

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

In the Matter of EMC of St. Charles)
County, LLC for a Certificate of)
Convenience and Necessity Authorizing)
it to Participate in the Ownership,) Case No. _____
Operation, Maintenance, Removal,)
Replacement, Control and Management)
of a Sewer System in St. Charles)
County, Missouri.)

APPLICATION

COMES NOW EMC of St. Charles County, LLC (EMC of St. Charles) pursuant to Sections 393.140 and 393.170., RSMo 2000 and 4 CSR 240-2.060 and 4 CSR 240-3.305, and for its Application to the Missouri Public Service Commission (Commission) states as follows:

BACKGROUND

1. This Application is being filed by EMC of St. Charles to obtain from the Commission a certificate of convenience and necessity to participate in the ownership, operation, maintenance, removal, replacement, control and management of a sewer system in St. Charles County, Missouri.

2. EMC of St. Charles is a Missouri limited liability company duly organized and existing under the laws of the State of Missouri with its principal office and place of business located at 1001 Boardwalk Springs Place, O’Fallon, MO 63368. Attached hereto as **Appendix 1** is a Certificate of Good Standing issued by the Missouri Secretary of State related to EMC of St. Charles. EMC of St. Charles seeks to be engaged in the business of regulated sewer corporation. EMC of St. Charles has no pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates having

occurred within three years from the date of this Application. EMC of St. Charles has no annual report or assessment fees which are currently overdue.

3. EMC of St. Charles is a wholly-owned subsidiary of Environmental Management Corporation (EMC). EMC is a Missouri corporation, in good standing, that has over twenty-five years of experience in managing water and wastewater systems. EMC's personnel are well-trained and have a great amount of experience in operating water and wastewater facilities in Missouri and in the Midwest.

4. Communications respecting this Application should be addressed to the undersigned counsel and:

Jay Hanna
Environmental Management Corporation
1001 Boardwalk Springs Place
O'Fallon, MO 63368
(636) 561-9422
jay.hanna@emcstl.com

CERTIFICATE

5. EMC of St. Charles requests permission, approval and a Certificate of Convenience and Necessity to extend, install, own, acquire, construct, operate, control, manage and maintain a sewer system for the public in areas located in St. Charles County, Missouri, as set forth on the map attached to this Application as **Appendix 2**.

6. This is a new development (Jaxson Estates) not currently served by sewer service. No other sewer service is currently available in this area.

7. There are no residents in the proposed service area. The name and address of the landowner is as follows: Triad Development Company, 135 Triad West Drive, O'Fallon, MO 63366.

8. A legal description of the area to be certificated will be filed as **Appendix 3** when it is available. Commission Rule 4 CSR 240-3.305(2).

9. A plat drawn to scale in accordance with 4 CSR 240-3.305(4) will be provided when available as **Appendix 4**. Commission Rule 4 CSR 240-3.305(2).

10. **Appendix 5** will be the plans and specifications for the utility system and estimated cost of the construction of the utility system during the first three (3) years of construction. In accordance with Commission Rule 4 CSR 240-3.305(2), EMC of St. Charles will provide these documents when they are available.

11. The necessary plant will be contributed by the developer in conjunction with a refund agreement. Thus, EMC of St. Charles will not be required to finance the construction.

12. In accordance with Commission Rule 4 CSR 240-3.305(2), EMC of St. Charles will provide when available a document marked **Appendix 6** containing proposed rates and an estimate of the number of customers, revenues and expenses during the first three (3) years of operation.

13. EMC of St. Charles proposes to generally use the sample rules and regulations maintained by the Commission's Water and Sewer Department to govern its provision of sewer service to this area.

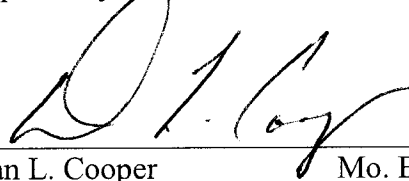
14. EMC of St. Charles is unaware of any franchise (either city or county) that would be required in order for it to provide service in this area. The issuance of construction and operating permits from the Missouri Department of Natural Resources (DNR) resources is subject to Commission certification inasmuch as the Commission's Certificate of Convenience and Necessity establishes the requirement of control and responsibility for the systems under DNR regulations. EMC of St. Charles expects that its systems will meet all requirements of the

DNR. EMC of St. Charles is unaware of any other governmental approval necessary for the proposed construction that it must obtain.

