

FILED<sup>2</sup>

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

JUL 8 2019

Missouri Public  
Service Commission

In the Matter of Carl R. Mills Trust for a  
Certificate of Convenience and Necessity  
Authorizing it to Install, Own, Acquire,  
Construct, Operate, Control, Manage and  
Maintain Water Systems in Carriage  
Oaks Estates

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File No. WA-2018-0370

JOINT STIPULATION OF AGREED UPON FACTS

COME NOW the Staff of the Missouri Public Service Commission (Staff), the Office of the Public Counsel (OPC), Carl R. Mills (Mr. Mills or Applicant), and Derald Morgan, Rick and Cindy Graver, William and Gloria Phipps, and David Lott (Intervenors), by and through counsel, and in this matter hereby submit the following *Joint Stipulation of Agreed Upon Facts*:

INTRODUCTION AND PROCEDURAL HISTORY

1. On June 7, 2018, the Carl Richard Mills Trust filed an Application for a Certificate of Convenience and Necessity (CCN) to install, own, acquire, construct, operate, control, manage and maintain the water system in Carriage Oaks Estates; an Amended Application for Convenience and Necessity was filed on October 2, 2018, with Mr. Mills in his individual capacity as the applicant.

2. On November 15, 2018, a Joint Proposed Procedural Schedule was filed and on December 5, 2018, the Commission entered its Order Establishing Procedural Schedule and Other Procedural Requirements; a Joint Request to Modify Procedural Schedule was made on February 15, 2019, and the Commission modified the schedule by its Order Modifying Procedural Schedule entered on February 22, 2019.

Commission Exhibit No. 1  
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3. The Order Modifying Procedural Schedule ordered the parties to file  
Joint Stipulated Facts by April 16, 2019.

**NON-DISPUTED FACTS**

4. OPC "may represent and protect the interests of the public in any proceeding before or appeal from the public service commission." OPC "shall have discretion to represent or refrain from representing the public in any proceeding."

5. The Staff of the Missouri Public Service Commission is a party in all Commission investigations, contested cases and other proceedings, unless it files a notice of its intention not to participate in the proceeding within the intervention deadline set by the Commission.

6. Intervenors are homeowners in the Carriage Oaks Estates subdivision and are required to connect to the water system.

7. The water system was initially comprised of a well capable of delivering 55 gallons per minute, five bladder tanks, a well house and four inch PVC mains.

8. There are 32 developed lots within the Carriage Oaks Estates subdivision.

9. Homes are constructed on seven (7) lots, and are connected to the water system.

10. All seven (7) homes currently receive water service.

11. In WC-2017-0037, the Commission concluded that "Carl Mills is a water corporation within the definition of 386.020(59) RSMo, and as such is subject to Commission jurisdiction.

12. In WC-2017-0037, the Commission ordered that "[a]ny transfers of water assets made without Missouri Public Service Commission approval are void."

13. In WC-2017-0037, the Commission ordered that "Carl Mills shall apply to the Missouri Public Service Commission for a Certificate of Convenience and Necessity."

14. There is a need for the service.

**WHEREFORE**, Staff submits on behalf of all of the parties herein this Joint Stipulation of Agreed Upon Facts for the Commission's information and consideration and Staff respectfully requests the Commission accept these undisputed facts and grant such other and further relief as the Commission considers just in the circumstances.

Respectfully submitted,

**/s/ Alexandra L. Klaus**

Alexandra L. Klaus  
Senior Counsel  
Missouri Bar No. 67196  
Attorney for the Staff of the  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102  
573-751-1854 (Voice)  
573-751-9285 (Fax)  
[lexi.klaus@psc.mo.gov](mailto:lexi.klaus@psc.mo.gov)

**/s/ John Clizer**

John Clizer (#69043)  
Office of the Public Counsel  
Associate Counsel  
P.O. Box 2230  
Jefferson City, MO 65102  
Telephone: (573) 7515324  
Facsimile: (573) 751-5562  
E-mail: [john.clizer@ded.mo.gov](mailto:john.clizer@ded.mo.gov)

**SCHENEWERK & FINKENBINDER,  
ATTORNEYS AT LAW, LLC**

By: /s/ Karl Finkenbinder  
Karl Finkenbinder, MOBAR #59425  
Jacqueline Bryant, MOBAR #64755  
100 Prairie Dunes Dr., Ste. 200  
Branson, Missouri 65616  
[417] 334.7922  
[417] 334.7923 FAX  
Email: [karl@sfalawfirm.com](mailto:karl@sfalawfirm.com)  
Email: [jacqueline@sfalawfirm.com](mailto:jacqueline@sfalawfirm.com)  
Attorneys for Plaintiffs

**HUSCH BLACKWELL LLP**

By: /s/ Bryan Wade  
Bryan O. Wade, #41939  
Whitney S. Smith #68405  
Husch Blackwell LLP  
901 St. Louis St., Suite 1800  
Springfield, MO 65806  
Office: (417) 268-4000  
Fax No: (417) 268-4040  
[Bryan.wade@huschblackwell.com](mailto:Bryan.wade@huschblackwell.com)  
[Whitney.smith@huschblackwell.com](mailto:Whitney.smith@huschblackwell.com)  
Attorneys for Respondents

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile, or electronically mailed to all parties and/or counsel of record on this 16th day of April, 2019.

**/s/ Alexandra L. Klaus**