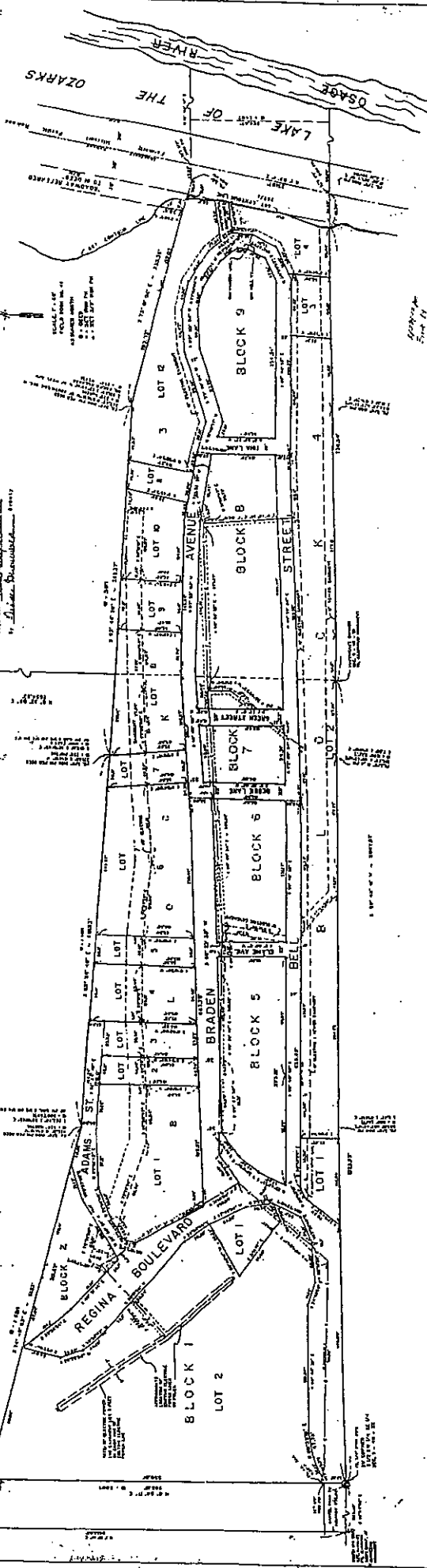


EXHIBIT A

COPY



Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

CI

Benton Co.
Braden Mobile Home Park
Review No. 14196-10
PWS ID # MO 3041351

January 10, 2011

Ms. Lynn Shafer, Managing Member
Braden Park L.L.C.
25250 Sunflower Road
Sedalia, Missouri 65301

Dear Ms. Shafer:

Enclosed is the Approval on Plans and Specifications for TMF-new water system for Braden Park Village, Benton County, Missouri, which I believe, is self-explanatory.

Please be advised this facility may be required to obtain other permits from the department. It is your responsibility to insure that any and all necessary permits for this facility have been obtained.

NOTE: This approval is valid only if the RECOMMENDATION contained in the approval is incorporated in the final construction of this project.

NOTE: You, as the applicant, should be aware that you will need to obtain final construction approval from the department for this project, once it has been constructed and completed. In order to do this, you will need to have your engineer complete the enclosed "Statement of Work Completed" form. This may require you to make additional arrangements with your engineer to provide this service to you. Once your engineer has completed this form for you, you should return it to this office. We will then make arrangements with our regional office staff to conduct a final inspection and issue a final construction approval.

Should you have any questions, please feel free to call Bev Elya at (573) 751-5924 or Elaine Kimbrough at (573) 526-4661.

Sincerely,

WATER PROTECTION PROGRAM

A handwritten signature in black ink, reading "Maher Jaafari" followed by a large number "3".

Maher Jaafari, P. E., Chief
Infrastructure Permits and Engineering Section
Public Drinking Water Branch

MJ:kbe

Enclosure

c: Phoenix Engineering and Surveying, L.L.C.
Kansas City Regional Office

Recycled Paper

EXHIBIT B

DEPARTMENT OF NATURAL RESOURCES OF MISSOURI

APPROVAL ON PLANS, SPECIFICATIONS AND AN ENGINEERING REPORT FOR A NEW COMMUNITY SYSTEM

Braden Park Village
Benton County, Missouri

January 10, 2011

Review Number 14196-10

INTRODUCTION

Plans, specifications, and an engineering report for a new community system to serve Braden Park Village, Benton County, Missouri were submitted for review and approval by Phoenix Engineering & Surveying, LLC., Independence, Missouri.

BRIEF DESCRIPTION

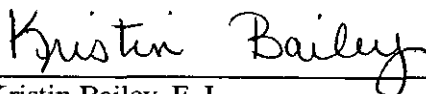
In general the engineering report provides for constructing water mains to serve Braden Park Village. Braden Park Village will be purchasing water from the City of Warsaw. There are approximately 76 units that will be served with this system. The average daily demand is estimated to be approximately 18,240 gpd. The report was examined as to sanitary features which may affect the operation of the project, including size, capacities of units as well as efficiency of operation. Approval of the engineering report as regards to these points is hereby given. This approval is valid for two years.

