



BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

Judge or Division:	<b>Circuit Court Case Number:</b> PSC Case Nos. WA-2019-0185, SA-2019-0186	
Plaintiff/Petitioner: Public Water Supply District No. 5 of Camden County Lake Area Waste Water Association, Inc. Cedar Glen Condominium Association, Inc. Missouri Water Association, Inc.	Appellate Number:	<input type="checkbox"/> Filing as an Indigent
	Date of Judgment/Decree/Order: <b>(ATTACH A COPY)</b> Issued: April 8, 2020 Effective: May 8, 2020	Court Reporter:
vs.	Date Post Trial Motion Filed: May 7, 2020	<input type="checkbox"/> Sound Recording Equipment
Defendant/Respondent:  Missouri Public Service Commission	Date Ruled Upon: June 10, 2020	The Record on Appeal will consist of: ___ Legal File only or <input checked="" type="checkbox"/> Legal File and Transcript

(Date File Stamp)

Notice of Appeal to Missouri Court of Appeals - Civil

District:  Western  Eastern  Southern

Notice is given that \_Public Water Supply District No. 5 of Camden County, Lake Area Waste Water Association, Inc., Cedar Glen Condominium Association, Inc., and Missouri Water Association\_ appeals from the judgment/decree/order entered in this action on \_\_\_April 8, 2020 and June 10, 2020\_\_\_ (date).

Appellant's Name (If multiple, list all or attach additional pages) Public Water Supply District No. 5 of Camden County Lake Area Waste Water Association, Inc. Cedar Glen Condominium Association, Inc. Missouri Water Association, Inc.	Respondent's Name (If multiple, list all or attach additional pages) Missouri Public Service Commission
Address Public Water Supply District No. 5 of Camden County P.O. Box 556 Camden, MO 65020 Lake Area Waste Water Association, Inc. 515 Old South 5 Camdenton, MO 65020 Cedar Glen Condominium Association, Inc. P.O. Box 2409 Lake Ozark, MO 65049 Missouri Water Association, Inc. 515 Old South 5 Camdenton, MO 65020	Address Governor Office Building 200 Madison St, PO Box 360 Jefferson City, MO 65102
Appellant's Attorney/Bar Number (If multiple, list all or attach additional pages) Stephanie S. Bell #61855	Respondent's Attorney/Bar Number (If multiple, list all or attach additional pages) Shelley Brueggemann, #52173
Address 308 East High Street, Suite 300 Jefferson City, MO 65101	Address Governor Office Building 200 Madison St, PO Box 360 Jefferson City, MO 65102
E-mail Address sbell@ellingerlaw.com	E-mail Address Shelley.brueggemann@psc.mo.gov
Telephone 573-750-4100	Telephone 573-526-7393
Brief Description of Case (May be completed on a separate page) [See Attached]	

Issues Expected To Be Raised On Appeal (May be completed on a separate page. Appellant is not bound by this list.)  
[See Attached]

**Docket Fee Information**

- The docket fee in the amount of \$70.00 is being tendered with this notice of appeal.
- No docket fee is being tendered because:
  - a docket fee is not required by law pursuant to \_\_\_\_\_ (cite specific statute or other authority).
  - a motion to prosecute the appeal in forma pauperis has been or will be filed.
  - a docket fee in the amount of \$70.00 cannot be tendered at this time but will be submitted at a later date or this appeal will be subject to dismissal pursuant to Rule 84.08(a).

Signature of Attorney or Appellant  
/s/ Stephanie S. Bell

Date  
June 10, 2020

**Certificate of Service on Persons other than Registered Users of the Missouri eFiling System**

I certify that on \_\_\_June 10, 2020\_\_\_\_\_ (date), a copy of the foregoing was sent to the following by facsimile, hand-delivery, electronic mail or U.S. mail postage prepaid to their last known addresses.

The Missouri Public Service Commission

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

/s/Stephanie S. Bell

\_\_\_\_\_  
Appellant or Attorney for Appellant

**Directions to Clerk**

Transmit a copy of the notice of appeal and all attached documents to the clerk of the Court of Appeals and to any person other than registered users of the eFiling system in a manner prescribed by Rule 43.01. Clerk shall then fill in the memorandum below. See Rule 81.08(j). Forward the docket fee to the Department of Revenue as required by statute.

**Memorandum of the Clerk**

I have this day served a copy of this notice by  regular mail  registered mail  certified mail  facsimile transmission to each of the following persons at the address stated below. If served by facsimile, include the time and date of transmission and the telephone number to which the document was transmitted.

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I have transmitted a copy of the notice of appeal to the clerk of the Court of Appeals, \_\_\_\_Western\_\_\_\_ District.

- Docket fee in the amount of \$70.00 was received by this clerk on \_\_\_\_\_ (date) which will be disbursed as required by statute.
- No docket fee was received.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk

Additional Parties and Attorneys

List every party involved in the case not listed on page 1, indicate the position of the party in the circuit court (e.g. plaintiff, defendant, intervenor) and in the Court of Appeals (e.g. appellant or respondent) and the name of the attorney of record, if any, for each party. Attach additional pages to identify all parties and attorneys if necessary.

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Party Name	Attorney Name
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City, State, Zip Code	City, State, Zip Code
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**DESCRIPTION OF THE CASE**

On April 8, 2020, the Missouri Public Service Commission ("Commission") issued a Report and Order ("Order") authorizing Osage Utility Operating Company ("Central States") to purchase the assets of Osage Water Company and grant Central States a certificate of convenience and necessity to provide water and sewer service in the territory previously served by Osage Water Company.

Public Water Supply District No. 5 of Camden County, Lake Area Waste Water Association, Inc., and Missouri Water Association, Inc. (collectively the "Joint Bidders") and Cedar Glen Condominium Owners Association, Inc. (Cedar Glen) timely filed a Joint Application for Rehearing, which the Commission denied on June 10, 2020. This appeal challenges that denial, as well as the Order, for the reasons set forth in the Joint Application for Rehearing (attached to the Notice of Appeal) and the Statement of Issues Being Appealed (attached to the Notice of Appeal).

**STATEMENT OF ISSUES BEING APPEALED**

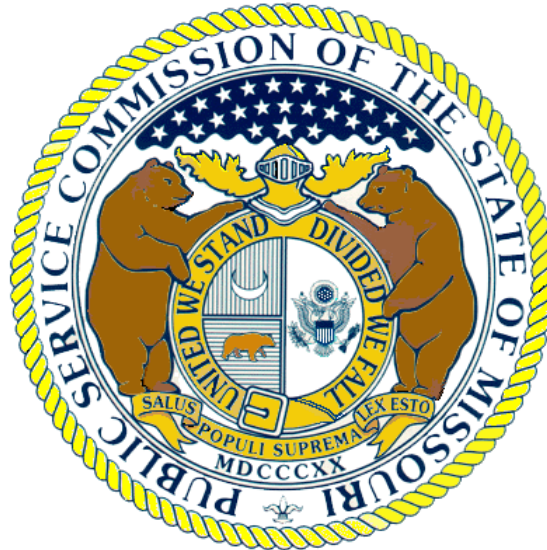
- (1) The Report and Order is unlawful under Section 393.190, RSMo, and 20 CSR 4240-10.105 because the seller was not a party or participant in the matter;
- (2) The Report and Order is unlawful, unreasonable arbitrary, capricious and abuse of discretion in finding that the applicant met its burden of showing no net detriment to the public interest;
- (3) The Report and Order is unlawful and unreasonable as the Commission erroneously shifted the burden of proof to Joint Bidders and Cedar Glen;
- (4) The Report and Order is unlawful and unreasonable as the Commission erroneously considered the following irrelevant factors in the no net detriment to the public interest test: avoiding another proceeding, retaining jurisdiction, preference to a regulated entity, creating future incentives;
- (5) The Report and Order is unlawful and unreasonable because the Commission Staff's refusal and failure to review alternatives deprived the Commission of the ability to weigh the benefits and detriments to the public interest as required by law;
- (6) The Report and Order is unlawful, unreasonable, arbitrary, capricious and an abuse of discretion in that the Commission failed to consider alternatives as required by law and employed a "status quo" test;
- (7) The Report and Order is unreasonable because the substantial and competent evidence shows that the transfer would be detrimental to the public interest and any finding to the contrary is arbitrary, capricious, and an abuse of discretion. Detriments to the public interest include: rate shock, unnecessary duplication of assets, foregoing synergies, service by a private rather than public company, and service by a non-local rather than local company;
- (8) The Report and Order is unreasonable because the substantial and competent evidence shows that the transfer would be detrimental to the public interest and any finding to the contrary is arbitrary, capricious, and an abuse of discretion given the historic and consistent customer opposition;



(9) The Report and Order is unreasonable because the Commission abused its discretion in denying Cedar Glen and Joint Bidders' Motion to Strike; and

(10) The Report and Order is unlawful, unreasonable, arbitrary, capricious and an abuse of discretion in determining the applicant satisfied the requirements for a CCN for the same reasons the applicant fails the no net detriment to the public interest test.

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



In the Matter of the Application of Osage            )  
Utility Operating Company, Inc. to Acquire        )  
Certain Water and Sewer Assets and for a         )  
Certificate of Convenience and Necessity         )    **File No. WA-2019-0185**

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**REPORT AND ORDER**

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**Issue Date: April 8, 2020**

**Effective Date: May 8, 2020**

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of Osage            )  
Utility Operating Company, Inc. to Acquire        )  
Certain Water and Sewer Assets and for a         )  
Certificate of Convenience and Necessity         )     **File No. WA-2019-0185**

## APPEARANCES

### **OSAGE UTILITY OPERATING COMPANY:**

**Dean L. Cooper**, and **Jennifer L. Hernandez**, Brydon, Swearingen & England, PC, P.O. Box 456, Jefferson City, Missouri, 65102-0456.

