

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

In the Matter of the Compliance of Certain)	
Missouri Water Corporations with the)	
Requirements of SB 705 and Related)	<u>Case No. WO-2019-</u>
Matters)	

STAFF’S MOTION TO OPEN DOCKET

COMES NOW the Staff of the Missouri Public Service Commission and for its *Motion to Open Docket*, states herein as follows:

Introduction:

1. This case concerns the compliance of certain Missouri water corporations with the requirements of Senate Bill 705, particularly § 393.358, RSMo. Supp. 2018,¹ and related matters.

Parties:

2. Movant is the Staff of the Missouri Public Service Commission, acting through the Chief Staff Counsel as authorized by Commission Rules 4 CSR 240-2.040(1) and 4 CSR 240-2.070(1).

3. Missouri-American Water Company (“MAWC”) is a Missouri general business corporation in good standing with its principal place of business located at 727 Craig Road, St. Louis, Missouri 63141. MAWC is a wholly-owned subsidiary of American Water Works Company, Inc., a publicly-traded utility holding company. MAWC’s registered agent is CT Corporation System, 120 South Central Avenue, Clayton, Missouri 63105.

¹ All statutory references, unless otherwise specified, are to the Revised Statutes of Missouri (“RSMo.”), as currently amended and effective.

4. On information and belief, MAWC has more than 1,000 Missouri customers.

5. The Empire District Electric Company (“Empire”) is a Kansas general business corporation in good standing with its principal place of business located at 602 South Joplin Avenue, Joplin, Missouri, 64801. Empire is ultimately wholly-owned by Algonquin Power & Utilities Corporation, a Canadian utility holding company. Its registered agent is Dale W. Harrington, 602 Joplin Avenue, Post Office Box 127, Joplin, Missouri 64802.

6. On information and belief, Empire has more than 1,000 Missouri water service customers.

7. Liberty Utilities (Missouri Water) LLC (“Liberty”) is a Missouri limited liability company in good standing with its principal place of business located at 16623 FM 2493, Suite E, Tyler, Texas 75703. Liberty is ultimately wholly-owned by Algonquin Power & Utilities Corporation, a Canadian utility holding company. Its registered agent is CT Corporation System, 120 South Central Avenue, Clayton, MO 63105.

8. On information and belief, Liberty has more than 1,000 Missouri water service customers.

9. The Raytown Water Company (“Raytown”) is a Missouri general business corporation in good standing with its principal place of business located at 10017 East 63rd Street, Raytown, Missouri 64133. Its registered agent is Neal Clevenger, 10017 East 63rd Street, Raytown, Missouri 64133.

10. On information and belief, Raytown has more than 1,000 Missouri water service customers.

11. RDE Water Company is a registered fictitious name under which Rex Deffenderfer Enterprises, Inc. ("RDE"), provides regulated water service. RDE is a Missouri general business corporation in good standing with its principal place of business located at 1770 North Deffer Drive, Suite 4, Nixa, Missouri 65714. Its registered agent is Lavada Deffenderfer Cottrill, 1770 North Deffer Drive, Suite 4, Nixa, Missouri 65714.

12. On information and belief, RDE has more than 1,000 Missouri water service customers.

13. Terre Du Lac Utilities Corporation ("Terre Du Lac") is a Missouri general business corporation in good standing with its principal place of business located at 1628 South St. Francois Road, Bonne Terre, Missouri 63628. Its registered agent is Michael F. Tilley, 1628 South St. Francois Road, Bonne Terre, Missouri 63628.

14. On information and belief, Terre Du Lac has more than 1,000 Missouri water service customers.

Jurisdiction:

15. Each of the companies listed above is in the business of selling and distributing drinking water to the general public for gain. Each of the companies listed above is thus a "water corporation" and a "public utility" as defined in § 386.020, (43) and (59), RSMo., and is subject to the regulatory jurisdiction of this Commission under chapters 386 and 393, RSMo.

16. The Commission has jurisdiction over the subject matter of this *Motion* because it involves the listed companies' obligations under statutes administered by the Commission, as more particularly explained below.

Compliance with § 393.358, RSMo. Supp. 2018:

17. Section 393.358.2, effective August 28, 2018, requires water corporations with more than 1,000 customers to develop a qualification process and make such process open to all contractors seeking to provide construction and construction-related services for projects on the water corporation's distribution system; the statute provides further that contractors that meet the eligibility requirements set by the water corporation shall be eligible to participate in a competitive bidding process for providing construction and construction-related services for distribution system projects, and the contractor making the lowest and best bid shall be awarded such contract. Additionally, the cited section further requires that, for contractors not qualifying through the competitive bid process, the water corporation, upon request from the contractor, shall provide information from the process in which the contractor can be informed as to how to be better positioned to qualify for such bid opportunities in the future.

18. Section 393.358.3 requires that, within thirty days after August 28, 2018, water corporations shall file a statement with the Commission confirming that they have established a qualification process for the competitive bidding of planned infrastructure projects on the distribution system, that such process conforms to the requirements of this section, and that such process is used for no less than ten percent of the corporation's external expenditures for planned infrastructure projects on the water corporation's distribution system.

19. Staff requests that the Commission open this docket to serve as a repository for the statement required by § 393.358.3 and for any proceedings related to such statements.

20. Additionally, § 393.358.4 requires that by December 31, 2020, the Commission shall submit a report to the General Assembly on the effects of this section, including water corporation compliance, the costs of performing planned infrastructure projects prior to the implementation of this section compared to after the implementation of this section, and any other information regarding the process established under this section that the commission deems necessary.

21. Staff requests that the Commission direct the listed companies to track work orders before and after the effective date of § 393.358 and open this docket to serve as a repository for gathering this information and compiling the report required by § 393.358.4 and for any proceedings related to such reports.

WHEREFORE, Staff prays that the Commission will open a docket for the purposes enumerated herein; and grant such other and further relief as is just in the circumstances.

Respectfully submitted,

/s/ Kevin A. Thompson

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