BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

GREATER JEFFERSON CITY CONSTRUCTION COMPANY, INC., and EDWARD P. STOREY,	)	
Complainants,	)	
v.	)	**Case No. WC-2007-0303**
AQUA MISSOURI, INC.	)	
Respondent.	)	

COMPLAINANTS' BRIEF

INTRODUCTION

This matter comes before this Commission on the Complaint of Ed Storey and the Greater Jefferson City Construction Company, Inc., against Aqua Missouri, Inc., for Aqua Missouri, Inc.'s refusal to allow further hookups to the collection system and sewer plant at Quail Valley Subdivision. Complainants have requested that the Commission order Aqua Missouri, Inc., to allow 32 additional hookups to the existing plant. In the alternative, in the event that the plant cannot handle an additional 32 homes, the request is that the Commission order Aqua Missouri to take steps to expand the plant to handle the complete development of Quail Valley Subdivision.

The evidence clearly shows that the existing wastewater treatment facility can handle an additional 32 homes, which would be the complete development of Quail Valley Subdivision. Furthermore, the evidence shows that Respondent's denial of further applications was wrongful and without just cause or excuse; Respondent literally has no evidence contradicting the data and conclusions contained in the report of Greg Haug from Resource Institute regarding the capacity of the plant. Respondent collected no additional data, did no objective study, and in fact did not hire

an engineer until July of 2007, some 10 months after Complainants' written request for additional hookups and five years after Complainant originally requested additional hookups. Respondent's hired expert ultimately agreed that the 10 hookups requested in Greg Haug's letter of September 2006 should have been granted.

BACKGROUND

Ed Storey, on behalf of himself and his company, Greater Jefferson City Construction Company, Inc., testified that he began Quail Valley Subdivision in 1983. (TR 47) All homes were built with septic tanks. The agreement with the appropriate authorities was that he would build 40 homes before building the sewage collection system and sewage treatment plant. (TR 50) In 1993, the sewage treatment plant and collection system was completed. (TR 50) The collection system consisted of at least two miles of 4" collection lines which collect the wastewater discharged from the homes after it has been pre-treated in the septic tanks. (TR 51) Storey turned the plant over to Capital Utilities in 1993, and received a letter from Capital Utilities stating that the "facility is designed to accommodate the wastewater loading generated by the complete development of your subdivision." (TR 52) (Exhibit 3) The boundaries of Quail Valley were completely platted in 1983 with two areas of the plat reserved for future development. (TR 48) The southeast portion of the subdivision was platted into lots with homes begun in 1988. (TR 48) A smaller section of the northwest portion of the subdivision was platted into lots in 2001. (TR 49)

At present, there are 78 homes at Quail Valley. Two other lots have been sold but have not been built upon and have been promised a sewer hookup. There are a total of 112 buildable lots in Quail Valley. Hence, the request for an additional 32 hookups.

In August of 2002, Storey entered into a real estate contract wherein the buyer would

purchase seven lots contained in the northwest corner of the subdivision, the area which had no infrastructure serving the lots. (TR 53) (Exhibit 4) No streets, sewer lines, electric, etc., had been laid. (TR 53) The terms of the contract required Storey to provide utilities. (TR 53) Because these seven lots would make a total of 87 lots at that time, Storey spoke with Aqua and was told that 80 hookups was all he could have and that he would have to expand the sewage treatment plant.[1] (TR 53-54, 57) Storey conferred with an engineer, Wilbur Krogstadt, and had contact with Murdon Corporation, the manufacturer of the existing plant, about expansion. (TR 56) Storey had contact with DNR regarding expansion of the plant. (TR 84) Eventually, Storey spoke with Greg Haug, a wastewater engineer, who agreed to look into the issue of the treatment plant capacity. (TR 56-57)

Haug collected 12 months of data from Aqua Missouri from its daily operational records and monthly reports to DNR. (TR 135) This data included organic loading, actual flow data, and effluent data. (TR 135) He analyzed Aqua Missouri's permit with DNR. (TR 137-139) After coming to a preliminary opinion that the plant was well under capacity, Haug, Storey, and Storey's attorney met with DNR staff. (TR 140-141) DNR staff was receptive to Complainants' position, but raised questions about the census at Quail Valley, actual water use, and septic tank maintenance. (TR 141) To answer DNR's questions, a census was performed at Quail Valley showing there were 229 people living in 77 homes, an average of 2.97 persons per household.[2] (TR 142) Water use

