

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of Missouri-American Water )  
Company for Certificates of Convenience )  
and Necessity Authorizing it to Install, Own, ) **File No. SA-2021-0074**  
Acquire, Construct, Operate, Control, )  
Manage and Maintain Sewer Systems in )  
and around the City of Trimble, Missouri )

## FIRST AMENDED ORDER DIRECTING NOTICE AND SETTING DEADLINE FOR INTERVENTION

Issue Date: January 15, 2021

Effective Date: January 15, 2021

On September 17, 2020, Missouri-American Water Company (MAWC) filed its application for a certificate of convenience and necessity (CCN) and waiver. The Company applied for a CNN authorizing it to install, own, acquire, construct, operate, control, manage, and maintain sewer systems in and around the City of Trimble, Missouri (application) On September 18, 2020, the Commission issued its Order directing Notice, Setting Date for Intervention and Ordering Staff recommendation. On December 3, 2020, the Commission Staff (Staff) filed its Recommendation to Grant Certificate of Convenience and Necessity (recommendation).

In its application, MAWC requested authorization to serve two territories: the City of Trimble and another area called Centennial Acres, which is a residential development of single family lots located near Trimble, Missouri. Staff's recommendation states that during their consideration of the application, Staff and MAWC worked together to develop a proposed service area that is expanded from that requested in the application. The proposed expanded service area map is shown in Attachment A to Staff's recommendation, and the modified written description is shown in Attachment B of Staff's

recommendation. Attachments A and B are attached as such to this Order. The proposed modified service area includes, but also expands upon, the territory proposed in the application. Staff recommends that a CCN be approved for the service area shown and described in Attachments A and B and that this service area be depicted in MAWC's tariff.

Because the areas shown in Attachment A and described in Attachment B were not designated in the application as the territory initially proposed for a certificate of convenience and necessity, the Commission will issue a First Amended Order Directing Notice and Setting Date for Intervention.

**THE COMMISSION ORDERS THAT:**

1. The Commission's Public Policy and Outreach Department shall send notice of the application together with this order and Attachments A and B mentioned in the body of this order to the members of the media and the General Assembly representing Clinton County, Missouri.

2. The Commission's Data Center shall provide a copy of this order together with Attachments A and B mentioned in the body of this order to the county commission of Clinton County, Missouri, and to the Missouri Department of Natural Resources.

3. Any request to intervene shall be filed with the Commission no later than January 29, 2021. Such applications shall be filed with the Commission's electronic filing and information service, or:

Secretary  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, Missouri 65102

4. This Order shall be effective when issued.



**BY THE COMMISSION**

A handwritten signature in dark ink, reading "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 15<sup>th</sup> day of January, 2021.

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

In the Matter of Missouri-American            )  
Water Company for Certificates of            )  
Convenience and Necessity Authorizing    )  
it to Install, Own, Acquire, Construct,     )  
Operate, Control, Manage and Maintain    )  
Sewer Systems in and around the City of   )  
Trimble, Missouri.                                )

**File No. SA-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 4240-3.305, 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 certificates of convenience and necessity to install, own, acquire, construct, operate, control, manage and maintain sewer systems in and around the City of Trimble, Missouri.

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 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, judgement or decision has occurred within three years of the date of this Application, other than any cases pending before this Commission.

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](mailto:Nikki.pacific@amwater.com)

**CERTIFICATES OF CONVENIENCE AND NECESSITY (CCN)**

5. MAWC proposes to purchase substantially all of the sewer assets of the currently unregulated system of the City of Trimble, Missouri (“Trimble”), and requests permission, approval and a CCN to own, acquire, construct, operate, control, manage and maintain the sewer system for the public in an area in and around the City of Trimble, Missouri. MAWC also

proposes to purchase substantially all of the sewer assets of the currently unregulated system of Centennial Acres Association, Inc. (“Centennial Acres”), and requests permission, approval and a CCN to own, acquire, construct, operate, control, manage and maintain the sewer system for the public in or near Trimble, Missouri.

### **Trimble Transaction**

6. To provide service to the proposed area, MAWC will purchase the sewer system and lagoon treatment plant from Trimble. Trimble is a Fourth-Class City located in Clinton County. Trimble serves about 280 sewer accounts which are primarily residential customers with a small number of commercial and industrial customers.