### **CEDAR GLEN CONDOMINIUM OWNERS ASSOCIATION, INC:**

**Mark W. Comley**, Newman, Comley & Ruth, PC, 601 Monroe Street, Suite 301, Jefferson City, Missouri, 65102.

### **PUBLIC WATER SUPPLY DISTRICT #5, LAKE AREA WASTEWATER ASSN., INC., MISSOURI WATER ASSN., INC.:**

**Aaron Ellsworth**, Ellsworth & Hardwick, P.O. Box 250, 2404 Bagnell Dam Boulevard, Lake Ozark, Missouri, 65043.

### **GREAT SOUTHERN BANK:**

**Sue A. Schultz** and **Anthony J. Soukenik**, 600 Washington Ave, 15<sup>th</sup> Floor, St. Louis, MO 63101.

### **REFLECTIONS CONDOMINIUM:**

**Christopher Kurtz** and **Stanley Woodworth**, 5250 W 11<sup>th</sup> Place, Suite 400, Leawood, KS 66211.

### **OFFICE OF THE PUBLIC COUNSEL:**

**Caleb Hall**, Senior Counsel, Department of Commerce & Insurance, 200 Madison Street, Suite 650, P.O. Box 2230, Jefferson City, Missouri 65102.

**STAFF OF THE MISSOURI PUBLIC SERVICE COMMISSION:**

**Whitney Payne**, Senior Counsel, and **Mark Johnson**, Deputy Counsel, Missouri Public Service Commission, 200 Madison Street, Suite 800, P.O. Box 360, Jefferson City, Missouri 65102.

**SENIOR REGULATORY LAW JUDGE:** Nancy Dippell

# REPORT AND ORDER

## I. Procedural History

On December 19, 2018, Osage Utility Operating Company, Inc. (Osage Utility) filed an Application and Motion for Waiver<sup>1</sup> for authorization to acquire the water and sewer assets and the certificates of convenience and necessity (CCN) in the four service areas of Osage Water Company and the single service area of Reflections Subdivision Master Association, Inc., and Reflections Condominium Owners Association, Inc. Osage Utility's Application also included a request for an acquisition incentive pursuant to Commission rule 20 CSR 4240-10.085.<sup>2</sup> On February 19, 2019, Osage Utility filed an Amended Application and Motion for Waiver.

Lake Area Waste Water Association, Inc. (LAWWA), Missouri Water Association, Inc. (MWA), Public Water Supply District No. 5 of Camden County Missouri (PWSD#5), Cedar Glen Condominium Owners Association, Inc. (Cedar Glen), Reflections Condominium Owners Association, Inc. (Reflections COA),<sup>3</sup> Great Southern Bank,<sup>4</sup> and the Reflections Subdivision Master Association, Inc. (Reflections MA),<sup>5</sup> were granted intervention. The Staff of the Commission (Staff) filed its initial recommendation on May 14, 2019. Several parties filed

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<sup>1</sup> The identical application was originally submitted in two files, one for water service (File No. WA-2019-0185) and one for sewer service (File No. SA-2019-0186). Those files were consolidated on January 29, 2019.

<sup>2</sup> 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. Thus, when filed, this rule was 4 CSR 240-10.085.

<sup>3</sup> Reflections COA is a not-for-profit corporation created by a condominium declaration for the three existing condominium buildings that are part of the Reflections subdivision.

<sup>4</sup> Great Southern Bank provided the financing for Abba Development Company, L.L.C. (Abba), the developer of the Reflections subdivision. Abba defaulted on its loan and conveyed title to all but three of the condominium buildings at the Reflections subdivision to Great Southern Bank. This included the real estate and the physical assets that are part of the water and sewer systems serving the development.

<sup>5</sup> Reflections MA was created by a "Declaration of Restrictions for Reflections Subdivision" when Abba created the subdivision. Reflections MA is the entity charged with the operation of the water and sewer facilities serving the Reflections subdivision.

responses to the recommendations and the parties agreed to a procedural schedule. A hearing was set and written direct, rebuttal, and surrebuttal testimony was filed.

On September 9, 2019, Great Southern Bank, Reflections COA, and Reflections MA (collectively referred to as “Reflections”) filed a motion to dismiss the portion of the application related to the sale of the Reflections water and sewer systems. In its motion to dismiss, Reflections claimed that it had terminated its purchase agreement with the managing parent company of Osage Utility, Central States Water Resources, Inc., and had sold the Reflections water and sewer systems to third parties.<sup>6</sup> As an alternative to dismissing the entire application, Reflections requested the Commission dismiss the portion of the amended application relating to Reflections. The Office of the Public Counsel (Public Counsel) filed a response in support of the motion to dismiss.

On September 9, 2019, LAWWA, MWA, and PWSD#5 (referred to as the “Joint Bidders”) filed a Motion to Strike Portions of the Written Surrebuttal Testimony of Todd Thomas and Josiah Cox, or Alternatively, Motion for Leave to File Testimony in Response. Cedar Glen filed a similar motion. On the same date, Osage Utility filed both a Motion to Strike and/or Limit Scope of the Proceeding and an Amended Motion to Strike and/or Limit Scope of the Proceeding. The motions to strike and motion to limit the proceeding were denied at the hearing.<sup>7</sup>

The Commission issued an order on September 11, 2019, bifurcating for hearing purposes the Reflections and Osage Water Company portions of the case. The Commission also directed Staff to file a revised recommendation regarding only the Osage Water Company systems. The Commission ordered that the other parties would be allowed to offer testimony responsive to Staff’s revised recommendation at the hearing. Staff filed its revised

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<sup>6</sup> The “third parties” were LAWWA and MWA.

<sup>7</sup> Transcript, pages 15-16.

recommendation on September 13, 2019, in the form of Supplemental Testimony of Natelle Dietrich with Revised Staff Memorandum.<sup>8</sup> On September 17-18, 2019, a hearing was held regarding only the transfer of assets and CCN for the Osage Water Company water and sewer systems. On September 30, 2019, Osage Utility filed a statement indicating that it was not opposed to the motion to dismiss the Reflections portion of the application.<sup>9</sup> The Commission will grant the motion and dismiss the request for a CCN and to transfer the assets of the Reflections water and sewer systems.

As part of the procedural schedule, the parties were directed to file a list of issues to be decided by the Commission. The parties could not agree to a single issues list and so Staff and Osage Utility filed a list of issues and the other parties filed a separate list of issues. The difference between the lists was the question of whether the motion to dismiss should be granted and the addition of a sub-item asking the question: "Are the certificates necessary or convenient for the public service?" At the hearing, the parties presented evidence relating to the following over-arching issues identified by the parties:

1. Would the sale of Osage Water Company's certificates of convenience and necessity and its water and sewer assets to Osage Utility be detrimental to the public interest?
2. Should the Commission approve an acquisition premium for the acquisition of the Osage Water Company and Reflections systems under 20 CSR 4240-10.085?

Additionally, the record was held open until September 30, 2019, for the receipt of post-hearing Exhibit 406, a letter regarding compliance of the Joint Bidders from the Missouri Department of Natural Resources (MDNR). The Commission also gave Osage Utility the opportunity to file additional correspondence from MDNR by September 30, 2019. Neither

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<sup>8</sup> Exhibit 105.

<sup>9</sup> File No. WA-2019-0185, Statement of Non-Opposition to the Motion to Dismiss Request Related to Reflections Subdivision, (filed September 30, 2019).

Exhibit 406 nor any other post-hearing MDNR correspondence was filed and the record was closed on September 30, 2019. Initial post-hearing briefs were filed on October 3, 2019, and reply briefs were filed on October 17, 2019.

Along with its original and amended applications, Osage Utility requested the Commission waive the requirement to give 60-days' notice prior to filing the application as required in Commission rule 20 CSR 4240-4.017(1). Osage Utility stated that it did not engage in conduct that would constitute a violation of the Commission's ex parte rule. The Commission finds that good cause exists to waive the notice requirement, and a waiver of 20 CSR 4240-4.017(1) is granted.

## **II. Findings of Fact**

Any finding of fact for which it appears that the Commission has made a determination between conflicting evidence is indicative that the Commission attributed greater weight to that evidence and found the source of that evidence more credible and more persuasive than that of the conflicting evidence.

1. Osage Utility is a Missouri corporation with its principal place of business in St. Ann, Missouri.<sup>10</sup> Osage Utility was formed for the purpose of providing water and sewer service to the public in the service areas of Osage Water Company and Reflections water and sewer systems.<sup>11</sup>

2. Osage Utility intends to operate as a "water corporation," a "sewer corporation," and a "public utility" as those terms are defined by statute.<sup>12</sup> As such, Osage Utility is subject to the jurisdiction and supervision of the Commission as established by statute.<sup>13</sup>

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<sup>10</sup> Exhibit 1, Direct Testimony of Josiah Cox, p. 1.

<sup>11</sup> Ex. 1, Direct Testimony of Josiah Cox, pp. 1 and 4.

<sup>12</sup> Ex. 1, Direct Testimony of Josiah Cox, p. 4.

<sup>13</sup> Ex. 1, Direct Testimony of Josiah Cox, p. 4.



3. CSWR, LLC (formerly known as First Round CSWR, LLC), is Osage Utility's ultimate parent company.<sup>14</sup> Central States Water Resources, Inc. (Central States) is the managing affiliate for CSWR, LLC.<sup>15</sup>

4. Josiah Cox is the President of Osage Utility. Mr. Cox is also the President of Central States.<sup>16</sup>

5. Staff is a party in all Commission investigations, contested cases, and other proceedings, unless it files a notice of its intention not to participate in the proceeding within the intervention deadline set by the Commission.<sup>17</sup> Staff participated in this proceeding.

6. Public Counsel is a party to this case pursuant to Section 386.710(2), RSMo,<sup>18</sup> and by Commission rule 20 CSR 4240-2.010(10).

7. The Commission granted a transfer of assets and a CCN to operate as a water and sewer utility to Osage Water Company in 1989 in Commission File No. WM-89-73.<sup>19</sup> Subsequently, Osage Water Company was granted CCNs to provide service to additional water and sewer service areas.<sup>20</sup>

8. Currently, Osage Water Company provides water and sewer services to four active water and sewer service areas: Cedar Glen, Chelsea Rose, Cimarron Bay, and HWY KK. The

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<sup>14</sup> Ex. 1, Direct Testimony of Josiah Cox, p. 5 and Schedule JC-1.