---

[1]The 80 homes comes from design criteria, including assumptions of 3.7 people per household producing 75 to 100 gallons of waste per person and the design average daily flow of the plant (22,000 gallons). (22,000 ÷ 3.7 ÷ 75 gallons = 80.) These criteria assume no pre-treatment of the waste. For new facilities, the design criteria are virtually mandatory. However, for existing facilities, actual data can be used to evaluate capacity. [10 CSR 20-8.020(11)(b)(3)(4)] (TR 161)

[2]Wastewater treatment plant design standards assume 3.7 people per household. (TR 142-143)

records obtained from the water utility showed 425,900 gallons of water were used in the month of January at Quail Valley Subdivision. (TR 144) This was for 75 homes as two homeowners had left for that month. (TR 144) This showed that the average water use per home was running at 183 gallons per day.[3] (TR 144) In regard to the septic tanks, DNR recommended that the tanks be pumped every three to five years; the Quail Valley Homeowners Association passed a by-law requiring pumping of the tanks, at Association expense, every three years. (TR 59, 145) This first pumping was performed in the late spring and early summer of 2006. (TR 60) DNR then responded that they had no objection to hooking up additional homes to the plant but that ultimately Complainants would have to agree with Aqua Missouri on the capacity of the plant. (TR 146) Obviously, no agreement was ever reached.

Haug testified that the water usage data was significant in that it confirmed the actual daily flow number of 14,400 as shown on Respondent's permit with DNR. (TR 144) This indicated there was no gross infiltration and inflow problem at Quail Valley.[4] (TR 145) The pumping of the septic tanks showed that there was some improvement to the loading of the plant after the pumping (BOD levels dropped from the 81 to 84 range to 68 parts per million and total suspended solids dropped from 33 to 28 parts per million) but most significantly showed that the septic tanks were doing a good job of pre-treating the waste even before they were cleaned. (TR 148-150)

On September 14, 2006, Haug wrote a letter on behalf of Complainants to Respondent setting forth the data and conclusions he reached in his study. (TR 150) (Exhibit 12) In this letter, Haug

---

[3]Design criteria assume up to 370 gallons per home per day.

[4]Two major sources of inflow, down spouts and man holes, are not a problem at Quail Valley as there are no man holes and there is a by-law prohibiting the hookup of down spouts into the wastewater collection system. (TR 66, 153)

set forth that the capacity of the plant was 120 homes. (TR 162) He further requested that Aqua approve 10 additional homes at that time with more to be added later if the plant continued to show additional capacity. (TR 162-163) The letter set forth, in essence, that Quail Valley Subdivision had less people than the design criteria assumed, less flow per person and per household than the design criteria assumed, and significantly less loading on the plant than design criteria assumed. Haug testified that he was originally going to ask for 20 homes in the letter but for strategic and practical reasons (the latter being that the homes would likely be built no more than one or two at a time) he kept the request at 10. (TR 163) No offer was made agreeing to that request without other conditions or strings attached. (TR 61, 559)

The undisputed evidence is that the effluent at Quail Valley is at approximately 30 percent of the permitted limits for BOD and TSS.[5] (TR 168, 565) The average flow of the plant is 14,400 as stated on the DNR permit, a number taken from Respondent's reports to DNR and their permit renewal application. (TR 252) Therefore, the plant is not near its capacity of 22,000 gallons per day. In addition to his original I and I analysis, Greg Haug analyzed the highest flow readings in comparison to precipitation events, and found no correlation between them. (TR 152-154) This confirmed his original opinion that I and I is not a problem.[6] (TR 154) Furthermore, while Respondent claims the flow data is inaccurate because it consists of a daily one-time reading, in his original report, Haug had 160 readings taken at various times of the day, and by the time of the hearing had another year's data of approximately 250 readings to analyze. (TR 152, 165-166) He

[5]The permit levels are 30 parts per million for both BOD and TSS, and the average BOD is around 7 and TSS around 8.4 (Exhibit 16).

