

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of Missouri-)
American Water Company for a Certificate)
of Convenience and Necessity Authorizing it) **File No. SA-2020-0073**
to Install, Own, Acquire, Construct, Operate,)
Control, Manage and Maintain a Sewer)
System in an area of Jefferson County,)
Missouri (Harbor View Estates))

ORDER DIRECTING NOTICE, SETTING DEADLINE FOR INTERVENTION REQUESTS, AND DIRECTING FILING OF STAFF RECOMMENDATION

Issue Date: September 17, 2019

Effective Date: September 17, 2019

On September 13, 2019, Missouri-American Water Company ("Missouri-American") filed an application with the Missouri Public Service Commission ("Commission") seeking a Certificate of Convenience and Necessity to install, own, acquire, construct, operate, control, manage and maintain a sewer system in Jefferson County, Missouri, in a subdivision known as Harbor View Estates. Missouri-American also requested a waiver of the 60 day notice requirement contained in Commission Rule 20 CSR 4240-4.017(1)¹. The Commission will direct that notice be given and set a deadline for intervention requests and for a Staff recommendation.

The Commission will direct notice of the application be given to the county commission of Jefferson County, local newspapers, and members of the General Assembly representing residents of Jefferson County. The Commission will set a deadline for interested parties to intervene. The Commission will also direct its Staff to file a recommendation with regard to the application.

THE COMMISSION ORDERS THAT:

1. The Commission's Data Center shall provide a copy of this order and the Application to the county commission of Jefferson County, Missouri.
2. The Commission's Public Policy and Outreach Department shall make notice of this order available to the members of the General Assembly representing Jefferson County, Missouri and to the media serving that county.
3. Any person wishing to intervene in this matter shall file an application to intervene no later than October 7, 2019. The application shall be filed in the Commission's Electronic Filing and Information System ("EFIS") or with the Secretary of the Commission. Comments on the Application may also be made in EFIS.
4. No later than November 1, 2019, the Staff of the Missouri Public Service Commission shall file a recommendation regarding the application of Missouri-American Water Company, or a request for additional time to file a recommendation.
5. This order shall be effective when issued.

BY THE COMMISSION



Morris L. Woodruff

Morris L. Woodruff
Secretary

Charles Hatcher, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 17th day of September, 2019.

¹ Effective August 28, 2019, all of the Commission's regulations were transferred from the Department of Economic Development's (DED) Title 4 to the Department of Commerce and Insurance's (DCI) (formerly Department of Insurance, Financial Institutions and Professional Registration) Title 20.

In the Matter of Missouri-American)
Water Company for a Certificate of)
Convenience and Necessity Authorizing)
it to Install, Own, Acquire, Construct,) File No. _____
Operate, Control, Manage and Maintain)
a Sewer System in an area of Jefferson)
County, Missouri (Harbor View Estates).)
)

COMES NOW Missouri-American Water Company (MAWC) pursuant to Sections 393.140 and 393.170, RSMo, and 4 CSR 240-2.060, 4 CSR 240-3.305, and 4 CSR 240-4.017, and for its Application and Motion for Waiver, states as follows to the Missouri Public Service Commission (Commission):

1. This Application is to obtain a Certificate of Convenience and Necessity for MAWC to install, own, acquire, construct, operate, control, manage and maintain a sewer system in Jefferson County, Missouri, in a subdivision known as Harbor View Estates.

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Moniteau Counties, and most all of St. Louis County, Missouri. MAWC currently provides water service to approximately 457,300 customers. MAWC provides sewer service to approximately 13,221 customers in Callaway, Jefferson, Pettis, Cole, Morgan, Platte, Taney, Stone, Christian, Clay, Clinton, Ray, Washington and Warren Counties, Missouri. MAWC is a “water corporation,” a “sewer corporation” and a “public utility” as those terms are defined in Section 386.020 RSMo, and is subject to the jurisdiction and supervision of the Commission as provided by law. MAWC has no overdue Commission annual reports or assessment fees. There is no pending action or final unsatisfied judgment or decision against MAWC from any state or federal agency or court which involves customer service or rates, which action, judgment or decision has occurred within three years of the date of this Application other than cases pending before this Commission – Cases Nos. SA-2019-0334 (Hillers Creek), WA-2019-0364 (Isla del Sol), WA-2019-0366 (Sunset Palms), WA-2019-0259 (Joplin Reservoir), WW-2019-0242 (Working Group), WC-2019-0271 (Eliceiri), WC-2019-0334 (Travis), and WO-2019-0389 (ISRS).

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

Missouri-American Water Company
Attention: Melisha N. Billups
Business Services Specialist
727 Craig Road
St. Louis, MO 63141
o: 314.996.2245
c: 314.896.4080
melisha.billups@amwater.com

CERTIFICATE

4. MAWC requests permission, approval and a Certificate of Convenience and Necessity to install, own, acquire, construct, operate, control, manage and maintain a sewer

system for the public in an area of Jefferson County, Missouri, as set forth on the map attached to this Application as **Appendix A.** This area is generally known as Harbor View Estates subdivision. There are approximately 43 sewer customers. There is a possibility of future development in the form of five (5) lots that could be developed resulting in five (5) more sewer accounts. MAWC is currently the water provider for the 43 customers, and MAWC treats wastewater flows for the homes under an agreement with the Northeast Public Sewer District. MAWC does not own the sewer collection assets.