<sup>15</sup> Ex. 1, Direct Testimony of Josiah Cox, p. 5 and Schedule JC-1.

<sup>16</sup> Ex. 1, Direct Testimony of Josiah Cox, pp. 1 and 4.

<sup>17</sup> 20 CSR 4240-2.010(10) and (21) and 2.040(1).

<sup>18</sup> Unless otherwise stated, all statutory citations are to the Revised Statutes of Missouri, as codified in the year 2016.

<sup>19</sup> Ex. 1, Direct Testimony of Josiah Cox, p. 11; Ex. 100, Direct Testimony of Natelle Dietrich, Schedule ND-d2, p. 18; and Ex. 105, Supplemental Testimony of Natelle Dietrich with Revised Staff Recommendation, Appendix A, p. 4.

<sup>20</sup> Ex. 100, Direct Testimony of Natelle Dietrich, Schedule ND-d2, p. 18; and Ex. 105, Supplemental Testimony of Natelle Dietrich with Revised Staff Recommendation, Appendix A, p. 4.

HWY KK water service area consists only of the Eagle Woods subdivision; the sewer service area includes both Eagle Woods and Golden Glade subdivisions.<sup>21</sup>

9. Osage Water Company also has six inactive water service areas to which Osage Water Company either never provided service or the City of Osage Beach is currently providing the service. Staff proposes those inactive service areas not be included in Osage Utility's water tariff at the time of any transfer. These inactive service territories are: Osage Beach South, Osage Beach North, Sunrise Beach South, Sunrise Beach North, Shawnee Bend, and Parkview Bay.<sup>22</sup> No party objected to these service territories being removed from any future grant of authority.

10. PWSD#5 is a public water supply district organized under Chapter 427, RSMo. PWSD#5 wants to provide water and sewer service to the Cedar Glen service area and has a system adjacent to Cedar Glen with excess water and wastewater capacity.<sup>23</sup>

11. LAWVA is a nonprofit member managed corporation established under Chapter 393, RSMo, for the specific purpose of providing wastewater treatment systems.<sup>24</sup> LAWVA wants to provide sewer service to the Chelsea Rose, Cimarron Bay, and Eagle Woods service areas. LAWVA currently provides sewer service to over 2,700 members with more than 50 treatment facilities throughout the state. The bulk of its members are in Camden, Morgan, and Miller Counties.<sup>25</sup> MWA is governed by a Board of Directors elected by its members.<sup>26</sup> MWA's members gain membership status by applying for and receiving water services from MWA.<sup>27</sup>

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<sup>21</sup> Ex. 100, Direct Testimony of Natelle Dietrich, Schedule ND-d2, p. 18; and Ex. 105, Supplemental Testimony of Natelle Dietrich with Revised Staff Recommendation, Appendix A, p. 4.

<sup>22</sup> Ex. 100, Direct Testimony of Natelle Dietrich, Schedule ND-d2, p. 18; and Ex. 105, Supplemental Testimony of Natelle Dietrich with Revised Staff Recommendation, Appendix A, p. 4

<sup>23</sup> Ex. 300, Direct Testimony of David G. Krehbiel, pp. 3-6.

<sup>24</sup> Ex. 401, Direct Testimony of Neddie Goss, p. 1.

<sup>25</sup> Ex. 401, Direct Testimony of Neddie Goss, p. 1.

<sup>26</sup> Ex. 401, Direct Testimony of Neddie Goss, p. 2.

<sup>27</sup> Ex. 401, Direct Testimony of Neddie Goss, p. 2.

12. MWA is a nonprofit member managed corporation established under Chapter 393, RSMo.<sup>28</sup> MWA wants to provide water service to the Chelsea Rose, Cimarron Bay, and Eagle Woods service areas. MWA currently provides water services to over 1,000 members with 20 water production wells.<sup>29</sup> Its members are located in Camden, Miller, and Morgan Counties.

13. In September 2019, LAWWA and MWA jointly purchased the Reflections water and sewer system. After this purchase, Osage Utility dropped its opposition to dismissing the Reflections system from its application.<sup>30</sup>

14. Cedar Glen is a not-for-profit condominium owners corporation. Cedar Glen consists of 216 of Osage Water Company's water and sewer customers.<sup>31</sup> Cedar Glen is opposed to Osage Utility's application preferring to have PWSD#5 annex the Cedar Glen Condominiums into its territory.<sup>32</sup>

15. Osage Water Company currently provides water service to approximately 402 customers, and sewer service to approximately 420 customers in Camden County, Missouri.<sup>33</sup>

16. On December 10, 2002, the Commission issued a Report and Order in File No. WC-2003-0134 finding that Osage Water Company had been effectively abandoned by its owners, and that it was unable or unwilling to provide safe and adequate service to its customers.<sup>34</sup>

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<sup>28</sup> Ex. 401, Direct Testimony of Neddie Goss, p. 2.

<sup>29</sup> Ex. 401, Direct Testimony of Neddie Goss, p. 2; and Tr. p. 458.

<sup>30</sup> See, Case No. WA-2019-0185, Reply in Support of Motion to Dismiss or, in the Alternative, Motion to Modify Osage Utility Operating Company, Inc.'s Amended Application, Exhibits A and B.

<sup>31</sup> Ex. 301, Rebuttal Testimony of David G. Krehbiel, p. 2; and Ex. 105, Supplemental Testimony of Natelle Dietrich with Revised Staff Recommendation, Appendix A, p. 4.

<sup>32</sup> Ex. 300, Direct Testimony of David G. Krehbiel, p. 2.

<sup>33</sup> Ex. 1, Direct Testimony of Josiah Cox, p. 12; Ex. 100, Direct Testimony of Natelle Dietrich, Schedule ND-d2, p. 19; and Ex. 105, Supplemental Testimony of Natelle Dietrich with Revised Staff Recommendation, Appendix A, p. 4.

<sup>34</sup> Ex. 1, Direct Testimony of Josiah Cox, pp. 11-12; Ex. 100, Direct Testimony of Natelle Dietrich, Schedule ND-d2, p. 18; and Ex. 105, Supplemental Testimony of Natelle Dietrich with Revised Staff Recommendation, Appendix A, p. 4. See also, *In the matter of the Staff of the Missouri Public Service Commission, Complainant, v. Osage Water Company, Respondent*, Report and Order, 12 Mo.P.S.C.3d 25, File No. WC-2003-0134 (December 10, 2002).

17. On October 21, 2005, Osage Water Company was placed into permanent receivership by order of the Circuit Court of Camden County, Missouri, pursuant to Section 393.145, RSMo.<sup>35</sup> The Circuit Court also ordered the receiver to liquidate the assets of Osage Water Company.<sup>36</sup>

18. The receiver marketed the Osage Water Company assets and received multiple bids from 2014 to 2017.<sup>37</sup>

19. The receiver reported the following bids to the Circuit Court on January 14, 2015: (1) Central States, \$479,702.00; (2) Missouri American Water Company, \$250,000.00; (3) jointly Cedar Glen, MWA, and LAWVA, \$160,000.00; and (4) Gregory Williams, satisfaction of judgment against Osage Water Company.<sup>38</sup>

20. The receiver reported the following bids to the Circuit Court on May 12, 2017: (1) Central States, \$440,000.00; (2) PWSD#5, \$636,000.00 (Cedar Glen service area only); (3) Patrick Mitchell, \$5,000.00 (all assets except Cedar Glen service area); and (4) Gregory Williams, satisfaction of judgment against Osage Water Company.<sup>39</sup>

21. None of the pre-bankruptcy bids resulted in a sale.<sup>40</sup>

22. On August 28, 2017, after being unable to liquidate the assets of Osage Water Company, the Circuit Court authorized the Osage Water Company receiver to file for Chapter 11 bankruptcy.<sup>41</sup>

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<sup>35</sup> Circuit Court of Camden County, Case No. 26V010200965 (formerly Case No. CV102-965CC); Ex. 1, Direct Testimony of Josiah Cox, Schedule JC-4; Ex. 100, Direct Testimony of Natelle Dietrich, Schedule ND-d2, p. 19; and Ex. 105, Supplemental Testimony of Natelle Dietrich with Revised Staff Recommendation, Appendix A, p. 5

<sup>36</sup> Ex. 1, Direct Testimony of Josiah Cox, Schedule JC-4, p. 4.

<sup>37</sup> Ex. 100, Direct Testimony of Natelle Dietrich, Schedule ND-d2, p. 10.

<sup>38</sup> Ex. 100, Direct Testimony of Natelle Dietrich, Schedule ND-d2, pp. 10-11.

<sup>39</sup> Ex. 100, Direct Testimony of Natelle Dietrich, Schedule ND-d2, p. 11.

<sup>40</sup> Ex. 100, Direct Testimony of Natelle Dietrich, Schedule ND-d2, p. 11.

<sup>41</sup> Ex. 1, Direct Testimony of Josiah Cox, Schedule JC-5.

23. On October 11, 2017, Osage Water Company filed for Chapter 11 bankruptcy.<sup>42</sup> On October 26, 2017, a bankruptcy trustee was appointed.<sup>43</sup>

24. The bankruptcy trustee held an auction on October 24, 2018, to liquidate Osage Water Company's assets.<sup>44</sup> The bankruptcy auction was conducted with the purpose of achieving the "highest and best offers for the [a]ssets."<sup>45</sup>

25. The trustee utilized a "stalking horse" bidding process with Central States being the stalking horse bidder.<sup>46</sup>

26. A stalking horse bidding process is one where the debtor (the bankruptcy trustee in this case) enters into an agreement with a bidder for an initial bid in advance of the auction. The initial bid serves as the baseline for the auction. If a higher bid is not made at the auction then the stalking horse agreement becomes the asset purchase agreement. The stalking horse bidding process is common under Section 363 of the U.S. Bankruptcy Code.<sup>47</sup>

27. The agreement between Central States and the bankruptcy trustee permitted the trustee to solicit other bids, but Central States maintained the right to match those bids.<sup>48</sup> The initial stalking horse bid by Central States was \$465,000.<sup>49</sup>

28. At the auction, the bankruptcy trustee received bids from the Joint Bidders and Missouri American Water Company, with the Joint Bidders having the highest bid. Then, per the

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<sup>42</sup> Ex. 1, Direct Testimony of Josiah Cox, Schedule JC-6.