7. The Trimble sewer system consists of approximately 24,200 linear feet of sewer line, five pumping stations and a three-cell treatment lagoon.

8. On January 26, 2020, the Trimble Board of Aldermen passed Ordinance No. 20-293, *An Ordinance Calling For An Election In The City Of Trimble, Missouri To Be Held On April 7, 2020 For the Purpose Of Submitting To The Qualified Voters Of The City A Proposition To Sell Certain Assets Associated With The City’s Wastewater System To Missouri American Water (“Ordinance”)*. A copy of the *Ordinance* is attached hereto as **Appendix A**. Section 2 of the *Ordinance* provided notice of an election to be held on April 7, 2020, to vote on whether the wastewater utility owned by Trimble should be sold. Section 3 provided:

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the sale contemplated in this section shall be affected. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then City of Trimble's Board of Aldermen shall not proceed forward with the sale contemplated in this section unless and until the Board of Aldermen resubmits a proposal to authorize the Board of Aldermen to proceed forward with a sale authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon.

9. There was a public meeting held in Trimble on March 17, 2020 and there was a virtual public meeting held on May 27, 2020 to discuss the proposed sale. MAWC representatives attended these public meetings and were available to answer any questions.

10. Due to the novel coronavirus, the April 7, 2020 election was postponed and held on June 2, 2020, with a majority of votes cast in favor of the sale of the Trimble wastewater system to Missouri-American Water Company.

11. On July 10, 2020, MAWC entered into a *Purchase Agreement* with Trimble. A copy of the *Purchase Agreement* is attached as **Appendix B-C**. Appendix B-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.

12. MAWC proposes to purchase all the sewer utility assets of Trimble, 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 C**. A map of the area sought to be certificate is attached to this Application as **Appendix D**. MAWC proposes that the area to be certificated for sewer service be described as: “The City of Trimble and the surrounding area.”

13. Attached hereto and marked as **Appendix E-C** is a list of ten residents or landowners within the proposed service area. **Appendix E-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.

### **Centennial Acres Transaction**

14. To provide service to the proposed area, MAWC will purchase the sewer system from Centennial Acres. Centennial Acres is a residential development of single family lots located near Trimble, Missouri. The sewer system serves approximately 13 homes and has the ability to serve additional undeveloped lots.

15. On August 19, 2020, MAWC entered into an *Agreement For Purchase of Wastewater System* (“*Agreement for Purchase*”) with Centennial Acres. A copy of the *Agreement for Purchase* is attached as **Appendix F-C**. **Appendix F-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.

16. MAWC proposes to purchase all the sewer system assets of Centennial Acres, as specifically described in, and under the terms and provisions of the *Agreement for Purchase*. A legal description of the area sought to be certificated is attached hereto as **Appendix G**. A map of the area sought to be certificated is attached to this Application as **Appendix H**. MAWC proposes that the area to be certificated for sewer service be described as “Centennial Acres.”

17. Attached hereto and marked as **Appendix I-C** is a list of ten residents or landowners within the proposed service area. **Appendix I-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**

18. Attached hereto and marked as **Appendix J-C** is a feasibility study for the Trimble sewer 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 J-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.

19. MAWC will receive a franchise from Trimble as called for by the *Purchase Agreement*.

20. Attached hereto and marked as **Appendix K-C** is a feasibility study for the Centennial Acres sewer 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 K-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**

21. MAWC proposes to provide service to the Trimble system pursuant to the existing rates currently applicable to MAWC's Pettis County, Fenton, Hickory Hills, Temple Terrace, Anna Meadows, Jaxson Estates, Timber Springs and Clinton Estates and to utilize the rules and regulations governing sewer service currently found in MAWC's sewer tariff P.S.C. MO No. 26, until such time as the rates and rules are modified according to law.

22. For the Centennial Acres system, MAWC proposes to provide service using the \$75.00 per month rate approved by the Homeowners' Association and to utilize the rules and regulations governing sewer service currently found in MAWC's sewer tariff P.S.C. MO No. 26, until such time as the rates and rules are modified according to law.

### **PUBLIC INTEREST**

23. The grant of the requested CCNs (and approval of the underlying transactions) is in the public interest and will result in the provision of regulated sewer service to the current and future residents of the service area. The sewer assets of Trimble and Centennial Acres 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 sewer utility services to residents of the State of Missouri and is fully qualified, in all respects, to own and operate the sewer systems currently being operated in and around the City of Trimble.

