

LAW OFFICES
BRYDON, SWEARENGEN & ENGLAND

PROFESSIONAL CORPORATION
P.O. BOX 456
JEFFERSON CITY, MISSOURI 65102-0456
TELEPHONE (573) 635-7166
FACSIMILE (573) 635-3847
E-MAIL: DEANBSE@SOCKET.NET

JAMES C. SWEARENGEN
WILLIAM R. ENGLAND, III
JOHNNY K. RICHARDSON
GARY W. DUFFY
PAUL A. BOUDREAU
SONDRA B. MORGAN
SARAH J. MAXWELL

DEAN L. COOPER
MARK G. ANDERSON
TIMOTHY T. STEWART
GREGORY C. MITCHELL
RACHEL M. CRAIG
BRIAN T. MCCARTNEY

June 2, 1999

FILED

JUN 8 1999

Missouri Public
Service Commission

Mr. Dale Hardy Roberts
Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

RE: Warren County Sewer Company - Case No. ^{SA} ~~9~~A-99- 589

Dear Mr. Roberts:

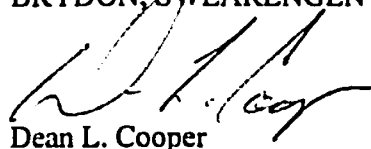
Enclosed for filing in the above-referenced proceeding on behalf of Warren County Sewer Company please find an original and fourteen copies of an Application. Please stamp the enclosed extra copy "filed" and return same to me.

If you have any questions concerning this matter, then please do not hesitate to contact me. Thank you very much for your cooperation.

Sincerely yours,

BRYDON, SWEARENGEN & ENGLAND P.C.

By:


Dean L. Cooper

DLC/rhg

Enclosures

cc: Office of Public Counsel
Mr. Timothy Flagg

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED

JUN 8 1999

Missouri Public
Service Commission

In the Matter of the Application of)
Warren County Sewer Co., Inc. for a)
certificate of convenience and necessity)
authorizing it to construct, install, own,)
operate, control, manage and maintain a)
sewer system for the public in)
an unincorporated area of Warren)
County, Missouri, known as Oak Grove)
Subdivision)

Case No. ^SWA- 99-589

APPLICATION

COMES NOW Warren County Sewer Co., Inc. ("Company" or "Applicant"), in accordance with §393.170, RSMo (1994) and 4 CSR 240-2.080(14), and, for its application for a certificate of convenience and necessity authorizing it to construct, install, own, operate, control, manage and maintain a sewer system for the public in an unincorporated area of Warren County, Missouri, known as Oak Grove Subdivision, states to the Missouri Public Service Commission ("Commission") as follows:

1. The Company is a Missouri corporation duly organized and existing under the laws of the State of Missouri, with its principal office and place of business located at 20 Oak Street, Washington, Missouri. Applicant proposes to provide sewer service to the public as a public utility under the jurisdiction of the Commission. Certified copies of Company's Articles of Incorporation and Certification of Incorporation are attached and marked as Appendix 1 and 2, respectively.

2. Correspondence, communications, orders and decisions regarding this matter should be addressed to:

Timothy D. Flagg, President
Warren County Sewer Co., Inc.
20 Oak Street
Washington, Missouri 63090
(314) 390-2517
(314) 390-2617 facsimile

Dean L. Cooper
Brydon, Swearngen & England P.C.
312 E. Capitol Avenue
Jefferson City, MO 65101
(573) 635-7166
(573) 635-0427 facsimile

3. By this application, the Company seeks permission, approval and certificate of convenience and necessity authorizing it to construct, install, own, operate, control, manage and maintain a sewer system for the public in an unincorporated area of Warren County, Missouri, known as Oak Grove Subdivision. There is no same or similar utility service, regulated or nonregulated, available in the area which is the subject of this application.

4. A description of the entire area proposed to be served is marked as Appendix 3, attached hereto, and made a part hereof for all purposes. A plat map of the entire area proposed to be served, drawn to the scale of one inch to two hundred feet, is marked as Appendix 4, attached hereto, and made a part hereof for all purposes.

5. Marked as Appendix 5, attached hereto, and made a part hereof for all purposes, is a feasibility study containing estimated cost of the facilities during the first three years of operation in the area proposed to be served; proposed rates and charges; and an estimate of the number of customers, revenues and expenses during the first three years of operation. There are no plans for installation of facilities and no plans for financing at this time.