<sup>43</sup> Ex. 1, Direct Testimony of Josiah Cox, Schedule JC-7.

<sup>44</sup> Ex. 1, Direct Testimony of Josiah Cox, Schedule JC-9, p. 2.

<sup>45</sup> Ex. 1, Direct Testimony of Josiah Cox, Schedule JC-10, p. 3.

<sup>46</sup> Ex. 1, Direct Testimony of Josiah Cox, Schedule JC-7; and Ex. 100, Direct Testimony of Natelle Dietrich, Schedule ND-d2, p. 3.

<sup>47</sup> Ex. 100, Direct Testimony of Natelle Dietrich, Schedule ND-d2, p. 2.

<sup>48</sup> Ex. 100, Direct Testimony of Natelle Dietrich, Schedule ND-d2, p. 3.

<sup>49</sup> Ex. 100, Direct Testimony of Natelle Dietrich, Schedule ND-d2, p. 39.

terms of the stalking horse agreement, Central States was allowed to match that bid, which it did.<sup>50</sup>

29. The bankruptcy trustee determined that Central States was the successful bidder with a bid of \$800,000.<sup>51</sup> The Joint Bidders were the First Back-Up Bidders with a bid of \$800,000.<sup>52</sup> Missouri-American Water Company was the Second Back-Up Bidder with a bid of \$600,000.<sup>53</sup>

30. Central States, Joint Bidders, and Missouri-American Water Company each signed a purchase agreement with Osage Water Company.<sup>54</sup>

31. The purchase agreements “were negotiated, proposed, and entered into by the [bankruptcy trustee and Central States, Joint Bidders, and Missouri-American Water Company] in good faith, without collusion, and was the result of arm’s-length bargaining with the parties represented by independent counsel.”<sup>55</sup>

32. On November 14, 2018, the bankruptcy court issued an order approving the sale of Osage Water Company’s assets to Central States under the terms set forth in the asset purchase agreement between Central States and the bankruptcy trustee.<sup>56</sup> The bankruptcy court order also approved the Joint Bidders as the First Back-Up Bidders and Missouri-American

<sup>50</sup> Ex. 100, Direct Testimony of Natelle Dietrich, Schedule ND-d2, pp. 12-13.

<sup>51</sup> Ex. 1, Direct Testimony of Josiah Cox, Schedule JC-9, p. 2; and Schedule JC-10; and Ex. 100, Direct Testimony of Natelle Dietrich, Schedule ND-d2, p. 13.

<sup>52</sup> Ex. 1, Direct Testimony of Josiah Cox, Schedule JC-9, p. 2; and Schedule JC-10.

<sup>53</sup> Ex. 1, Direct Testimony of Josiah Cox, Schedule JC-9, p. 3; and Schedule JC-10.

<sup>54</sup> Ex. 1, Direct Testimony of Josiah Cox, Schedule JC-9.

<sup>55</sup> Ex. 1, Direct Testimony of Josiah Cox, Schedule JC-10, p. 4 (In the Matter of Osage Water Company, Debtor, U.S. Bankruptcy Court for the Western District of Missouri, Case No. 17-42759-drd11, *Order Approving (A) the Sale of Substantially All of Debtor’s Assets Free and Clear of All Liens, Interests, Claims and Encumbrances and Related Procedures and Bid Protection Pursuant to 11 U.S.C. § 363, (B) the Potential Assumption and Assignment, or Rejection, of Certain Executory Contracts and Unexpired Leases, and Related Procedures, Pursuant to 11 U.S.C. § 365, and (C) Related Relief Pursuant to 11 U.S.C. §§ 102 and 105*, (issued Nov. 14, 2018).); and Ex. 100, Direct Testimony of Natelle Dietrich, Confidential Schedule ND-d2.

<sup>56</sup> Ex. 1 Direct Testimony of Josiah Cox, Schedule JC-10.

Water Company as the Second Back-Up Bidder per the terms of their agreements with the trustee.<sup>57</sup>

33. Under the terms of their agreement with the bankruptcy trustee, if Central States fails to purchase the Osage Water Company systems, the Joint Bidders as First Back-Up Bidders are obligated to purchase the Osage Water Company systems.<sup>58</sup>

34. The Osage Water Company facilities are currently in need of maintenance and repair.<sup>59</sup> In its revised memorandum, Staff identified maintenance, repair, and/or permitting concerns at each of Osage Water Company's water and sewer facilities. These needs, as identified by Staff, include: facilities operating without permits from the MDNR; one wastewater treatment system with partially treated or untreated wastewater bypassing the treatment processes; and other immediate repairs and longer-term capital improvements.<sup>60</sup>

35. Central States, Osage Utility's affiliate, has purchased 22 wastewater treatment facilities and associated plant. Central States affiliates provide sewer service to approximately 2,800 customers.<sup>61</sup>

36. Central States affiliates own and manage 13 drinking water systems providing water service to approximately 2,900 customers in Missouri and Arkansas.<sup>62</sup>

37. The following Central States affiliates are public utilities authorized to provide water and sewer service in Missouri subject to the regulation of the Commission: Hillcrest Utility Operating Company, Inc.; Elm Hills Utility Operating Company, Inc.; Raccoon Creek Utility

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<sup>57</sup> Ex. 1 Direct Testimony of Josiah Cox, Schedule JC-10.

<sup>58</sup> Ex. 1, Direct Testimony of Josiah Cox, Schedule JC-9.

<sup>59</sup> Ex. 1, Direct Testimony of Josiah Cox, pp. 16-20; Ex. 300, Direct Testimony of David G. Krehbiel, p. 5; and Ex. 105, Supplemental Testimony of Natelle Dietrich with Revised Staff Recommendation, Revised Memorandum.

<sup>60</sup> Ex. 105, Supplemental Testimony of Natelle Dietrich with Revised Staff Recommendation, Revised Memorandum, p. 4 of 21.

<sup>61</sup> Ex. 1, Direct Testimony of Josiah Cox, p. 5.

<sup>62</sup> Ex. 1, Direct Testimony of Josiah Cox, p. 6.

Operating Company, Inc.; Indian Hills Utility Operating Company, Inc.; and Confluence Rivers Utility Operating Company, Inc.<sup>63</sup> These Central States-affiliated companies have acquired small Missouri water and sewer companies, improved those systems, brought those systems back into regulatory compliance where needed, and delivered safe and adequate service.<sup>64</sup> Some of those acquired systems were in receivership and had multiple MDNR deficiencies when purchased.<sup>65</sup>

38. Purchasing distressed systems to rehabilitate and operate them as a viable entity is the basic business plan of Central States.<sup>66</sup>

39. Central States has customer service systems at each Missouri utility it currently operates that provide benefits to the customers and comply with the Commission's Chapter 13 rules.<sup>67</sup>

40. Central States has experience in the operation of water and sewer systems.<sup>68</sup> As the other Central States-affiliated companies have done, Osage Utility intends to contract with a qualified and licensed utility system operator for water and sewer plant operations. The contract operator will undertake routine day-to-day inspections, checks, sampling, reporting, meter reading, most system repairs, and extraordinary operations tasks.<sup>69</sup> Central States' computerized maintenance management system will track all these plant operations.<sup>70</sup>

41. Central States has experience in the design and construction of water and sewer systems.<sup>71</sup> In Missouri, Central States-affiliated companies have designed, permitted, and

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<sup>63</sup> Ex. 5, Surrebuttal Testimony of Josiah Cox, pp. 8-9.

<sup>64</sup> Ex. 5, Surrebuttal Testimony of Josiah Cox, pp. 8-9.

<sup>65</sup> Ex. 5, Surrebuttal Testimony of Josiah Cox, pp. 8-9.

<sup>66</sup> Ex. 202, Direct Testimony of Kerri Roth, p. 9.

<sup>67</sup> Ex. 1, Direct Testimony of Josiah Cox, p. 7.

<sup>68</sup> Ex. 1, Direct Testimony of Josiah Cox, p. 8.

<sup>69</sup> Ex. 1, Direct Testimony of Josiah Cox, p. 8.

<sup>70</sup> Ex. 1, Direct Testimony of Josiah Cox, p. 8.

<sup>71</sup> Ex. 1, Direct Testimony of Josiah Cox, p. 5.



completed construction, with MDNR approval of approximately \$5.1 million of sewer investments<sup>72</sup> and approximately \$4.1 million of investments in water systems since March 2015.<sup>73</sup>

42. Central States affiliates have been able to attract investment capital to construct and maintain facilities necessary to provide safe and adequate water and sewer service in its other purchased systems to date. Osage Utility plans to fund this purchase using equity from its parent company CSWR, LLC.<sup>74</sup> Osage Utility has access to the funds necessary to make any necessary repairs and replacements to bring the Osage Water Company systems into regulatory compliance and ensure the provision of safe and adequate service.

43. Similar to the other Central States affiliates, Osage Utility has the technical, managerial, and financial capability to own and operate the Osage Water Company water and sewer systems.<sup>75</sup>

44. Osage Utility has experience in the rehabilitation, operation, management, and investment in small water and sewer facilities to systems that have been essentially “treating water” for over 14 years.<sup>76</sup>

45. MWA and LAWVA have not gotten reports from MDNR to determine what repairs or improvements are required by MDNR for the Chelsea Rose, Eagle Woods, or Cimarron Bay water or sewer systems.<sup>77</sup> Further, the MWA and LAWVA testimony referred to the Eagle Woods subdivision, but made no mention of the Golden Glade subdivision, which is also a part of the Highway KK sewer service area of Osage Water Company.<sup>78</sup>

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<sup>72</sup> Ex. 1, Direct Testimony of Josiah Cox, p. 5.

<sup>73</sup> Ex. 1, Direct Testimony of Josiah Cox, p. 6.

<sup>74</sup> Ex. 1, Direct Testimony of Josiah Cox, pp. 8 and 10.

