

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

In the Matter of the Application of Kimberling)
City Water Company for Authority to Transfer)
Certain Assets to Upper White River Basin) Case No. WO-2015-0113
Foundation, Inc. and, in Connection Therewith,)
Certain Other Related Transactions)

**MISSOURI DEPARTMENT OF NATURAL RESOURCES’
APPLICATION TO INTERVENE**

The Missouri Department of Natural Resources (“Department”) by and through its undersigned counsel, the Missouri Attorney General’s Office, and pursuant to the Public Service Commission Regulation 4 CSR 240-2.075, respectfully requests that the Public Service Commission (“Commission”) issue its order granting the Department’s *Application to Intervene* (“Application”) in the above named matter. In support of its Application, the Department states as follows:

1. On November 4, 2014, Kimberling City Water Company, (“KCWC”) filed its *Application and if Necessary, Motion for Waiver* to obtain authorization from the Commission to transfer its water system assets to the Upper White River Basin Foundation, Inc. (“UWRBF”), and ultimately to the Ozark Clean Water Company (“OCWC”).
2. On November 6, 2014, the Commission issued its Order directing notice and setting deadline for applications to intervene. The Order provided

that applications to intervene should be submitted by no later than November 25, 2014.

3. The Department is a state agency created under § 640.010 RSMo, to administer the programs relating to environmental control and conservation and to manage the natural resources of the state of Missouri. Specifically, the Department's Water Protection Program, oversees the Missouri Safe Drinking Water Laws ("MSDWL") §§ 640.100 – 640.140 RSMo.

4. Because the Department is tasked with protecting public health and the environment, the Department's interest is different than that of the general public. The Department's review and participation in this matter is intended to ensure future compliance with the MSDWL. During past inspections of KCWC's public water system ("PWS"), the Department has made findings and recommendations for improvements to several areas of operation and maintenance. See the attached Exhibit A. The primary concerns are the interior condition and structural integrity of the storage tank, which, under information and belief of the Department, has been in continuous operation since 1979.

5. Should the Department's concerns regarding the engineering and safety of the PWS be addressed, the Department would not object to the transfer of the PWS to UWBRF and OCWC.

6. Communications, correspondence, orders and decision in this matter should be addressed to:

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WHEREFORE, the Missouri Department of Natural Resources respectfully requests that it be allowed to intervene in the above-styled matter.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been served electronically via EFIS to the following counsel of record this 25th day of November, 2014.

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