

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**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  
MAINTIN A SEWER SYSTEM IN BENTON COUNTY, MISSOURI,  
RESPONDENT**

**vs.**

**GEORGE M. HALL,  
APPELLANT**

---

DOCKET NUMBER WD78297

DATE: SEPTEMBER 22, 2015

---

Appeal from:

Public Service Commission

---

Appellate Judges:

Before Division One: Cynthia L. Martin, P.J., Joseph M. Ellis, J. and James E. Welsh, J.

---

Attorneys:

Jacob T. Westen, for State of Missouri

Jennifer L. Heintz, for Public Service Commission

George M. Hall, Appellant Pro-se

---

**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**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 SEWER SYSTEM IN BENTON COUNTY, MISSOURI, RESPONDENT**

**v.  
GEORGE M. HALL, APPELLANT**

WD78297

Public Service Commission

Before Division One Judges: Cynthia L. Martin, P.J., Joseph M. Ellis, J. and James E. Welsh, J.

George Hall appeals from the Public Service Commission's denial of his motion to intervene in a case in which Missouri-American Water Company ("MAWC") has applied for a certificate of convenience and necessity to provide sewer service to a portion of Benton County, Missouri. In its application, MAWC stated that it planned to provide such service by purchasing an existing wastewater collection and treatment system owned by Benton County Sewer District #1 ("District #1") and asked for permission to acquire the assets identified in an asset purchase agreement that had been executed between MAWC and District #1. Appellant sought leave to intervene in the action out of time. The Commission denied Appellant's motion to intervene but granted him permission to file an *amicus curiae* brief.

**DISMISSED.**

**Division One holds:**

- (1) Even assuming *arguendo* the existence of intervention as a matter of right in actions before the Commission and an ability to appeal the denial of such intervention, Appellant's motion clearly failed to plead any claim to intervention as a matter of right as it failed to establish that the Commission's granting or denial of a certificate of convenience and necessity to MAWC would directly affect him in any way. Accordingly, any relief granted on his motion to intervene would necessarily have to have been permissive in nature.
- (2) An order denying permissive intervention is not a final order and is, therefore, not reviewable on interlocutory appeal. Accordingly, Appellant's appeal must be dismissed.

Opinion by Joseph M. Ellis, Judge

Date: September 22, 2015

**This summary is *UNOFFICIAL* and should not be quoted or cited.**