<sup>75</sup> Ex. 1, Direct Testimony of Josiah Cox, pp. 5-10.

<sup>76</sup> Ex. 1, Direct Testimony of Josiah Cox, pp. 5-10.

<sup>77</sup> Ex. 401, Direct Testimony of Neddie Goss, pp. 3-6.

<sup>78</sup> Ex. 401, Direct Testimony of Neddie Goss.

46. The Cedar Glen water and sewer systems are not currently in the PWSD#5 service territory, but a portion of the PWSD#5 service territory is adjacent to Cedar Glen with U.S. Highway 54 separating the two areas.<sup>79</sup> In order to connect the PWSD#5 water systems, including its well and water tower, PWSD#5 would need to receive permissions to cross under U.S. Highway 54.<sup>80</sup>

47. If PWSD#5 connected its system to the Cedar Glen system, the drinking water system would have a redundant well capability for both Cedar Glen Condominiums and for PWSD#5's customers.<sup>81</sup>

48. PWSD#5 has prepared no estimate for the interconnection of its system with the Cedar Glen systems, which could take more than two years to complete.<sup>82</sup>

49. Osage Utility has inspected and analyzed all of the Osage Water Company systems and has a comprehensive plan for addressing the repair and replacement needs of all of the Osage Water Company water and sewer systems.<sup>83</sup> Osage Utility estimated the costs of repair and improvements at Cedar Glen Condominiums is \$659,700.<sup>84</sup>

50. Osage Utility's process for determining which repairs are needed includes having a licensed professional engineer work with MDNR, operating the facility on an interim basis to determine which repairs are truly needed, and then going through a competitive bidding process to hire contractors to complete the repairs.<sup>85</sup>

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<sup>79</sup> Ex. 300, Direct Testimony of David G. Krehbiel, pp. 3-4.

<sup>80</sup> Tr. p. 338.

<sup>81</sup> Ex. 300, Direct Testimony of David G. Krehbiel, p. 4.

<sup>82</sup> Tr. pp. 340, 364, 365.

<sup>83</sup> Ex. 1, Direct Testimony of Josiah Cox; Ex. 6, Direct Testimony of Todd Thomas; Ex. 105, Supplemental Testimony of Natelle Dietrich with Revised Staff Recommendation.

<sup>84</sup> Ex. 6, Direct Testimony of Todd Thomas, p. 3; and Ex. 302, Rebuttal Testimony of Kenneth Hulett, p. 6.

<sup>85</sup> Tr. pp. 161-162 and 200.

51. Staff found Osage Utility's planned improvements to be reasonable and consistent with the improvements of other water and sewer utilities and they showed a complete plan for bringing the system into compliance and providing safe and adequate service.<sup>86</sup>

52. Staff did not do in-depth cost studies or review in-depth the Joint Bidders' proposal. Staff's witness did not feel comfortable endorsing the Joint Bidders' plan because it was too incomplete.<sup>87</sup>

53. Lake Ozark Water and Sewer has been operating and maintaining the Osage Water Company system on behalf of the receiver and bankruptcy trustee.<sup>88</sup>

54. PWSD#5 received estimates from the Osage Water Company operator, Lake Ozark Water and Sewer, with recommended repairs for the Cedar Glen Condominiums system.<sup>89</sup> Lake Ozark Water and Sewer identified the needed repairs from MDNR inspection reports.<sup>90</sup> PWSD#5 estimated the cost of improvements needed at the Cedar Glen Condominium system to be \$39,000.<sup>91</sup>

55. PWSD#5 does not have all the permissions and only very general estimates on the interconnection of the Cedar Glen Condominiums to its water system including the cost to lay pipe under U.S. Highway 54.<sup>92</sup>

56. Osage Utility and PWSD#5 disagree about whether a second well is necessary at Cedar Glen Condominiums.<sup>93</sup> There is more than one method of determining the number of

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<sup>86</sup> Tr. pp. 258-259.

<sup>87</sup> Tr. pp. 252-253.

<sup>88</sup> Ex. 400, Direct Testimony of David Stone, p. 3.

<sup>89</sup> Ex. 400, Direct Testimony of David Stone, p. 3.

<sup>90</sup> Ex. 400, Direct Testimony of David Stone, p. 3.

<sup>91</sup> Ex. 400, Direct Testimony of David Stone, pp. 3-5; and Ex. 302, Rebuttal Testimony of Kenneth Hulett, pp. 6-7.

<sup>92</sup> Tr. pp. 338 and 404.

<sup>93</sup> Tr. pp. 112, 124, 164, 167, and 172.

people served by a well and Osage Utility has a plan for making the determination and ensuring that the system is in compliance with MDNR regulations as to the number of wells needed.<sup>94</sup>

57. LAWVA and MWA have not evaluated the necessary improvements to Eagle Woods, Cimarron Bay, or Chelsea Rose service areas, so LAWVA and MWA did not present any estimates for improvements.<sup>95</sup>

58. PWSD#5 intends to use funding from bonds to finance any additions or improvements.<sup>96</sup> LAWVA and MWA have not indicated what the source of their financing would be.

59. Any improvements made by Osage Utility will be evaluated by Staff for prudence and presented to and approved by the Commission in a general rate case before being included in rates.<sup>97</sup>

60. At purchase, Osage Utility plans to adopt the current rates for customers until it files its first general rate case.<sup>98</sup>

61. The current water rates for Osage Water Company are as follows:<sup>99</sup>

Monthly Minimum: (Includes 2,000 gallons of water)  
 For Service through a 5/8" water meter \$24.76 per month  
 For Service through a 1" water meter \$34.27 per month  
 For Service through a 1 1/2" water meter \$58.80 per month  
 For Service through a 2" meter \$66.98 per month  
 For Service through a 3" meter \$96.19 per month  
 For Service through a 4" meter \$243.89 per month

Commodity Charge: For metered usage greater than 2,000 gallons per month  
 \$5.86 per 1,000 gallons

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<sup>94</sup> Tr. pp. 124 and 164.

<sup>95</sup> Ex. 401, Direct Testimony of Neddie Goss, pp. 4-5.

<sup>96</sup> Tr. p. 385.

<sup>97</sup> Tr. pp. 53, 213, 239, and 279.

<sup>98</sup> Ex. 1, Direct Testimony of Josiah Cox, p. 22.

<sup>99</sup> Ex. 1, Direct Testimony of Josiah Cox, p. 22. These rates do not include applicable taxes.

62. The current sewer rates for Osage Water Company are as follows:<sup>100</sup>

Monthly Bill

Unmetered Condominium \$29.02 per month

For Service through a 5/8" water meter \$29.02 per month

For Service through a 1" water meter \$51.34 per month

For Service through a 1 1/2" water meter \$109.96 per month

For Service through a 2" meter \$129.49 per month

For Service through a 3" meter \$199.25 per month

For Service through a 4" meter \$363.14 per month

63. The purchase of Osage Water Company by Osage Utility will likely result in a rate increase to recover the costs of improvements and repairs.<sup>101</sup>

64. Osage Water Company's most recent rate cases before the Commission put new rates in effect on September 19, 2009, in File Nos. WR-2009-0149 and SR-2009-0152.<sup>102</sup>

65. Staff determined the net book value of assets proposed to be purchased by Osage Utility as of December 31, 2018, was approximately \$341,508. To calculate this net book value, Staff started with the actual rate base used in Osage Water Company's most recent rate cases and updated plant in service, depreciation reserve, contributions in aid of construction (CIAC), and CIAC amortization values using Osage Water Company's annual reports.<sup>103</sup>

66. If the Joint Bidders become the owners, they will begin charging the Osage Water Company customers the rates currently set for their other customers as soon as the transfer is completed.<sup>104</sup> PWSD#5 will charge the Cedar Glen Condominiums customers \$78 for water and

<sup>100</sup> Ex. 1, Direct Testimony of Josiah Cox, pp. 22-23. These rates do not include applicable taxes.

<sup>101</sup> Ex. 1, Direct Testimony of Josiah Cox, p. 23.

<sup>102</sup> Ex. 105, Supplemental Testimony of Natelle Dietrich with Revised Staff Recommendation, Appendix A, p. 22.

<sup>103</sup> Ex. 105, Supplemental Testimony of Natelle Dietrich with Revised Staff Recommendation, Appendix A, p. 22.

<sup>104</sup> Tr. p. 442.

sewer service.<sup>105</sup> The areas being served by MWA and LAWVA will pay a combined base rate of \$94 for water and sewer service plus a usage charge.<sup>106</sup>

67. Staff made the following recommendations that Osage Utility has agreed to comply with<sup>107</sup> as part of any grant of authority to transfer the assets of and receive a CCN for Osage Water Company service territories:<sup>108</sup>

- a. Authorize Osage Water Company to sell and transfer utility assets to Osage Utility, and transfer the CCNs currently held by Osage Water Company to Osage Utility upon closing on any of the respective systems;
- b. Upon closing on each of the Osage Water Company water and sewer systems, authorize Osage Water Company to cease providing service, and authorize Osage Utility to begin providing service;
- c. Require Osage Utility to file Tariff Adoption Notice tariff sheets for the corresponding water and sewer tariffs of the regulated Osage Water Company systems within ten (10) days after closing on the Osage Water Company assets;
- d. Upon closing on each of the water and sewer systems, authorize Osage Utility to provide service by applying, on an interim basis, the existing rates, rules and regulations as outlined in Osage Water Company's water tariff and sewer tariff, until the effective date of respective adoption notice tariff sheets, as recommended above;

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<sup>105</sup> Ex. 302, Rebuttal Testimony of Kenneth Hulett, p. 5; and Ex. 300, Direct Testimony of David G. Krehbiel, p. 5.

<sup>106</sup> Tr. p. 441.

<sup>107</sup> Ex. 1, Direct Testimony of Josiah Cox, pp. 26-28.

<sup>108</sup> Ex. 100, Direct Testimony of Natelle Dietrich, Schedule ND-d2, pp. 16-18.