### **MOTION FOR WAIVER**

24. 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.

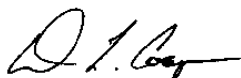
25. Rule 20 CSR 4240-4.017(1)(D) provides that a waiver may be granted for good cause. In this regard, MAWC declares (as verified below) that it has had no communication with the Office of the Commission (as defined by Commission Rule 20 CSR 4240-4.015(10)) within the prior 150 days regarding any substantive 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 Certificates of Convenience and Necessity authorizing MAWC to install, acquire, build, construct, own, operate, control, manage and maintain a sewer system for the public within the areas referred to above;
2. Granting MAWC permission to acquire the sewer assets identified herein of the City of Trimble, Missouri and Centennial Acres Association, Inc.; and
3. Authorizing MAWC to take such actions as may be deemed necessary and appropriate to accomplish the purposes of the Application, the Trimble *Purchase Agreement* and the Centennial Acres *Agreement for Purchase*, and to consummate related transactions in accordance with each of the agreements.

Respectfully submitted,



Dean L. Cooper Mo. Bar #36592  
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Jefferson City, MO 65102-0456  
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Corporate Counsel  
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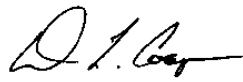
**ATTORNEYS FOR MISSOURI-AMERICAN  
WATER COMPANY**

**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing document has been sent by electronic mail this 17<sup>th</sup> day of September 2020, to:

General Counsel's Office  
[staffcounsel@psc.mo.gov](mailto:staffcounsel@psc.mo.gov)

Office of the Public Counsel  
[opcservice@opc.mo.gov](mailto:opcservice@opc.mo.gov)



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Dean L. Cooper

## VERIFICATION

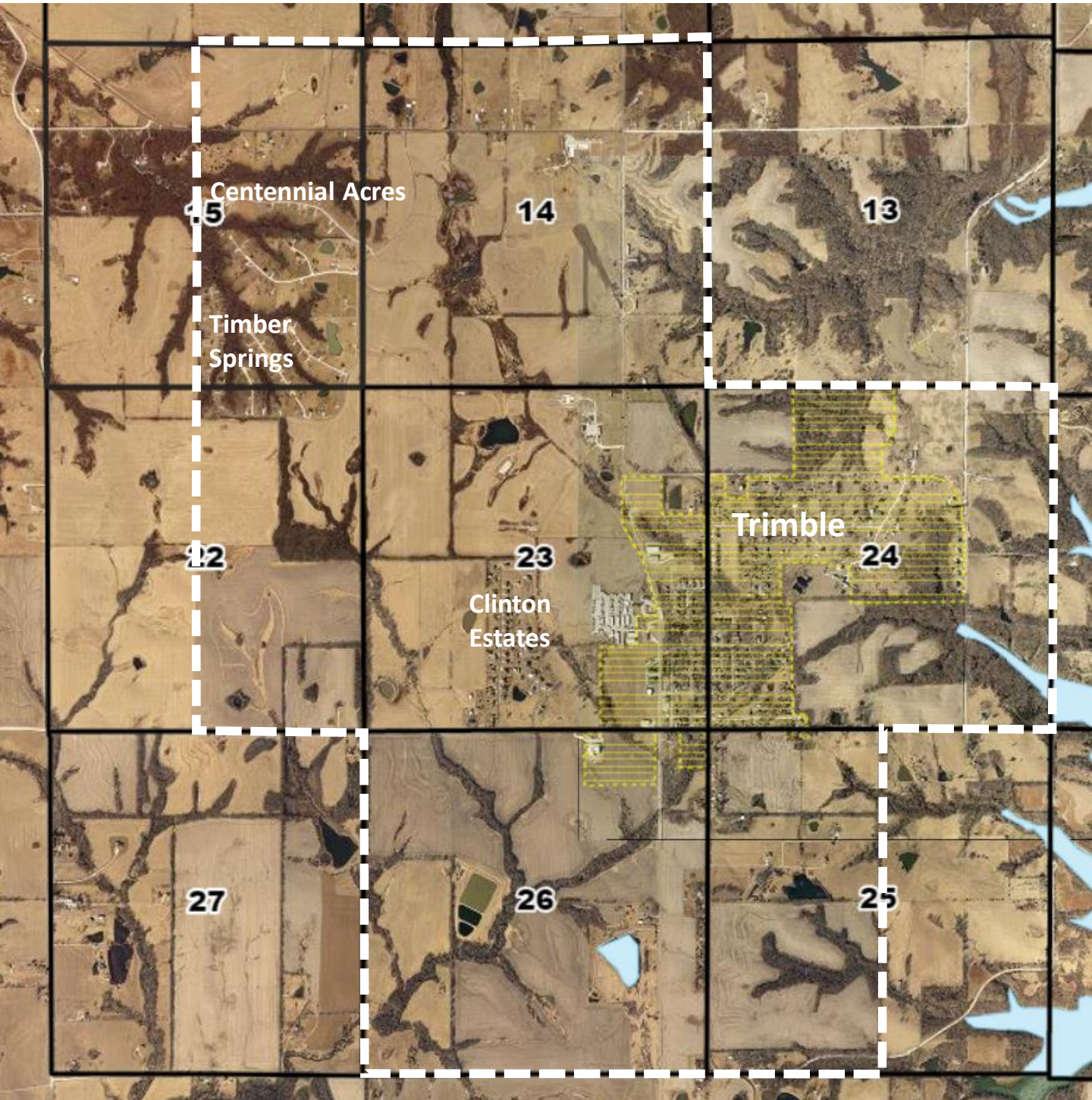
State of Missouri     )  
                              )  
County of St. Louis    )     ss