[6]The flow at the plant would include any I & I if present.

indicated that this was a sufficient number of data points to have a good idea what the flow is at the plant. (TR 152) It should be noted that Aqua Missouri had no flow studies or data to attempt to dispute or discredit their own data sent to DNR. (TR 434, 565) The only testimony regarding any hydraulic loading on the plant contradictory to their own data was their expert's supposition that occasional backups in the clean-outs were due to the collection system being overtaxed; however, he admitted this could be due to the lines being clogged and the documentary evidence was that the lines are not being jetted on a regular basis. (TR 453) (Exhibits 18 and 19)

Both staff engineers, Jerry Scheible and Jim Merciel, testified that it was the staff's recommendation that the Commission grant Complainants' request for 32 additional hookups. (TR 239, 291) (Exhibit B) Scheible indicated that the standard design criteria is used for a new facility and it was not uncommon to use actual flow data for expansions and such. (TR 235) Scheible had reviewed the data and reports from both Greg Haug and Randy Clarkson, and indicated that Clarkson falls back on design criteria in rendering his opinions. (TR 248) Scheible indicated it makes sense to use actual data since we're not at the design stage. (TR 240) He indicated there was no reason that the plant couldn't handle 32 additional homes (TR 239), and that there was no reasonable basis to deny Complainants' request for an additional 10 homes in September of 2006. (TR 249)

Similarly, Merciel indicated that he concurred in the staff report that the request to hook up 32 additional homes should be granted. (TR 291) He felt that reliance on the design criteria was appropriate in designing a plant, but the regulations allowed analysis of real data to determine actual capacity of a plant as it's operating. (TR 308) He also testified that if the Commission granted the request for 32 hookups, DNR would still be monitoring the plant effluent. (TR 312) While Aqua Missouri has pointed out that Mr. Storey has not signed a new developer agreement (even though

he signed an original one with Capital Utilities in 1993), it would have been foolish to go through the permit process with DNR and begin spending money to put in collection lines if there was no agreement from Aqua Missouri that they would let him hook those lines up. (TR. 312-313) Merciel also indicated that the number of customers being served by the plant isn't really a concern; the company should monitor what's coming into the plant and how the plant is performing. (TR 324) He went so far as to say that if the company was not having problems with the plant, they probably have more capacity and should handle additional customers. (TR 324) Merciel strongly feels that the tariff needs to be changed because it's unreasonable to require a developer to prove that capacity exists.[7] (TR 294) Merciel further testified that if there is additional capacity available in a sewage treatment plant, nothing in the tariff would allow Aqua Missouri to refuse to make that capacity available to the developer. (TR. 292)

ISSUES

1. Is the Quail Valley Wastewater Treatment Facility capable of handling an additional 32 homes?

    (a) If not, how many more can it handle?

2. If not, who is responsible for expanding the plant?

3. Did Complainants apply for additional hookups and, if so, did Respondent deny such application?

4. If Complainants did apply for additional hookups, how many were applied for?

---

[7]Under the present tariff the company has no incentive to approve additional hookups. As long as the developer has to expand an existing plant or build new facilities, the company can add to its asset portfolio at little or no cost and at great expense to the developer. Adding hookups to an existing plant only gives them additional marginal revenue.

5. If Respondent did deny such application, was Respondent's denial of additional hookups wrongful, intentional, and without just cause or excuse?

6. What was the original designed capacity of the wastewater treatment facility?

ARGUMENT

ISSUE 1

Is the Quail Valley Wastewater Treatment Facility capable of handling an additional 32 homes?

The answer to this question is clearly yes. Three engineers - - Greg Haug, Jerry Scheible, and Jim Merciel - - all testified that the Quail Valley Wastewater Treatment Facility had the capacity to handle 32 additional homes. In fact, Mr. Haug's analysis of two years' worth of data shows that the plant would handle an additional 40 homes; with only 32 buildable lots, this would leave the plant with excess capacity. The numbers clearly support Haug's analysis, numbers taken from Respondent's daily operational logs and DNR reports. These show actual daily flow at less than 2/3 design capacity (14,274 gallons per day versus 22,000 gallons per day). The most critical readings which are subject to DNR scrutiny are the BOD and TSS numbers from the effluent; permit levels are 30 parts per million for both while average BOD is around 7 parts per million and TSS is around 8.4 parts per million. Since the wastewater is pretreated in the homeowners' septic tanks, the influent to the plant has a much lower waste load than anticipated in the design stage (9.9 pounds per day BOD loading actual versus 50 pounds a day BOD loading anticipated). Respondent's expert, Randy Clarkson, admitted that all of the things you look at to determine whether a plant has additional capacity are present here. (TR 441 through 444) In fact, Respondent's expert testified he was not concerned about organic loading problems at Quail Valley Lake. (TR 428) Respondent's expert's main concern seems to be that he believes the collection system is overtaxed. This testimony is based on anecdotal evidence that clean-out caps have popped off from back pressure during wet weather. (TR 453) However, he admitted that the backups could be because of a buildup