15. The area EMC of St. Charles proposes to certificate is expected to develop and currently has no sewer service available. EMC of St. Charles' access to personnel experienced in the operation of sewer systems give it the ability to provide this service in an efficient manner. For these reasons, a grant of the application will further the public convenience and necessity.

WHEREFORE, EMC of St. Charles requests the Commission grant it permission, approval and a Certificate of Convenience and Necessity authorizing it to install, acquire, build, construct, own, operate, control, manage and maintain a sewer system for the public within the area referred to above, and to issue such other orders as the Commission may deem appropriate.

Respectfully submitted,



Dean L. Cooper Mo. Bar 36592
BRYDON, SWEARENGEN & ENGLAND P.C.
312 East Capitol Avenue
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Jefferson City, MO 65102-0456
Telephone: (573) 635-7166
Facsimile: (573) 635-0427
dcooper@brydonlaw.com

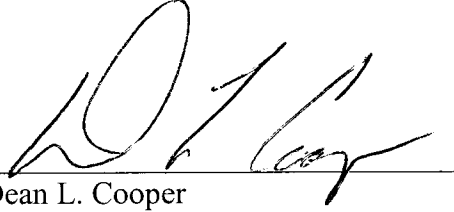
ATTORNEYS FOR EMC OF ST. CHARLES, LLC

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been sent by electronic mail this 4/12 day of April, 2007, to:

Kevin Thompson
General Counsel's Office
Kevin.Thompson@psc.mo.gov

Christina Baker
Office of the Public Counsel
christina.baker@ded.mo.gov



Dean L. Cooper

AFFIDAVIT

State of Missouri)
)
County of ST. CHARLES ss

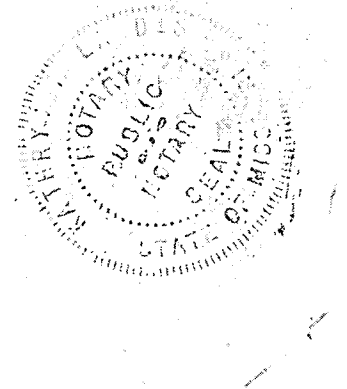
I, JAMES L. HANNA II, having been duly sworn upon my oath, state that I am the REPRESENTATIVE of EMC of St. Charles, LLC, that I am duly authorized to make this affidavit on behalf of EMC of St. Charles, that the matters and things stated in the foregoing application and appendices thereto are true and correct of the best of my information, knowledge and belief.

James L. Hanna II

Subscribed and sworn before me this 4th day of April, 2007.

Kathryn M Landis
Notary Public

My Commission Expires



APPENDICES

Appendix 1 Certificate of Good Standing

Appendix 2 Map of Area

Appendix 3 Legal (Late Filed)

Appendix 4 Plat Drawing (Late Filed)

Appendix 5 Plans, Specifications and Estimated Costs (Late Filed)

Appendix 6 Rates and Estimated Number of Customers, Revenues and Expenses (Late Filed)

STATE OF MISSOURI



Robin Carnahan
Secretary of State

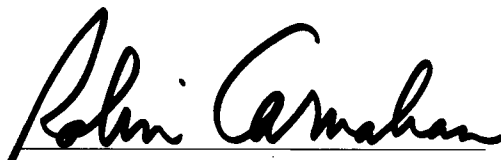
CORPORATION DIVISION CERTIFICATE OF GOOD STANDING

I, ROBIN CARNAHAN, Secretary of the State of the State of Missouri, do hereby certify that the records in my office and in my care and custody as Secretary of State reveal that

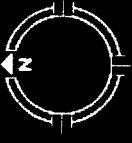
EMC of St. Charles County, LLC
LC0777699

was created under the laws of this State on the 17th day of NOVEMBER, 2006, and is in good standing, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I hereunto set my hand and cause to be affixed the GREAT SEAL of the State of Missouri. Done at the City of Jefferson, this 2nd day of April, 2007.


Secretary of State





Proposed EMC of St. Charles Service Territory



Country Estates Cir
Farris Rd
Google

Eye alt 8525 ft

© 2007 Europa Technologies
Image © 2007 DigitalGlobe

© 2007 Navteq

Streaming 100%

Pointer 38°52'54.33" N 90°55'05.70" W elev 488 ft