

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of Missouri-American Water)
Company for a Certificate of Convenience)
and Necessity Authorizing it to Install, Own,)
Acquire, Construct, Operate, Control,) **File No. WA-2021-0116**
Manage and Maintain A Water System in an)
area of Stone County, Missouri (Table Rock)
Estates Subdivision))

ORDER DIRECTING NOTICE, SETTING DATE FOR INTERVENTION, AND ORDERING STAFF RECOMMENDATION

Issue Date: October 23, 2020

Effective Date: October 23, 2020

On October 22, 2020, Missouri-American Water Company (Company) filed its Application and Motion for Waiver (Application). The Company has applied for a Certificate of Convenience and Necessity (CCN) authorizing it to install, own, acquire, construct, operate, control, manage, and maintain a water system in an area of Stone County, Missouri (Table Rock Estate Subdivision). The Company has requested a waiver of the 60-day notice requirements of 20 CSR 240-4.017.

The Commission will issue notice, set a deadline for intervention requests, and direct the filing of a recommendation by the Staff of the Commission.

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 Stone County, Missouri, and to the General Counsel for the Missouri Department of Natural Resources.

2. The Commission's Public Information Officer shall make notice of this order available to the members of the General Assembly representing Stone County, Missouri, and to the news media serving Stone County, Missouri.

3. Any person wishing to intervene in this matter shall file an application to intervene no later than November 22, 2020. 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 can also be made in EFIS.

4. The Staff of the Missouri Public Service Commission shall suggest a date by which it can file a recommendation on the Application no later than November 6, 2020.

5. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Paul T. Graham, Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 23rd day of October, 2020.

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

In the Matter of Missouri-American)
Water Company for a Certificate of)
Convenience and Necessity Authorizing)
it to Install, Own, Acquire, Construct,)
Operate, Control, Manage and Maintain)
A Water System in an area of Stone)
County, Missouri (Table Rock Estates)
Subdivision).)

File No. WA-2021-

**APPLICATION AND
MOTION FOR WAIVER**

COMES NOW Missouri-American Water Company ("MAWC") pursuant to Sections 393.140, and 393.170 RSMo, and 20 CSR 4240-2.060, 20 CSR 4240-3.600, and 20 CSR 4240-4.017(1)(D), and for its Application and Motion for Waiver, states as follows to the Missouri Public Service Commission:

BACKGROUND INFORMATION

1. This Application is being filed by MAWC to obtain a Certificate of Convenience and Necessity (CCN) to install, own, acquire, construct, operate, control, manage and maintain a water system in Stone County, Missouri in a subdivision known as Table Rock Estates Subdivision ("Table Rock Estates").

2. MAWC is a Missouri corporation, active and in good standing with the Missouri Secretary of State, with its principal office and place of business at 727 Craig Road, St. Louis, Missouri 63141. Pursuant to Commission regulation 20 CSR 4240-2.060(1)(G), MAWC incorporates by reference the certified copies of its articles of incorporation and its certificate of good standing previously filed in File No. WO-2020-0190.

3. MAWC currently provides water service to the public in and around the cities of St. Joseph, Joplin, Brunswick, Mexico, Warrensburg, Parkville, Riverside, Jefferson City, and parts of Cole, St. Charles, Warren, Jefferson, Morgan, Pettis, Benton, Barry, Stone, Greene, Taney, Christian, Clay, Ray, and Platte Counties, and most all of St. Louis County, Missouri. MAWC currently provides water service to approximately 470,000 customers. MAWC provides sewer service to approximately 15,000 customers in Callaway, Jefferson, Pettis, Cole, Morgan, Platte, Taney, Stone, Christian, St. Louis, Clinton, Clay, Ray, 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. Other than proceedings before this Commission, 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.

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

Missouri-American Water Company:

Ms. Nikki Pacific

Manager Business Development – Proposal and Integration

Missouri-American Water Company

727 Craig Road

Creve Coeur, Missouri 63021

Direct Dial 314-996-2215

Nikki.pacific@amwater.com

CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN)

5. MAWC proposes to purchase substantially all of the water assets of the currently unregulated system of Table Rock Estates, and requests permission, approval and a CCN to own, acquire, construct, operate, control, manage and maintain the water system for the public in an area in Stone County, Missouri. There are approximately 39 water customers at this time.

6. On July 7, 2020, MAWC entered into an *Agreement for Purchase of the Table Rock Estates Water System* (“*Purchase Agreement*”) with Table Rock Estates. A copy of the *Purchase Agreement* is attached as **Appendix A-C**. **Appendix A-C** has been identified as Confidential in accordance with Commission Rule 20 CSR 4240-2.135(2)(A)(3) and (6) as it contains market specific information and information representing strategies employed in contract negotiations.