6. The names and addresses of ten persons residing in the area proposed to be served

are:

Curtis Culpepper
100 Laverne
Warrenton, MO 63383

Charles Tracey
15 Carol
Warrenton, MO 63383

Cotton
1178 S. Hwy. 47
Warrenton, MO 63383

Pearl Trowler
16 Carol
Warrenton, MO 63383

J. Cornell
23 Carol
Warrenton, MO 63383

Mary Luster
18 Carol
Warrenton, MO 63383

Dillon
1194 S. Hwy. 47
Warrenton, MO 63383

Betty Greenwalt
1186 S. Hwy. 47
Warrenton, MO 63383

Delvin Dickmeyer, Jr.
1210 S. Hwy. 47
Warrenton, MO 63383

C. J. House
22 Carol
Warrenton, MO 63383

7. There are no municipalities located within the proposed service area. No consent by franchise from a county is required for the completion of this project.

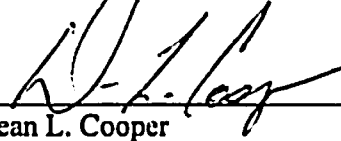
8. The granting of this application is in the public interest because it will present an opportunity for the public in the area proposed to be served to obtain and utilize sewer service.

WHEREFORE, Warren County Sewer Co., Inc. respectfully requests that the Commission issue its order:

(a) Granting Warren County Sewer Co., Inc. permission, approval and a certificate of convenience and necessity authorizing it to construct, install, own, operate, control, manage and maintain a sewer system for the public in an unincorporated area of Warren County, Missouri, known as Oak Grove Subdivision, as more particularly described herein;

(b) Granting such further relief as the Commission deems appropriate.

Respectfully submitted,



Dean L. Cooper MBE #36592
BRYDON, SWEARENGEN & ENGLAND P.C.
312 E. Capitol Avenue
P. O. Box 456
Jefferson City, MO 65102
(573) 635-7166
(573) 635-0427 facsimile

ATTORNEYS FOR
WARREN COUNTY SEWER CO., INC.

AFFIDAVIT

State of Missouri)
) ss
County of Franklin

I, Timothy D. Flagg, having been duly sworn upon my oath, state that I am the President of the Applicant duly authorized to make this affidavit on behalf of the Applicant and that the matters and things stated in the foregoing Application and exhibits thereto are true and correct to the best of my information, knowledge and belief.

Timothy D. Flagg

Subscribed and sworn before me this 7th day of June, 1999.

Diane M. Rucker
Notary Public

My Commission expires:
5/13/2002

" NOTARY SEAL "
Diane M. Rucker, Notary Public
Franklin County, State of Missouri
My Commission Expires 5/13/2002

STATE OF MISSOURI



Rebecca McDowell Cook
Secretary of State

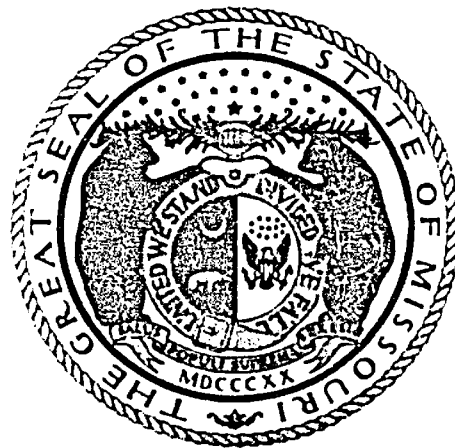
CORPORATION DIVISION
CERTIFICATE OF CORPORATE RECORDS

WARREN COUNTY SEWER CO., INC.

I, REBECCA McDOWELL COOK, SECRETARY OF STATE OF THE STATE OF MISSOURI AND KEEPER OF THE GREAT SEAL THEREOF, DO HEREBY CERTIFY THAT THE ANNEXED PAGES CONTAIN A FULL, TRUE AND COMPLETE COPY OF THE ORIGINAL DOCUMENTS ON FILE AND OF RECORD IN THIS OFFICE.

IN TESTIMONY WHEREOF, I HAVE SET MY HAND AND IMPRINTED THE GREAT SEAL OF THE STATE OF MISSOURI, ON THIS, THE 11TH DAY OF MAY, 1999.

Rebecca McDowell Cook
Secretary of State



STATE OF MISSOURI



Rebecca McDowell Cook
Secretary of State

CORPORATION DIVISION CERTIFICATE OF INCORPORATION

WHEREAS, DUPLICATE ORIGINALS OF ARTICLES OF INCORPORATION OF
WARREN COUNTY SEWER CO., INC.