The proposed water mains will consist of approximately 4060 lineal feet of 3 inch diameter SDR-21 PVC water main and all necessary valves, fittings, blow-off hydrants and appurtenances will be provided as per detailed plans and specifications. Before being placed in service, the waterline will be pressure tested, flushed, disinfected and sampled for bacteriological analysis.

RECOMMENDATIONS

This approval is valid only if the following recommendations are incorporated in the final construction of the above-described work:

Per the "Design Guide for Community Water Systems" (effective August 29, 2003) section 8.5.3 All water mains shall be covered with at least 42 inches of earth or other insulation to prevent freezing.



Kristin Bailey, E. I.
Infrastructure Permits and Engineering Section
Public Drinking Water Branch

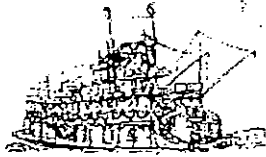
APPROVAL TO CONSTRUCT

The engineering plans and specifications described above were examined as to sanitary features of design which may affect the operation of the sanitary works, including size, capacities of the units, and factors which may affect the efficiency and ease of operation. Approval as regards these points is hereby given.

Approval is given with the understanding that final inspection and approval of the completed work shall be made by the Department of Natural Resources before same is accepted and placed in operation. If construction is not commenced two (2) years after the date of issue or there is a halt in construction of more than two years, the approval to construct will be void unless an extension of time has been granted by the department.

In the examination of plans and specifications, the Department of Natural Resources, Public Drinking Water Program does not examine the structural features of design or efficiency of mechanical equipment. This approval does not include approval of these features.

The Department of Natural Resources, Public Drinking Water Program reserves the right to withdraw the approval of plans and specifications at any time it is found that additional treatment or alterations are necessary to assure reasonable operating efficiency and to afford adequate protection to public health.



CITY OF Warsaw

*Historic Old Steamboat
Town on the Osage River
And Lake of the Ozarks
Home of Harry S. Truman Dam*

Mayor, Ken Brown

Ward One Alderpersons
Dave Williams
Brad Spencer

Ward Two Alderpersons
Cliff Fitzpatrick
Lou Breshears

Ward Three Alderpersons
Eddie Simons
Jim Spring

September 22, 2010

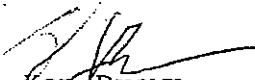
Department of Natural Resources

RE: Braden Park - Water system/Continuing Operating Authority

TO WHOM IT MAY CONCERN:

Per motion of approval by the Board of Aldermen of the City of Warsaw, MO. on Tuesday, September 7, 2010, the City of Warsaw does hereby waive any continuing operating authority for Braden park pursuant to 10 CSR 60-3.020 (6).

Sincerely,


Ken Brown
Mayor

TEN RESIDENTS BRADEN PARK VILLAGE

1.
Dennis & Connie Fox
18806 Bell Street
Warsaw, MO 65355
2.
Albert & Jennifer Gennetten
18807 Braden Road
Warsaw, MO 65355
3.
Jody Gottstein
18905 Braden Road
Warsaw, MO 65355
4.
Robert & Lori Noland
19034 Bell Street
Warsaw, MO 65355
5.
Oliver Seevers
18708 Bell Road
PO Box 1791
Warsaw, MO 65355
6.
Dave Wilford
18817 Braden Road
Warsaw, MO 65355
7.
Josh & Katrina Wilford
18817 Braden Road
Warsaw, MO 65355
8.
Marion Bulen
19048 Bell Street
Warsaw, MO 65355
9.
Atona Harmon
18988 Bell Street
Warsaw, MO 65355
10.
Dustin Smith
18935 Braden Road
Warsaw, MO 65355

EXHIBIT D

BRADEN PARK ESTIMATED REVENUES AND EXPENSES

Estimated revenues and expenses during the first three years of operation: Currently, Braden Park uses an average of 475,000 gallons at an average cost of \$3,250 per month. By instituting my proposal of requiring each customer to pay for all usage above 2,000 gallons per month for each of 65 households, I will not have to pay for 345,000 gallons per month, at a savings of \$2,367 per month. The savings is my projected revenue. Metering of each residence and charging correspondingly will accomplish two goals: 1. Reduce water consumption within the Park to the amount one expect of 140 residents, i.e., $140 \times 50 \text{ GPD} \times 30 \text{ days} = 210,000$ gallons per month, and 2. This rate structure will make the fees charged to each resident a fair representation of the usage of that resident. Since the system is buried water lines only and will be all new, the only anticipated expense during the first three years will be that of hiring a part-time contract operator. It is expected that the cost of this will not exceed \$200 per month.

EXHIBIT E