7. MAWC proposes to purchase all the water utility assets of Table Rock Estates, as specifically described in, and under the terms and provisions of the *Purchase Agreement*. A legal description of the area sought to be certificated is attached hereto as **Appendix B**. A map of the area sought to be certificated is attached to this Application as **Appendix C**. MAWC will purchase the water system that consists of two wells, one storage tank, approximately 5,000 feet of main located on approximately 30 acres of land with just under 40 homes. The system’s current water mains consist of two-inch pressurized mains with two booster pumps. The system is unmetered at this time and the homeowners in Table Rock Estates are billed annually for water in the amount of \$240.00, and \$7.00 for the Missouri Department of Natural Resources’ primacy fee.

8. Attached hereto and marked as **Appendix D-C** is a list of ten residents or landowners within the proposed service area. **Appendix D-C** has been identified as Confidential

in accordance with Commission Rule 20 CSR 4240-2.135(2)(A)(1), as it contains customer-specific information.

ADDITIONAL INFORMATION

9. Attached hereto and marked as **Appendix E-C** is a feasibility study for the Table Rock Estates water system for which MAWC seeks a CCN, 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 ownership; proposed rates and charges; and estimates of the number of customers and estimated expenses and revenues during the first three years of operation by MAWC. No external financing is anticipated. **Appendix E-C** has been identified as “Confidential” in accordance with Commission Rule 20 CSR 4240-2.135(2)(A)(3) and (6) as it contains market specific information and information representing strategies employed in contract negotiations.

TARIFFS/RATES

10. MAWC proposes to provide water service to the Table Rock Estates system pursuant to the existing monthly flat rate charge of \$48.40 and the rules governing rendering of water service currently found in MAWC’s water tariff P.S.C. MO No. 13, until such time as the rates and rules are modified according to law.

PUBLIC INTEREST

11. The grant of the requested CCN is in the public interest and will result in the provision of regulated water service to the current and future residents of the service area. The water assets of the Table Rock Estates 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 utility services to residents of the State of Missouri and is

fully qualified, in all respects, to own and operate the water system currently being operated in Table Rock Estates.

MOTION FOR WAIVER

12. Commission Rule 20 CSR 4240-4.017(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 case.” A notice was not filed 60 days prior to the filing of this Application. As such, and to the extent required, MAWC seeks a waiver of the 60-day notice requirement.

13. Rule 20 CSR 4240-4.017(1)(D) provides that a waiver may be granted for good cause. In this regard, MAWC declares (as verified below) that it has had no communication with the Office of the Commission (as defined by Commission Rule 20 CSR 4240-4.015(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 20 CSR 4240-4.017(1) and acceptance of this Application at this time.

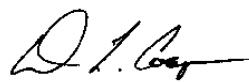
WHEREFORE, MAWC requests the Commission issue an order:

1. Granting MAWC permission, approval, and a Certificate of Convenience and Necessity authorizing MAWC to install, acquire, build, construct, own, operate, control, manage and maintain a water system for the public within the areas referred to above;

2. Granting MAWC permission to acquire the water assets of Table Rock Estates identified herein; and

3. Authorizing MAWC to take such actions as may be deemed necessary and appropriate to accomplish the purposes of the *Purchase Agreement* and the Application and to consummate related transactions in accordance with the *Purchase Agreement*.

Respectfully submitted,



Dean L. Cooper, Mo. Bar #36592
Jennifer L. Hernandez, Mo. Bar #59814
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**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 22nd day of October 2020, to:

General Counsel's Office
staffcounsel@psc.mo.gov

Office of the Public Counsel
opcservice@opc.mo.gov

/s/ Jennifer L. Hernandez

VERIFICATION

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

I, Timothy W. Luft, under penalty of perjury, and pursuant to Section 509.030, RSMo, state that I am Vice-President - Legal of Missouri-American Water Company, that I am duly authorized to make this affidavit on behalf of MAWC, that I have knowledge of the matters stated herein, and that said matters are true and correct to the best of my 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 20 CSR 4240-4.015(10) within the immediately preceding 150 days regarding the subject matter of this Application.



List of Exhibits

Appendix A-C	Purchase Agreement dated July 7, 2020
Appendix B	Legal Description of proposed Table Rock Estates' Service Area
Appendix C	Map of proposed Table Rock Estates' Service Area
Appendix D-C	List of Ten Residents in Proposed Service Area
Appendix E-C	Feasibility Study

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 23rd day of October, 2020.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

October 23, 2020

File/Case No. WA-2021-0116

**Missouri Public Service
Commission**

Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Office of the Public Counsel

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200 Madison Street, Suite 650
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County of Stone, Missouri

County Commission Clerk
PO Box 45
Stone County Courthouse
Galena, MO 65656
scocelmore@gmail.com

**Missouri Department of Natural
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1101 Riverside Drive, 2nd Floor
P.O. Box 176
Jefferson City, MO 65102-0176

**Missouri Public Service
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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.