- e. Require Osage Utility to create and keep financial books and records for plant-in-service, revenues, and operating expenses (including invoices) in accordance with the NARUC Uniform System of Accounts;
- f. Require Osage Utility to, going forward, keep and make available for audit and review all invoices and documents pertaining to the capital costs of constructing and installing the water and sewer utility assets;
- g. Approve depreciation rates for water and sewer utility plant accounts as described and shown in Attachment 1 to Staff's Memorandum;<sup>109</sup>
- h. Require Osage Utility to distribute to all customers an informational brochure detailing the rights and responsibilities of the utility and its customers regarding its water service, consistent with the requirements of Commission Rule 20 CSR 4240-13, within thirty (30) days after the effective date of approval of a CCN by the Commission;
- i. Require Osage Utility to, within ninety (90) days of the effective date of a Commission order approving Osage Utility's application, complete repairs to resolve the bypassing of treatment at any wastewater treatment system;
- j. Resolve all issues regarding noncompliance with MDNR regulations for all water and sewer systems;
- k. Require Osage Utility to provide adequate training for the correct application of rates and rules to all customer service representatives, including those employed by contractors, prior to the customers receiving their first bill from Osage Utility;

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<sup>109</sup> Ex. 100, Direct Testimony of Natelle Dietrich, Schedule ND-d2, p. 39.

- I. Require Osage Utility to provide to the Customer Experience Department Staff of the Commission a sample of ten (10) billing statements of bills issued to Osage Water Company customers within thirty (30) days of such billing;
- m. Require Osage Utility to file notice in this case once Staff's recommendations regarding customer communications and billing, listed above, have been completed; and
- n. Require Osage Utility to file a rate case with the Commission no later than twenty-four (24) months after the effective date of an order approving Osage Utility's Application.

68. Staff's recommended conditions are reasonable and necessary to the provision of safe and adequate water and sewer service.

69. The grant of a CCN to provide water and sewer service to the Osage Water Company service areas promotes the public interest.

70. Osage Water Company is a nonviable utility.<sup>110</sup>

71. Osage Utility has the managerial, technical, and financial capability to operate the Osage Water Company systems and will not be materially impaired by the acquisition.<sup>111</sup> Osage Utility is a viable utility.

72. Osage Utility submitted preliminary plans showing how it intends to correct plant, managerial, and operational deficiencies of the Osage Water Company water and sewer

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<sup>110</sup> Ex. 100, Direct Testimony of Natelle Dietrich, Confidential Schedule ND-d2, p. 36; and Ex. 1, Direct Testimony of Josiah Cox, p. 24.

<sup>111</sup> Ex. 100, Direct Testimony of Natelle Dietrich, Confidential Schedule ND-d2; and Ex. 1, Direct Testimony of Josiah Cox, p. 25.



systems, and has committed to making necessary corrections within the timeframe set out in the acquisition incentive rule and Staff's recommendations.<sup>112</sup>

73. Before the Joint Bidders could purchase the Osage Water Company assets, they would also need to seek authority for the transfer from the Commission.<sup>113</sup>

74. Central States may choose not to consummate the purchase if the Commission's order makes the purchase not economically feasible in Central States's opinion.<sup>114</sup>

75. Osage Utility did not provide the records related to the original cost of Osage Water Company as required by the acquisition incentive rule.<sup>115</sup>

### **III. Conclusions of Law**

The Commission has reached the following conclusions of law.

A. Osage Water Company is a "water corporation," "sewer corporation," and a "public utility" as those terms are defined in Section 386.020, RSMo. Osage Water Company is subject to the Commission's jurisdiction, supervision, control, and regulation as provided in Chapters 386 and 393, RSMo. After a CCN and the transfer of assets and operations takes place, Osage

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<sup>112</sup> Ex. 100, Direct Testimony of Natelle Dietrich, Confidential Schedule ND-d2; and Ex. 1, Direct Testimony of Josiah Cox, p. 25.

<sup>113</sup> Section 393.170.3, RSMo.

<sup>114</sup> Ex. 1, Direct Testimony of Josiah Cox, pp. 24-26; and Exhibit 5, Surrebuttal Testimony of Josiah Cox, pp. 2-8.

<sup>115</sup> 20 CSR 4240-10.085(3)(A)2.A-H.

Utility will also be a “water corporation,” “sewer corporation,” and a “public utility” as those terms are defined in Section 386.020, RSMo.

B. Section 393.190.1, RSMo., requires Osage Water Company to receive approval from the Commission prior to transferring its assets. Section 393.170, RSMo., requires Osage Utility to have a CCN granted by the Commission prior to providing a water and sewer service.

C. The Commission may grant a water corporation and a sewer corporation certificates of convenience and necessity to operate after determining that the services are “necessary or convenient for the public service.”<sup>116</sup> The term “necessity” does not mean “essential” or “absolutely indispensable,” but rather that the proposed project “would be an improvement justifying its cost,” and that the inconvenience to the public occasioned by lack of the proposed service is great enough to amount to a necessity.<sup>117</sup> It is within the Commission's discretion to determine when the evidence indicates the public interest would be served by the award of the certificate.<sup>118</sup>

D. The Commission articulated the specific criteria to be used when evaluating applications for utility CCNs in the case *In Re Intercon Gas, Inc.*, 30 Mo P.S.C. (N.S.) 554, 561 (1991). The *Intercon* case combined the standards used in several similar certificate cases, and set forth the following criteria: (1) there must be a need for the service; (2) the applicant must be qualified to provide the proposed service; (3) the applicant must have the financial ability to

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<sup>116</sup> Section 393.170.3, RSMo (Supp. 2019).

<sup>117</sup> *State ex rel. Intercon Gas, Inc., v. Public Service Commission of Missouri*, 848 S.W.2d 593, 597 (Mo. App. 1993), citing *State ex rel. Beaufort Transfer Co. v. Clark*, 504 S.W.2d 216, 219 (Mo. App. 1973), citing *State ex rel. Transport Delivery Service v. Burton*, 317 S.W.2d 661 (Mo. App. 1958).

<sup>118</sup> *St. ex rel. Ozark Electric Coop. v. Public Service Commission*, 527 S.W.2d 390, 392 (Mo. App. 1975).

provide the service; (4) the applicant's proposal must be economically feasible; and (5) the service must promote the public interest.<sup>119</sup>

E. Pursuant to Section 393.170.3, the Commission may also impose the conditions it deems reasonable and necessary for the grant of a CCN.

F. The standard for a transfer of assets is that the transfer is not detrimental to the public interest.<sup>120</sup> The Commission has previously stated how this standard should be applied:

What is required is a cost-benefit analysis in which all of the benefits and detriments in evidence are considered. The *AG Processing* decision<sup>[121]</sup> does not, as Public Counsel asserts, require the Commission to deny approval where a risk of future rate increases exists. Rather, it requires the Commission to consider this risk together with the other possible benefits and detriments and determine whether the proposed transaction is likely to be a net benefit or a net detriment to the public. Approval should be based upon a finding of no net detriment.<sup>122</sup>

G. The Commission has also stated as follows as to the "public interest":

The public interest is a matter of policy to be determined by the Commission. It is within the discretion of the Public Service Commission to determine when the evidence indicates the public interest would be served. Determining what is in the interest of the public is a balancing process. In making such a determination, the total interests of the public served must be assessed. This means that some of the public may suffer adverse consequences for the total public interest. Individual rights are subservient to the rights of the public. The "public interest" necessarily must include the interests of both the ratepaying public and the investing public; however, as noted, the rights of individual groups are subservient to the rights of the public in general.<sup>123</sup>

<sup>119</sup> The factors have also been referred to as the "Tartan Factors" or the "Tartan Energy Criteria." See Report and Order, *In re Application of Tartan Energy Company, L.C., d/b/a Southern Missouri Gas Company, for a Certificate of Convenience and Necessity*, Case No. GA-94-127, 3 Mo. P.S.C. 3d 173 (September 16, 1994), 1994 WL 762882, \*3 (Mo. P.S.C.).

<sup>120</sup> *State ex rel. Fee Fee Trunk Sewer, Inc. v. Litz*, 596 S.W.2d 466, 468 (Mo. App, 1980). Citing, *State Ex Rel. City of St. Louis v. Public Service Com'n of Missouri*, 73 S.W.2d 393, 400 (Mo. banc 1934).

<sup>121</sup> *State ex rel. AG Processing, Inc. v. Pub. Serv. Comm'n of State*, 120 S.W.3d 732 (Mo. 2003).

<sup>122</sup> File No. EO- 2004-0108, *In the Matter of the Application of Union Electric Company, Doing Business as AmerenUE, for an Order Authorizing the Sale, Transfer and Assignment of Certain Assets, Real Estate, Leased Property, Easements and Contractual Agreements to Central Illinois Public Service Company, Doing Business as AmerenCIPS, and, in Connection Therewith, Certain Other Related Transactions*, Report and Order on Rehearing (issued February 10, 2005), pp. 48-49.

<sup>123</sup> *In the Matter of the Joint Application of Great Plains Energy Incorporated, Kansas City Power & Light Company, and Aquila, Inc.*, Report and Order, Case No. EM-2007-0374, 2008 Mo. PSC LEXIS 693, 458-459 (MoPSC July 1, 2008).

H. As the applicant, Osage Utility bears the burden of proof.<sup>124</sup> The burden of proof is the preponderance of the evidence standard.<sup>125</sup> In order to meet this standard, Osage Utility must convince the Commission it is “more likely than not” that its acquisition of Osage Water Company will not be detrimental to the public.<sup>126</sup>

I. An acquisition incentive is defined as “[a] rate of return premium, debt acquisition adjustment, or both designed to incentivize the acquisition of a nonviable utility[.]”<sup>127</sup> A debit acquisition adjustment is an adjustment “to a portion or all of an acquiring utility’s rate base to reflect a portion or all of the excess acquisition cost over depreciated original cost of the acquired system[.]”<sup>128</sup>

J. The acquisition incentive rule, 20 CSR 4240-10.085, sets out the criteria for approval of an acquisition incentive. Section (2) of the acquisition incentive rule requires an application for the incentive to “be filed at the beginning of a case seeking authority” to purchase or sell the assets. Section (2) also requires the Commission to grant the request if the Commission finds the request for the incentive to be in the public interest. The Commission does not conclude that the request for an acquisition incentive is in the public interest.

