

In the Matter of MRG Utilities, LLC's)
Application for a Certificate of Convenience)
And Necessity Authorizing it to Own, Operate,) Case No. _____
Maintain, Control, and Manage Water and Sewer)
Systems in Stone County, Missouri)

COMES NOW, MRG Utilities, LLC (“MRG Utilities”) and for its Application for a Water and Sewer Certificate of Convenience and Necessity and Motion for Waivers, states:

1. This application is filed by MRG Utilities, LLC pursuant to Sections 393.140 and 393.170 RSMo and 20 CSR 4240-2.060, 20 CSR 4240-3.305, and 20 CSR 4240-3.600, and for its Application, states as follows to the Missouri Public Service Commission (“Commission”):

3. MRG Utilities has no pending action or final unsatisfied judgements or decisions against from any state or federal agency or court with involve customer service or rates having occurred

⁴ 20 CSR 4240-2.060(1)(H).

within three years of the date of this application.⁵ There are no annual reports or assessment fees that are overdue.⁶

4. In addition to undersigned counsel, communications regarding this application should be addressed to: Karl Finkenbinder, Manager, 800 State Hwy 248, Suite 4A, Branson MO 65616; Phone: 417.320.6013; Email: karl@lsco.group.

Certificate

5. MRG Utilities requests permission, approval, and a Certificate of Convenience and Necessity to own, operate, maintain, control and manage water and sewer systems for the public in certain areas of Stone County as set forth in the maps and legal description attached to this Application as Appendix 3.

6. These areas encompass an existing development (Wilderness Mountain Lodges) as established by the developer Wilderness Mountain Lodges, LLC. That developer has created MRG Utilities as a special purpose entity for the sole purpose of constructing, maintaining and owning utility companies within the State of Missouri. Upon approval by the Commission, MRG Utilities will own, operate, and maintain the Wilderness Mountain Lodges water and sewer systems in the referenced area. To date, neither Wilderness Mountain Lodges, LLC nor MRG Utilities has charged for water and sewer services but seeks this CCN in order to do so and operate as a regulated utility.

7. The existing systems provide water and sewer service to approximately 66 units with potential to serve up to 80 units. Attached as Appendix 4 is the operating permit from the Missouri Department of Natural Resources. Currently, Ozark Environmental Services serves as the systems

⁵ 20 CSR 4240-2.060(1)(K).

⁶ 20 CSR 4240-2060 (1)(L).

operator pursuant to a contract entered into in July 2023. That operator contract is attached as Confidential Appendix 5.

8. There are no other existing sewer utilities in the area requested to be served by MRG Utilities.⁷ The water provider in the area, Mo-Ark Water Company, waived its operating authority in the area and permitted the subdivision developer to drill their own well for Wilderness Mountain.⁸ Attached as Appendix 6 is a letter from Mo-Ark Water Company indicating that waiver and permission. MRG Utilities, LLC will not require any additional franchises or permits from municipalities or counties in connection with the water and sewer systems.⁹

9. Attached as Appendix 7 is a list of ten residents or landowners in the proposed service area.¹⁰

10. MRG Utilities proposes to generally use the sample rules and regulations for water and sewer service maintained by the Commission's Water and Sewer Department to govern its provision of water and sewer service to the referenced area.

11. The customers served by the water and sewer systems in the area identified herein have a need for the water and sewer services to be provided by applicant as demonstrated by the fact they are currently served and would otherwise have no water or sewer service available. In addition, the public interest is further advanced by establishing a full-time operator of both the water and sewer systems servicing this development because it will allow MRG Utilities to provide for the orderly maintenance of the utility systems and to ensure proper water quality within the area.

Motion for Waiver of Commission Rules

20 CSR 4240-3.305(1)(A)5 and 20 CSR 4240-3.600(1)(A)5

⁷ 20 CSR 4240-3.305 (1)(A)1.

⁸ 20 CSR 4240-3.600(1)(A)1.

⁹ 20 CSR 4240-3.305(1)(B) and 20 CSR 4240-3.600(1)(B).

¹⁰ 20 CSR 4240-3.305(1)(A)2 and 20 CSR 4240-3.600(1)(A)2.

12. Commission Rules 20 CSR 4240-3.305(1)(A)5 and 20 CSR 4240-3.600(1)(A)5 require that an application for a certificated area include the following:

A feasibility study containing 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; plans for financing; proposed rates and charges and an estimate of the number of customers, revenues and expenses during the first three (3) years of operations[.]

13. The subject water and sewer systems have already been constructed and are in operation. No such feasibility study was completed prior to construction. Instead, MRG Utilities is providing documentation of the original cost of the water and sewer assets used to provide service. That is attached as Appendix 8.

14. No additional projects requiring financing are expected at this time.

15. MRG Utilities expects to serve 66 current customers for water and sewer with a potential to serve up to 80 customers total in the certificated service area.

16. These units are not individually metered and so MRG Utilities requests that it be authorized to charge flat fees for water and sewer services. At this time, no proposed rates or charges have been developed. Applicant MRG Utilities wishes to work collaboratively with the Commission's Water and Sewer Department in this proceeding to develop rates to be charged.

17. MRG Utilities therefore requests a waiver from Commission Rules 20 CSR 4240-3.305(1)(A)5 and 20 CSR 4240-3.600(1)(A)5 requirements to develop a feasibility study and proposed rates because this proceeding will provide the most accurate measure of the reasonable expenses and projected revenues associated with the operations.

Motion for Waiver of Commission Rule 20 CSR 4240-4.017

18. Commission Rule 20 CSR 4240-4.017(a) requires:

Any person that intends to file a case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such case. Such notice

shall detail the type of case and issues likely to be before the commission and shall include a summary of all communication regarding substantive issues likely to be in the case between the filing party and the office of the commission that occurred in the ninety (90) days prior to filing the notice. The filing of such notice shall initiate a new noticed case and be assigned an appropriate case designation and number.

19. A party may request a waiver of this notice for good cause which may include a verified declaration from the filing party that it has had no communication with the office of the commission within 150 days regarding any substantive issue likely to be in the case. Included as Appendix 9 is a verified declaration from MRG Utilities in compliance with this rule and requests that the requirement to file notice prior to filing this case be waived.

WHEREFORE MRG UTILITIES, LLC respectfully submits this Application and requests that the Commission grant 1) the motions for waiver described above and 2) certificates of convenience and necessity authorizing it to own, operate, maintain, control and manage water and sewer systems for the public within the area detailed above and to issue such other orders as the Commission may deem appropriate.

Respectfully,

/s/ Tim Opitz

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ATTORNEY FOR MRG UTILITIES, LLC

Certificate of Service

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 12th day of September 2024:

/s/ Tim Opitz