HAVE BEEN RECEIVED AND FILED IN THE OFFICE OF THE SECRETARY OF
STATE, WHICH ARTICLES, IN ALL RESPECTS, COMPLY WITH THE
REQUIREMENTS OF GENERAL AND BUSINESS CORPORATION LAW;

NOW, THEREFORE, I, REBECCA MCDOWELL COOK, SECRETARY OF STATE
OF THE STATE OF MISSOURI, BY VIRTUE OF THE AUTHORITY VESTED IN
ME BY LAW, DO HEREBY CERTIFY AND DECLARE THIS ENTITY A BODY
CORPORATE, DULY ORGANIZED THIS DATE AND THAT IT IS ENTITLED TO
ALL RIGHTS AND PRIVILEGES GRANTED CORPORATIONS ORGANIZED UNDER
THE GENERAL AND BUSINESS CORPORATION LAW.

IN TESTIMONY WHEREOF, I HAVE SET MY
HAND AND IMPRINTED THE GREAT SEAL OF
THE STATE OF MISSOURI, ON THIS, THE
23RD DAY OF MAY, 1996.

Rebecca McDowell Cook

Secretary of State



\$58.00

APPENDIX 1



State of Missouri

Rebecca McDowell Cook, Secretary of State
P.O. Box 778, Jefferson City, Mo. 65102

Corporation Division

FILED AND CERTIFICATE OF
INCORPORATION ISSUED

MAY 23 1996

Articles of Incorporation

(To be submitted in duplicate by an attorney or an incorporator.)

Rebecca McDowell Cook
SECRETARY OF STATE

The undersigned natural person(s) of the age of eighteen years or more for the purpose of forming a corporation under The General and Business Corporation Law of Missouri adopt the following Articles of Incorporation:

ARTICLE ONE

The name of the corporation is: Warren County Sewer Co., Inc.

ARTICLE TWO

The address, including street and number, if any of the corporation's initial registered office in this state is: 401 Pecan St., P.O. Box 326, Marthasville, MO 63357

and the name of its initial agent at such address is: Timothy D. Flagg

ARTICLE THREE

The aggregate number, class and par value, if any of shares which the corporation shall have authority to issue shall be:

30,000 shares, \$1.00 par value, common stock

The preferences, qualifications, limitations, restrictions, and the special or relative rights, including convertible rights, if any, in respect to the shares of each class are as follows:

None

ARTICLE FOUR

The preemptive rights of shareholders to purchase additional shares of the corporation's authorized stock shall not be limited or denied.

APPENDIX 2

ARTICLE FIVE

The name and place of residence of each incorporator is as follows:

Name	Timothy D. Flagg	Street	401 Pecan St.
		City	Marthasville, MO 63357

ARTICLE SIX

(Designate which and complete the applicable paragraph)

The number of directors to constitute the first board of directors is . Thereafter the number of directors shall be fixed by, or in the manner provided in the by laws. Any changes in the number will be reported to the Secretary of State within thirty calendar days of such change.

OR

The number of directors to constitute the board of directors is 2 . (The number of directors to constitute the board of directors must be stated herein if there are to be less than three directors. The persons to constitute the first board of directors may, but need not, be named.)

ARTICLE SEVEN

The corporation shall have perpetual existence.

ARTICLE EIGHT

The corporation is formed for the following purposes:

To conduct the business of operating waste water treatment facilities.

To engage in buying and selling of equipment, vehicles, and materials in order to carry on the business described above and any further objects as may be necessary and incidental to such a business including the buying and owning of the necessary tools and equipment for the business and the buying, leasing, holding, releasing, selling, and conveying the real estate necessary or proper in connection with the business.

To enter into contracts or agreements in any form whatsoever with manufacturers, distributors or wholesalers of goods, wares and merchandise granting to this corporation exclusive or non-exclusive rights of representation, distribution, sale or other handling of the products of said manufacturer, wholesaler, or distributor.

To do any and everything necessary or convenient for the accomplishment of any of the purposes of the attainment of any of the objects of the furtherance of any of the powers hereinabove enumerated, either alone or in association with other corporations or with any firm or individual; to engage in any other lawful business or operation deemed advantageous or desirable, and to do any and everything incidental to, growing out of, or germane to any of the foregoing purposes or objects, and to have and exercise all of the powers and rights conferred by the laws of the state of Missouri upon a corporation formed under the act hereinabove to, and all acts amendatory thereof and supplemental thereto, it being expressly provided that the foregoing clauses shall be construed both as objects and powers conferred by the laws of the State of Missouri and that the foregoing enumeration of specific powers shall not be held to alter or restrict in any way the general powers of the Corporation.