K. Paragraph (3)(A)2 of 20 CSR 4240-10.085 sets out the “[r]ecords related to the original cost of the nonviable utility” that are required to be submitted to the Commission upon filing an application for an acquisition incentive.<sup>129</sup> Osage Utility has not met these filing requirements.

<sup>124</sup> *State ex rel. GS Technologies Operating Co., Inc. v. Pub. Serv. Comm'n of State of Mo.*, 116 S.W.3d 680, 693 (Mo. App. 2003).

<sup>125</sup> *Bonney v. Environmental Engineering, Inc.*, 224 S.W.3d 109, 120 (Mo. App. 2007); *State ex rel. Amrine v. Roper*, 102 S.W.3d 541, 548 (Mo. banc 2003); *Rodriguez v. Suzuki Motor Corp.*, 936 S.W.2d 104, 110 (Mo. banc 1996).

<sup>126</sup> *Holt v. Director of Revenue, State of Mo.*, 3 S.W.3d 427, 430 (Mo. App. 1999); *McNear v. Rhoades*, 992 S.W.2d 877, 885 (Mo. App. 1999); *Wollen v. DePaul Health Center*, 828 S.W.2d 681, 685 (Mo. banc 1992).

<sup>127</sup> 20 CSR 4240-10.085(1)(A).

<sup>128</sup> 20 CSR 4240-10.085(1)(B).

<sup>129</sup> Those records include the following:

L. Subsection (4)(I) of the acquisition incentive rule also requires the applicant to demonstrate “[t]he acquisition would be unlikely to occur without the probability of obtaining an acquisition incentive.” The stated purpose of the acquisition incentive rule is to “encourage acquisition of nonviable water or sewer utilities. . . .”<sup>130</sup>

#### **IV. Discussion**

This is a unique case dealing with the transfer of assets of Osage Water Company, a water and sewer corporation that has been before the Commission on many occasions and has been in receivership for over 15 years. Most recently, Osage Water Company filed for federal bankruptcy and the bankruptcy trustee held an auction to liquidate Osage Water Company’s assets. Through a “stalking horse” bidding process, Osage Utility matched the highest bid at the bankruptcy auction and was found by the court to be the winning bidder. The Joint Bidders were designated as the back-up bidders and have a binding contract to purchase the Osage Water Company systems if Osage Utility does not do so.

On December 19, 2018, Osage Utility filed an application<sup>131</sup> seeking to acquire the water and sewer assets and the CCN in the four service areas of Osage Water Company (Cedar Glen,

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- A. Accounting records and other relevant documentation, and agreements of donations of contributions, services, or property from states, municipalities, or other government agencies, individuals, and others for construction purposes;
  - B. Records of un-refunded balances in customer advances for construction (CAC);
  - C. Records of customer tap-in fees and hook-up fees;
  - D. Prior original cost studies;
  - E. Records of local, state, and federal grants used for construction of utility plant;
  - F. Relevant commission records;
  - G. A summary of the depreciation schedules from all filed federal tax returns; and
  - H. Other accounting records supporting plant-in-service[.]

<sup>130</sup> 20 CSR 4240-10.085, Purpose.

<sup>131</sup> An amended application was later filed on February 19, 2019.

Eagle Woods, Cimarron Bay, and Chelsea Rose).<sup>132</sup> Osage Utility's application included a request for an acquisition incentive pursuant to 20 CSR 4240-10.085.<sup>133</sup>

Osage Utility also requested authority to purchase the single service area of the Reflections water and sewer systems. As discussed above, the Reflections water and sewer systems have been purchased by LAWWA and MWA and Osage Utility no longer opposes dismissing the Reflections system from its application. Therefore, the Commission will grant the motion to dismiss the Reflections water and sewer CCN and asset transfer from the application.

The contested issues at hearing ultimately revolve around whether the grant of authority and transfer of the Osage Water Company assets to Osage Utility is not detrimental to the public interest. Joint Bidders, Cedar Glen, and Public Counsel oppose the transfer of assets arguing that such a transfer is detrimental to the public interest because if the Joint Bidders purchased the assets, they would provide water and sewer services at lower rates than Osage Utility. Additionally, Public Counsel objects to the grant of an acquisition incentive and Staff objects to the acquisition incentive as requested.

**a. Would the sale of Osage Water Company's certificates of convenience and necessity and its water and sewer assets to Osage Utility Operating Company be detrimental to the public interest?**

This first issue has two parts – granting the CCN and approving the transfer of the assets. The parties discussed at the hearing, and in the briefs, whether Osage Utility could actually purchase an existing CCN, or whether this was an application for a new CCN. Regardless of whether this is the transfer or the grant of a new CCN, in order to be granted such authority,

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<sup>132</sup> CSWR formed Osage Utility to be the utility corporation owning and operating the Osage Water Company assets. Osage Utility filed the application for approval with the Commission. Given the receivership and bankruptcy status of Osage Water Company, it was appropriate for the purchaser to file the application.

<sup>133</sup> 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. Thus, when filed this rule was 4 CSR 240-10.085.

Osage Utility must show that it is qualified to own and operate Osage Water Company's assets. The Commission traditionally determines if a company is qualified to become a public utility by analyzing the *Tartan* factors. The Tartan Factors contemplate a 1) need for service, 2) the utility's qualifications, 3) the utility's financial ability, 4) the feasibility of the proposal, and 5) promotion of the public interest.

Because a CCN has already been granted to Osage Water Company and it currently provides service to water and sewer customers under that CCN, there is an obvious need for the service.<sup>134</sup> Osage Utility has also shown that it is qualified to provide the service. Staff agreed and no other party disputed that Osage Utility has the technical, managerial, and financial capability to provide safe and adequate service to the Osage Water Company service area.<sup>135</sup> The Company has also put forth a comprehensive plan for improvements that may be needed to provide safe, adequate and reliable service.

Once the technical, managerial, and financial qualifications are established, the Commission must look to whether the transfer of the assets and the award of the CCN is "not detrimental to the public interest."<sup>136</sup> The Commission has previously stated that this means there is no net detriment after considering all of the benefits and all of the detriments, including the risk of increased rates.<sup>137</sup>

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<sup>134</sup> With the exception of the areas that Osage Water Company is not currently providing service and never has provided service, which the Commission finds are not necessary and will be removed from the Osage Water Company tariffs transferred to Osage Utility.

<sup>135</sup> Dietrich Direct, Confidential Schedule ND-d2 pg. 32-33; Cox Direct pg. 8-10.

<sup>136</sup> *State ex rel. Fee Fee Trunk Sewer, Inc. v. Litz*, 596 S.W.2d 466, 468 (Mo. App, 1980). Citing, *State Ex Rel. City of St. Louis v. Public Service Com'n of Missouri*, 73 S.W.2d 393, 400 (Mo. banc 1934).

<sup>137</sup> File No. EO- 2004-0108, *In the Matter of the Application of Union Electric Company, Doing Business as AmerenUE, for an Order Authorizing the Sale, Transfer and Assignment of Certain Assets, Real Estate, Leased Property, Easements and Contractual Agreements to Central Illinois Public Service Company, Doing Business as AmerenCIPS, and, in Connection Therewith, Certain Other Related Transactions*, Report and Order on Rehearing (issued February 10, 2005), pp. 48-49.

The Joint Bidders, Cedar Glen, and Public Counsel argue that Osage Utility should not be granted authority for the transfer because it would be detrimental to the public interest for Osage Utility to own these assets instead of the Joint Bidders. These parties' major argument is that the Joint Bidders would be able to provide water and sewer services at lower rates. However, as discussed in more detail below, the Commission has only the application of Osage Utility before it and the Joint Bidders' evidence of the improvements necessary and the costs of those improvements is incomplete. Additionally, the courts have said that increased rates on their own do not mean the transfer is detrimental to the public.<sup>138</sup> Increased rates can be one factor, but there must be a balancing of all the benefits and detriments to determine if the transfer as a whole would be detrimental to the public.<sup>139</sup> After weighing the benefits and detriments, the Commission finds the evidence shows the granting of Osage Utility's application will not be detrimental to the public.

When weighing the benefits, the Commission considered that the rates are likely to increase no matter who is providing services. The evidence showed that improvements are needed throughout the water and sewer systems and Osage Water Company customers have not had a rate increase for ten years. At purchase, Osage Utility plans to adopt the current rates for customers until it files its first general rate case, which will be within 24 months.<sup>140</sup>

In support of their argument that Osage Utility's rates will be unreasonable, and, therefore, detrimental to the public, the Joint Bidders, Cedar Glen, and Public Counsel pointed to several facts they argued would make Osage Utility's rates higher than the Joint Bidders. They point to the fact that Osage Utility is a for-profit company and its rates will include some additional amount

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<sup>138</sup> *State ex rel. AG Processing, Inc. v. Pub. Serv. Comm'n of State*, 120 S.W.3d 732, 737 (Mo. 2003).

<sup>139</sup> *State ex rel. AG Processing, Inc. v. Pub. Serv. Comm'n of State*, 120 S.W.3d 732, 737 (Mo. 2003).

<sup>140</sup> Ex. 1, Direct Testimony of Josiah Cox, pp. 26-28.



of earnings for its shareholders that as non-profit entities the Joint Bidders would not charge. The Joint Bidders argue that Osage Utility plans to make unnecessary improvements that will raise rates needlessly and that Osage Utility's estimates for its planned improvements are unreasonably high. The Joint Bidders also argue that Osage Utility's parent and affiliates have a history of seeking large rate increases for the companies it purchases. Additionally, they argue that Osage Utility's affiliated companies have a history of very high finance rates, while PWSD#5 has bond money available at low interest rates to make the purchase. The Commission is not persuaded by these arguments that Osage Utility's rate, after a rate case will be unreasonable or detrimental to the public.