of solids in the line, and Aqua's records reflect only three non-emergency cleanings of a portion of the line from 2003 to the present. (TR 454, Exhibits 18 and 19) Storey testified that he had, on occasion, stuck a hose down into the sewer lines when a backup occurred and Aqua Missouri was slow to respond. (TR 121-123)[8] Storey testified that because the west side of the lake is flat, it is the area that has a tendency to back up; he was aware that Aqua Missouri was not jetting the lines on a regular basis. (TR 64-65) His testimony is supported by Aqua Missouri's operational logs. (Exhibits 18 and 19) The concern with the collection system is overstated; Haug indicated that he recommended that collection lines be run to the most recently platted area on the northwest portion of the subdivision directly to the treatment plant rather than tying into the existing collection system. (TR 169) Respondent's expert, Clarkson, testified that his concern with the collection lines being overtaxed was alleviated by the proposal to run that area directly to the plant. (TR 455)

Aqua Missouri's hand wringing about the potential problems they could have if the Commission grants the request for 32 homes is not well taken or even realistic. DNR will still be monitoring the plant on a monthly basis. The effluent readings for BOD and TSS are constantly monitored. A number of options are available in the event that the effluent readings begin to approach the permitted levels: home building can stop, tube settlers can be put in the clarifiers, and aerators can be put back into the septic tanks. (TR 163-164) Putting aerators back in the septic tanks would reduce loading to the treatment plant by almost 50 percent. (TR 164) Respondent's hand wringing is also misplaced in that DNR does not issue notices of violation if a plant is over its design flow, only if it does not meet the monitoring requirements for suspended solids and BOD. (TR 236-

[8]Aqua Missouri seems more concerned that Storey took steps to clean out the line without their permission than they were about wastewater running into the lake.

237) As stated earlier, the plant is now at about 25 to 30 percent of those limits.

As Jerry Scheible, the Staff engineer, testified:

> "Q. Do you know any reason why it could not serve 32 additional homes?
>
> A. I do not know of any reason why it could not." (TR 239)

Respondent's position in this matter, starting in 2002 through this proceeding, has been to fall back and rely upon the design criteria for the plant. This led to Respondent's original limitation of 80 homes, even though the permit has no limitation whatsoever on the number of homes. The documents that Respondent's expert reviewed that he felt were important all referenced design criteria rather than actual data as support for his positions. This reliance on design criteria is not reasonable. As stated earlier, the regulations explicitly allow the use of actual data in analyzing plant capacity. Every engineer who testified agreed that actual data can be utilized to determine capacity and for construction permits. The use of the actual data, virtually all of which was derived from Aqua Missouri's records, shows that this plant is operating well below capacity. While Aqua Missouri may want to question its own data, it performed no test or study to question or supplement that data. It put the burden on Complainants to foot the bill for studies while it sat back and did nothing. Respondent should not be rewarded for its inaction.[9]

---

[9]A good example of Respondent's attitude is shown by the testimony of Rush regarding septic tanks and Aqua's concern that they won't be pumped regularly. After discussing the role of septic tanks in this system and the homeowner's responsibility to maintain those tanks, Rush testified:

> Q. Does Aqua Missouri have any control over the pumping of the septic tanks at Quail Valley?
> A. No, we do not.
> Q. Do you do pumping of septic tanks?
> A. Yes, we do . . .
> Q. Has the Quail Valley Homeowners' Association given Aqua Missouri authority to enforce the bylaw that's been discussed about pumping septic

ISSUE 1(a)

If not, how many more can it handle?

See discussion at 1 above.

ISSUE 2

If not, who is responsible for expanding the plant?

The discussion in surrounding Issue No. 1 above clearly shows that the plant is capable of handling an additional 32 homes. Complainant has always been willing to extend collection lines to those lots which do not have them, pursuant to the original developer agreement he signed with Capital Utilities in 1993. However, Complainant should not be required to expand the plant if for some reason the present plant would reach capacity. Capital Utilities acknowledged that "the facility is designed to accommodate the wastewater loading generated by the complete development of your subdivision." (Exhibit 3) The complete subdivision was outlined in plats filed in 1983, even though certain sections of that plat were not platted with lots until 1988 and 2001. However, the extent and

---

tanks?

A. No authority has been given to us. (TR 529-530)

However, on cross examination, this "lack of authority" and "pumping of septic tanks" was contradicted:

Q. . . . Didn't Mr. Storey offer to let Aqua pump the septic tanks out there after that bylaw was passed?

A. After (sic) I stated to you a minute ago I would not have the manpower or the equipment to do so. I have operators that operate 15 treatment plants. Each (sic) they do all parameters of operations. In order to become septic haulers, we would have to approve that and add equipment and manpower. We do not have the manpower to do it.