ARTICLE NINE

The private property of the shareholders of the corporation shall not be subject to the payment of corporation debts, except to the extent of any unpaid balance of subscription for shares.

ARTICLE TEN

Each director or officer, or former director or officer of this corporation, shall be indemnified by the corporation against liabilities, expenses, counsel fees, and costs reasonably incurred by him or his estate in connection with, or arising out of, any action, suit, proceeding or claim in which he is made a party by reason of his being, or having been, such director or officer. The right to indemnification herein provided shall not be exclusive of any other rights to which such director or officer may be lawfully entitled.

ARTICLE ELEVEN

This Corporation by agreement of all the subscribers to the shares of the corporation have caused this corporation to be organized under and pursuant to Section 1244, U. S. Internal Revenue Code.

IN WITNESS WHEREOF, these Articles of Incorporation have been signed this 20th of MAY, 1996

[Signature]

State of Missouri

County of Franklin

I, Donna M. Dyson, a Notary Public, do hereby certify that on this 20th day of May, 1996, personally appeared before me, Timothy K. Flagg ~~(not)~~

[Signature],) who being by me first duly sworn, ~~(personally)~~ declared that he is ~~(the person)~~ the person who signed the foregoing document as incorporator, and that the statements therein contained are true.

NOTARIAL SEAL

Donna M. Dyson
Notary Public

My commission expires 5-24-98

Donna M. Dyson, Notary Public
Franklin County, State of Missouri
My Commission Expires 5/24/98

FILED AND CERTIFICATE OF
INCORPORATION ISSUED

MAY 23 1996

Rebecca McDermott Clark
SECRETARY OF STATE

DESCRIPTION

From the NW corner of lot #1 East along the property lines to the NE corner of lot #46 south to the SE corner of lot #36 west down Laverne Street to the intersection of Laverne and Carol Streets south 360 feet then west to the east right of way of State Highway 47 following the right of way north to the NW corner of lot #1 all within the Oak Grove Subdivision in Warren County, Missouri.

DOCUMENT QUALITY TARGET

THE FOLLOWING
DOCUMENT
BELOW STANDARDS
FOR
MICROFILM

**WARREN COUNTY SEWER COMPANY
OAK GROVE SUBDIVISION
FEASIBILITY STUDY**

Warren County Sewer Company, Inc.'s Application for a Certificate of Convenience and Necessity of the existing extended aeration wastewater treatment facilities, at the Oak Grove Subdivision, in Warren County, Missouri.

The wastewater facilities and collection system were constructed in the early 1970's and consist of 6-inch clay tile lines, with precast manholes, splitting the flow between two (2) extended aeration wastewater treatment facilities with a design P.E. of forty (40) each.

The area proposed for certification is presently serving thirty-three (33) mobile home residents, who currently pay a flat rate of \$11.00 per month.

The facilities have been contributed to Warren County Sewer Company, Inc., therefore, construction cost is \$0.00.

The proposed increased rates over existing rates are based on operation and maintenance expenses over the last year.

The facilities are technically feasible provided the rates are increased to \$22.11 per month.

YEAR ONE

Contract Operations & Testing Services	\$2,580.00
Electricity	955.00
Biosolids Removal	850.00
Chlorine	360.00
Collection System & Treatment Facility Maintenance	650.00
Accountant	210.00
DNR Permit Fees	50.00
Attorney	1,000.00
Taxes	300.00
Insurance	1,150.00
PSC Regulatory Fee @ 8%	<u>649.00</u>
TOTAL EXPENSE	\$8,754.00
NET INCOME	\$0.00

YEAR TWO

Contract Operations & Testing Services	\$2,580.00
Electricity	955.00
Biosolids Removal	850.00
Chlorine	360.00
Collection System & Treatment Facility Maintenance	650.00
Accountant	210.00
DNR Permit Fees	50.00
Attorney	1,000.00
Taxes	300.00
Insurance	1,150.00
PSC Regulatory Fee @ 8%	<u>649.00</u>
TOTAL EXPENSE	\$8,754.00
NET INCOME	\$0.00

YEAR THREE

Contract Operations & Testing Services	\$2,580.00
Electricity	955.00
Biosolids Removal	850.00
Chlorine	360.00
Collection System & Treatment Facility Maintenance	650.00
Accountant	210.00
DNR Permit Fees	50.00
Attorney	1,000.00
Taxes	300.00
Insurance	1,150.00
PSC Regulatory Fee @ 8%	<u>649.00</u>
TOTAL EXPENSE	\$8,754.00
NET INCOME	\$0.00