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.

  
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# Trimble Sanitary Sewer Service Area



## Trimble, MO Sanitary Sewer Service Area Boundary Description

A tract of land in part(s) of Sections 14, 15, 22, 23, 24, 25 and 26 all in Township 54 North, Range 33 West, Clinton County, Missouri and being more particularly described as follows;

Beginning at the Southeast corner of the Southwest Quarter of Section 25, Township 54 North, Range 33 West; thence west along the south line of said section to the Southwest corner thereof; being also the Southeast corner of Section 26; thence west along the south line of Section 26 to the Southwest corner thereof; thence north along the west line of Section 26 to the Northwest corner of said section; being also the Southeast corner of Section 22, thence west along the south line of section 22 to the Southwest corner of the Southeast quarter of Section 22; thence north along the west line thereof to the Northwest corner of said quarter; being also the Southwest corner of the Northeast Quarter of Section 22; thence north along the east line thereof to the Northwest corner of said Quarter; being also the Southwest corner of the Southeast quarter of Section 15; thence north along the west line thereof to the Northwest corner of said quarter; being also the Southwest corner of the Northeast Quarter of Section 15; thence north along the east line thereof to the Northwest corner of said Quarter; thence east along the north line of section 15 to the Northeast corner of the Northeast quarter of section 15, being also the northwest corner of section 14, thence along the north line of Section 14 to the Northeast corner thereof, thence south along the east line of section 14 to the Southeast corner of said section, also being the Northwest corner of Section 24, thence east along the north line of said section to the Northeast corner thereof, thence south along the east line of Section 24 to the Southeast corner thereof, thence west along the south line of section 24 to the Southwest corner of the Southeast quarter of section 24, being also the northeast corner of the Northwest quarter of section 25, thence south to the Southeast corner of the Northwest quarter of said section, being also the Northeast corner of the Southwest quarter of Section 25, thence south to the point of beginning.

**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 day of 15<sup>th</sup> January, 2021.**



  
**Morris L. Woodruff**  
**Secretary**



**MISSOURI PUBLIC SERVICE COMMISSION**

**January 15, 2021**

**File/Case No. SA-2021-0074**

**Missouri Public Service  
Commission**

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**Office of the Public Counsel**

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**County of Clinton, Missouri**

County Commission Clerk  
207 N. Main, Clinton County  
Courthouse  
P.O. Box 245  
Plattsburg, MO 64477  
clerk@clintoncomo.org

**Missouri Department of Natural  
Resources**

Legal Department  
1101 Riverside Drive, 2nd Floor  
P.O. Box 176  
Jefferson City, MO 65102-0176

**Missouri Public Service  
Commission**

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**Missouri-American Water  
Company**

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**Missouri-American Water  
Company**

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Timothy.Luft@amwater.com

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

***Sincerely,***



**Morris L. Woodruff  
Secretary**

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