Q. Did Mr. Storey offer to let Aqua Missouri pump the tanks?

A. I believe he approached us for a bid. I was not approached directly by him. (TR 562-563)

boundaries of the subdivision were platted in the original 1983 filing, long before Capital Utilities and Aqua Missouri took over the plant.

ISSUE 3

Did Complainants apply for additional hookups and, if so, did Respondent deny such application?

In 2002, Ed Storey entered into a real estate contract whereby he agreed to sell seven lots in the northwest section of the Quail Valley Subdivision. (Exhibit 4) One of the terms of the contract was that he agreed to supply utilities. (Exhibit 4) Because Mr. Storey had obligated 80 lots to sewer hookups, he approached Aqua Missouri regarding the seven lots he was selling and was told that 80 lots was all that could be hooked up to the plant. (TR 54) Mr. Storey's testimony is credible and supported by the record.

Tena Hale-Rush, Respondent's regional manager, testified that when Storey first came to them, he had a piece of paper from Don Friede at Murdon Corporation and discussed that he might want to develop the undeveloped areas of Quail Valley. (TR 508) Rush then testified that at that time they searched their records and could not find a deed of the property which Storey then provided in November of 2002. (TR 508) (Exhibit 30) Ms. Hale-Rush's testimony is not credible. The Murdon letter (Exhibit 23) is dated November 10, 2004. Therefore, it could not have been the triggering event for Aqua Missouri to search its files and discover they had no copy of a deed to the plant. Respondent offered no other evidence of an alleged triggering event. Furthermore, Respondent's position as stated by Mr. Storey in 2002 is completely consistent with its position throughout this proceeding, which is reliance on the design criteria rule. Therefore, the credible evidence is that Ed Storey requested additional hookups over and above 80 in 2002 and that request

was denied.

Since Mr. Storey's request for additional hookups was denied, there was no reason for him to fill out a paper application. "The law does not compel the undertaking of a useless act for the lone aim of complying with a technical requirement." ***State v. Long***, 140 S.W.3d 27, 32 (Mo. banc 2004), citing ***State v. Barnett***, 628 S.W.2d 917 (Mo. App. 1982). See also ***Manly v. Ryan***, 126 S.W.2d 909, at 915 ("There is a well-known maxim that the law does not require the doing of a vain and useless thing.") It was only because of that denial that Mr. Storey started his efforts to look into the expansion of the plant. (TR 55-56) That led into the capacity study.[10] (TR 56-57)

Furthermore, Aqua Missouri understood Greg Haug's letter of September 14, 2006, to be a request for approval of ten additional lots at that time. (TR 560-561) Aqua Missouri never agreed to giving Complainants the ten lots Mr. Haug requested in that letter without putting additional terms on that request. (TR 559)

Because Respondent has no fact, no data, and no basis whatsoever for not allowing the hookup of additional lots, whether it be Mr. Storey's request in 2002 or his request in 2006, it is falling back on a hyper technical defense which fails under the law.

ISSUE 4

If Complainants did apply for additional hookups, how many were applied for?

See response to Issue 3.

ISSUE 5

If Respondent did deny such application, was Respondent's denial of additional hookups

[10] In addition, normally it's the builder that would fill out an application for sewer service and it would not make much sense to apply for a lot now that might be sold and built on five years hence. (TR 63)

wrongful, intentional, and without just cause or excuse?

Jerry Scheible testified that there was no reasonable basis for denying the request for ten additional hookups as set forth in Haug's letter of September 14, 2006. (TR 249) Aqua Missouri's own data was used to establish that the plant is operating at less than 2/3 capacity. The census data is unchallenged. Respondent offered no evidence to contradict its own flow data used in Haug's analysis. Aqua could have done a flow test, could have taken more frequent readings, could have taken readings at night, could have taken readings at peak times - - it chose to do none of that. It hired its expert, Randy Clarkson, in July of 2007. (TR 433) They didn't hire anyone to evaluate Haug's data between September of 2006 and July of 2007. (TR 570) They did not review water usage data at Quail Valley other than what was contained in Haug's report. (TR 435) They did no analysis of infiltration and inflow.[11] (TR 436) All of the factors that Clarkson said need to be looked at to determine whether a plant has additional capacity have been met at Quail Valley. (TR 441-444) They did nothing to check the influent for loading. (TR 449) Ultimately, the expert hired by Aqua Missouri to defend them in this proceeding, ten months after a written request for approval of ten more hookups, agrees that it would be reasonable to approve ten more hookups. (TR 433)