5. A legal description of the area sought to be certificated for sewer service is attached to this Application as **Appendix B.**

6. Attached hereto and marked as **Appendix C-C** is a list of ten residents or land owners within the proposed service area. **Appendix C-C** has been identified as Confidential in accordance with Commission Rule 4 CSR 240-2.135(2)(A)1, as it contains information related directly to specific persons.

7. Attached hereto and marked as **Appendix D-C** is a feasibility study for the sewer system, including estimated numbers of customers, expenses, the estimated cost of the system as constructed and revenues during the first three years of operation by MAWC. The system is already built out completely. Thus, no new construction is planned. Attached as **Appendices D1, D2 and D3** are drawings of the system as constructed. No external financing is anticipated. Appendix D-C has been identified as Confidential in accordance with Commission Rule 4 CSR 240-2.135(2)(A)3, 4 and 6, as it contains market specific information and information representing strategies employed in contract negotiations.

8. MAWC will not require any franchises or permits from municipalities, counties, or other authorities in connection with the proposed system.

9. To provide service to the proposed area, MAWC will purchase a sewer collection system from the Northeast Public Sewer District (Seller). A copy of the Agreement for Purchase of Wastewater Collection System governing this transaction is attached hereto as **Appendix E-C** (Agreement). **Appendix E-C** has been identified as Confidential in accordance with Commission Rule 4 CSR 240-2.135(2)(A)4 and 6, as market specific information and information representing strategies employed in contract negotiations.

10. MAWC proposes to provide sewer service pursuant to the existing rates, rules, and regulations currently found in Mo. P.S.C. No. 26 tariff; and pursuant to the rates found on Sheet RT 3.1.

11. The grant of the requested certificate (and approval of the underlying transaction) will result in regulated sewer service to be provided to the current and future residents of the Harbor View Estates subdivision. The system would be acquired by MAWC, a Missouri public utility, and be subject to the jurisdiction of the Commission. MAWC has considerable expertise and experience in providing water and sewer utility services to residents of the State of Missouri and is fully qualified, in all respects, to own and operate the sewer system currently being operated in Harbor View Estates subdivision.

MOTION FOR WAIVER

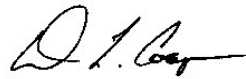
12. Rule 4 CSR 240-4.017(1) provides that “(a)ny person that intends to file a case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such a case.” A notice was not filed 60 days prior to the filing of this Petition, and MAWC seeks a waiver of the 60-day notice requirement.

13. Rule 4 CSR 240-4.017(1)(D) provides that a waiver may be granted for good cause. Good cause exists in this case. MAWC declares (as verified below) that it has had not communication with the office of the Commission (as defined by Commission Rule 4 CSR 240-4.015(10)) within the prior 150 days regarding any substantive issue likely to be in this case, other than those pleadings filed for record. Accordingly, for good cause shown, MAWC moves for a waiver of the 60-day notice requirement of Rule 4 CSR 240-4.017(1) and acceptance of this Application.

WHEREFORE, MAWC requests the Commission grant it permission, approval and a Certificate of Convenience and Necessity authorizing MAWC to:

- a) install, acquire, build, construct, own, operate, control, manage and maintain a sewer system for the public within the area referred to above;
- b) acquire the assets identified herein of Northeast Public Sewer District; and,
- c) take such other actions as may be deemed necessary and appropriate to accomplish the purposes of the Agreement and the Application and to consummate related transactions in accordance with the Agreement.

Respectfully submitted,



Dean L. Cooper Missouri Bar #36592
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312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102-0456
Telephone: (573) 635-7166
Facsimile: (573) 635-0427
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Timothy W. Luft, Missouri Bar #40506

Corporate Counsel

MISSOURI-AMERICAN WATER COMPANY

727 Craig Road

St. Louis, MO 63141

(314) 996-2279 telephone

(314) 997-2451 facsimile

timothy.luft@amwater.com

**ATTORNEYS FOR MISSOURI-AMERICAN WATER
COMPANY**

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been sent by electronic mail this 13th day of September, 2019, to:

General Counsel's Office

staffcounsel@psc.mo.gov

Office of the Public Counsel

opc@opc.mo.gov



AFFIDAVIT

State of Missouri)
) ss
County of St. Louis)

I, Timothy Luft, having been duly sworn upon my oath, state that I am the Vice-President Legal and Corporate Secretary of Missouri-American Water Company, that I am duly authorized to make this affidavit on behalf of MAWC, 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. Additionally, no representative of MAWC has had any communication with the office of the Missouri Public Service Commission as defined in Commission Rule 4 CSR 240-4.015(10), within the immediately preceding 150 days regarding the subject matter of this Application.

Tim Luft

Subscribed and sworn before me this 11th day of September, 2019.

Juanita Brooks
Notary Public

My Commission Expires 6/8/21

JUANITA BROOKS Notary Public - Notary Seal State of Missouri Commissioned for St. Louis County My Commission Expires: June 08, 2021 Commission Number: 13714485
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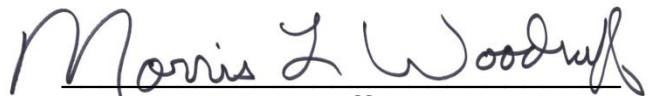
STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 17th day of September 2019.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

September 17, 2019

File/Case No. SA-2020-0073

**Missouri Public Service
Commission**

Staff Counsel Department
200 Madison Street, Suite 800
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staffcounsel@psc.mo.gov

Office of the Public Counsel

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County of Jefferson, Missouri

County Commission Clerk
729 Maple, Jefferson County
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PO Box 100
Hillsboro, MO 63050

**Missouri-American Water
Company**

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**Missouri-American Water
Company**

Timothy W Luft
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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.