Ultimately, Respondent's own expert proves the unreasonableness of their refusal to grant Mr. Storey the ten hookups requested in September of 2006 and Storey's oral request for seven hookups in 2002. Storey was forced to expend large sums of money for engineers and attorneys, only to have Respondent's hearing expert confirm that Storey's request should have been granted in September of 2006. Respondent puts the burden on Complainant, and others similarly situated,

[11] Haug did an initial I and I study, and later analyzed flow with precipitation and found no correlation. These two studies support his conclusion there is no significant I and I problem at Quail Valley.

to prove the capacity of the Respondent's plant. The motive for this is clear: If Storey or another developer is forced to expand a treatment plant, the developer then deeds it to the Respondent, adding to the Respondent's assets and therefore the value of the company. Respondent has no incentive other than marginal revenue to agree to a developer's request for additional hookups.[12] Its justification for denial is reliance on design criteria in spite of overwhelming data and evidence to the contrary and in spite of the agreement from all witnesses that actual data is better than design criteria.

In short, the only hope that Storey has to recover any of the expense he incurred for doing Aqua's job is a finding by this Commission that Respondent's denial of additional hookups was wrongful, intentional, and without just cause or excuse. The record clearly supports such a finding.

ISSUE 6

What was original designed capacity of the wastewater treatment facility?

The original designed flow is 22,000 gallons per day. Designed sludge production is 5.3 dry tons per year. The designed population equivalent is 296. The designed flow is an actual number based upon the plant design. The designed sludge production is a number based on certain assumptions on loading at the plant; actual sludge production is .375 dry tons per year, accounted for by the pre-treatment going on in the septic tanks and lower flow per household. The design population equivalent is based on the assumption in the regulations that there is 75 gallons of waste being contributed by each resident. Studies at Quail Valley show a lower flow than that. Respondent will argue that the design capacity of the plant is 80 homes, but that is a number arrived at only by utilizing a series of assumptions (3.7 persons per household, 75 gallons per day per

[12]Which, for most businesses, would be enough.

person), but the number has no significance or relevance in light of the extensive operational data.

SUMMARY

It is clear that the Commission should grant Complainants' request for an additional 32 hookups. The evidence further strongly supports a finding that Respondent's denial of additional hookups was wrongful, intentional, and without just cause or excuse. Respondent's defense has been to fall back on design criteria and to accuse Complainant and his expert of trespass and the failure to invite Aqua Missouri to meetings with DNR. Respondent further complains that Complainant did not submit a joint request to DNR. How could Complainant do so? Respondent's position has always been adverse to Complainants'. Keith Forck's letter of May 5, 2006, suggested that Complainant coordinate with Aqua Missouri and submit a short report on the capacity of the treatment plant and stated that "the department will review and likely agree with Aqua Missouri's analysis of the capacity of the treatment plant." (Exhibit 31) Aqua complained that Complainant never did this - - again, how could it when Aqua was consistently ignoring its own data with its unreasonable denial? In essence, Complainant is asking the Commission to grant the request for 32 additional hookups, thereby requiring Aqua Missouri to cooperate with Complainant in his dealings with DNR so that he may finish selling lots and developing the Quail Valley Subdivision. While Complainant only asked for ten hookups in September of 2006 with more hookups to follow, it would be foolish, cost prohibitive, and a waste of the Commission's time to have this proceeding only asking for ten when the evidence clearly shows that the wastewater treatment facility can handle the additional 32 buildable lots at Quail Valley. Therefore, the Commission should grant Complainants' request for 32 additional hookups.

CARSON & COIL, P.C.

/s/ Mark A. Ludwig
Mark A. Ludwig #31733
515 East High, P.O. Box 28
Jefferson City, MO 65102
573-636-2177
573-636-7119 (fax)

ATTORNEYS FOR COMPLAINANTS

CERTIFICATE OF MAILING

The undersigned certifies that an exact copy of the above and foregoing was e-mailed on December 20, 2007, to:

Marc Ellinger
Blitz, Bardgett & Deutsch, LC
308 East High Street, Suite 301
Jefferson City, Missouri 65101
mellinger@blitzbardgett.com

Keith R. Krueger
PSC Deputy General Counsel
P. O. Box 360
Jefferson City, MO 65101
keith.krueger@psc.mo.gov

/s/ Mark A. Ludwig
Mark A. Ludwig