During the hearing, an estimate of Osage Utility's combined rates for water and sewer service was presented based on the pro forma financial statements projecting revenues after Osage Utility's initial rate case and based on the improvements it identifies as needed.<sup>141</sup> That estimated rate, if approved during a rate case, would be a significant increase for Osage Water Company's customers and would be substantially more than the rates proposed by the Joint Bidders. If all these estimates and proposed rates were to become reality, the higher rates charged by Osage Utility could be a financial detriment to Osage Water Company's customers. However, that financial detriment is tempered by the fact that Osage Water Company's customers will not have an immediate rate increase. Rather, a rate increase will come only after a rate case before the Commission. In contrast, if the Joint Bidders become the owners, they will immediately increase the rates even before any improvements are made.

The Commission found the evidence put forth by Osage Utility of improvements and cost estimates that may be needed to be a comprehensive plan for providing safe, adequate, and

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<sup>141</sup> Tr. p. 100. That rate, derived from the pro forma financial statements of Osage Utility, was considered confidential and will not be specifically set out here.

reliable service for all of Osage Water Company's customers. Osage Utility has evaluated all of Osage Water Company's systems and their needed repairs while the Joint Bidders' evidence focuses almost exclusively on the Cedar Glen Condominiums. Osage Utility also has experience in rehabilitating nonviable water and sewer systems. Although Staff did not do in-depth cost studies or review in-depth the Joint Bidders' proposal, Staff's witness testified that in his opinion, Osage Utility's preliminary estimates and planned improvements were reasonable because they were consistent with the improvements of other regulated water and sewer utilities<sup>142</sup> and they showed a complete plan for bringing the system into compliance and providing safe and adequate service. Staff's witness did not feel comfortable endorsing the Joint Bidders' plan because it was not presented as a complete application before the Commission.<sup>143</sup>

Due to the Joint Bidders' not submitting comprehensive estimates and planned improvements and not including detailed cost estimates for their proposed interconnection between PWSD#5 and Cedar Glen Condominiums, the Commission was not persuaded by the testimony of Cedar Glen's witness. Further, unlike Osage Utility's estimates, the Joint Bidders' witness's estimates were based on only the repairs identified as needed by the MDNR and did not address other system upgrades or replacements that may be needed to proactively maintain the systems to avoid future more costly repairs. The Commission finds that Osage Utility's evidence was more credible with regard to what repairs may be needed than that put forth by the parties opposed to the transfer.

Additionally, because Osage Utility's operation of the water and sewer systems will be as a regulated public utility, Osage Utility will not be able to charge a rate that the Commission has not found is just and reasonable. In a rate case, Osage Utility will not be authorized to recover

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<sup>142</sup> Tr. pp. 258-259.

<sup>143</sup> Tr. pp. 252-253.

imprudent improvements and financing charges. Osage Utility also provided testimony that its financing will be obtained from different equity sources than the other Central States-affiliated acquisitions and Osage Utility has not applied for any outside financing for this transaction.<sup>144</sup> Thus, this financing cannot be compared directly to the other troubled systems purchased by the company. Any financing would also have to be approved by the Commission to be recovered in rates.

The Joint Bidders contend that any repairs and improvements it made would be financed with bonds at a lower rate than Osage Utility's financing. However, there was no evidence as to the financing plans that would cover needed repairs for the systems that would be owned by LAWVA and MWA. The parties opposed to the transfer to Osage Utility also had no estimates or proposals for repairs or improvements to the Cimarron Bay, Eagle Woods, and Chelsea Rose systems<sup>145</sup> and make no mention of the Golden Glade system.

The Joint Bidders also argue that the water customers at Cedar Glen Condominiums will benefit from the redundancy of a second well once the area becomes interconnected with PSWD#5's facilities. The Joint Bidders claim this will save customers the costs of the second well, again lowering rates over what Osage Utility will have to charge. Whether a second well is necessary was not conclusively proven. Further, even though PWSD#5's current service territory is near the Cedar Glen Condominiums, it lies on the opposite side of U.S. Highway 54. Thus, the evidence showed that it would likely be two years before this interconnection could be made given the need to acquire rights of way and permits to cross the highway.<sup>146</sup> These costs were not taken into account in the cost estimates provided by PWSD#5.

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<sup>144</sup> Ex. 1, Cox Direct, p.10.

<sup>145</sup> Ex. 401, Direct Testimony of Neddie Goss, pp. 3-5.

<sup>146</sup> Tr. 340, 364, 365; and Ex. 7, Thomas Surrebuttal, pp. 16-17.

Osage Utility asks for a debit acquisition incentive, which the Joint Bidders argue will also increase rates to the detriment of customers. Because the Commission finds below that Osage Utility has not met the criteria for an acquisition premium, this argument is moot.

The Commission recognizes there might be other benefits of Joint Bidder ownership. One such benefit might be an opportunity for greater participation by the customers because the owners can serve on the governing boards of these public and not-for-profit entities. Another potential benefit the Joint Bidders identified is that they already have a presence in the Lake of the Ozarks area. In addition, the residents represented by Cedar Glen oppose Osage Utility's ownership and prefer the Joint Bidders to be the owners.

However, the Commission finds that Osage Utility's ownership would definitively provide many benefits over the status quo, the greatest of which would be finally having stability for the Osage Water Company customers after more than 14 years of instability. The Commission also finds benefit in the transfer of ownership taking place at the end of this proceeding and not having to have another proceeding to approve a different transfer. Additionally, neither the Commission, nor Staff, have had the opportunity to truly vet the Joint Bidders' proposal given its incompleteness, while Osage Utility has a proven track record of bringing distressed systems into compliance and operating them in a safe and adequate manner. There is further benefit to the public in the Commission continuing to have oversight of the systems whereas PWSD#5, LAWWA, and MWA are outside the jurisdiction of the Commission.

After weighing each of these benefits and detriments, the Commission finds that Osage Utility has met its burden to show that a grant of authority to purchase the Osage Water Company assets and a grant of a CCN to operate the Osage Water Company system is not detrimental to the public interest if granted with the agreed conditions proposed by Staff. The evidence that

the ratepayers will be charged unreasonably higher rates if Osage Utility owns the systems is not persuasive. There are too many unknowns to assume that the alleged lower rates to be charged by the Joint Bidders will be so significant as to make the transfer to Osage Utility detrimental to the public. Further, any future rate increases for Osage Utility will only be authorized by the Commission if found to be just and reasonable.

**b. Should the Commission approve an acquisition premium for the acquisition of the Osage Water Company under 20 CSR 4240-10.085?**

Having decided that it should grant the application for a CCN with conditions, the next issue before the Commission is whether it should grant the request for a debit acquisition incentive. Osage Utility requests a debit acquisition incentive equal to the difference between the total purchase price and the net original cost for Osage Water Company. Osage Utility originally applied for both a rate of return premium and a debit acquisition premium, but has dropped its request for the rate of return premium.<sup>147</sup>

An acquisition incentive is defined as “[a] rate of return premium, debt acquisition adjustment, or both designed to incentivize the acquisition of a nonviable utility[.]”<sup>148</sup> A debit acquisition adjustment is an adjustment “to a portion or all of an acquiring utility’s rate base to reflect a portion or all of the excess acquisition cost over depreciated original cost of the acquired system[.]”<sup>149</sup>

The Commission’s rule on acquisition premiums sets out requirements for the information to be provided upon application and the criteria for the Commission to make its decision. Osage Utility has the burden to provide records related to the original cost of Osage Water Company.<sup>150</sup>

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<sup>147</sup> Ex. 5, Surrebuttal Testimony of Josiah Cox, p. 8.

<sup>148</sup> 20 CSR 4240-10.085(1)(A).

<sup>149</sup> 20 CSR 4240-10.085(1)(B).

<sup>150</sup> 20 SCR 4240-10.085(3)(A)2.

Osage Utility did not provide this information. Additionally, Public Counsel, Cedar Glen, and the Joint Bidders argue that Osage Utility has not shown that the purchase “is in the public interest”<sup>151</sup> or that the purchase “would be unlikely to occur without the probability of obtaining an acquisition incentive.”<sup>152</sup>

Under the acquisition incentive rule, Osage Utility has the burden to show that the “acquisition would be unlikely to occur without the probability of obtaining an acquisition incentive.”<sup>153</sup> The Commission finds that the only evidence that Central States/Osage Utility would be unlikely to proceed with the purchase without the incentive is the testimony of Josiah Cox that the company would have to rethink its position if the Commission does not approve the incentive.<sup>154</sup> Mr. Cox’s testimony on this point was not persuasive.

The evidence shows that the purchase by Osage Utility will likely take place regardless of the incentive. Central States began negotiations for the purchase of Osage Water Company well before the incentive rule was effective or even before the Commission began the formal rulemaking process. Additionally, purchasing distressed systems to rehabilitate and operate them as a viable entity is the basic business plan of Central States. Further, Central States made multiple bids for Osage Water Company, consistently matching the Joint Bidders’ bids. Each of these facts leads the Commission to the conclusion that Central States/Osage Utility was determined to purchase Osage Water Company absent any additional incentive.

This case is unique in that a sale of the system is likely to take place, even if Osage Utility does not consummate the transaction. The Joint Bidders are contractually obligated under the bankruptcy order to purchase the system if Osage Utility does not. The acquisition incentive rule

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<sup>151</sup> 20 CSR 4240-10.085(4)(H).

<sup>152</sup> 20 CSR 4240-10.085(4)(I).

<sup>153</sup> 20 CSR 4240-10.085(4)(I).

<sup>154</sup> Ex. 1, Direct Testimony of Josiah Cox, pp. 24-26; and Ex. 5, Surrebuttal Testimony of Josiah Cox, pp. 2-8.

does not specifically contemplate this scenario. The focus of the rule is to provide incentives for the purchase of troubled water and sewer systems where those systems might not otherwise attract a qualified owner. In this case, it has taken 14 years, but currently other entities are ready and willing to purchase these troubled systems if Osage Utility fails to do so.

The Commission determines that Osage Utility has not met its burden to show that the sale of the system “would be unlikely to occur without the probability of obtaining an acquisition incentive.”<sup>155</sup> Osage Utility has also not met its burden of providing the necessary information about Osage Water Company’s original costs. Some of this information can be deduced from information provided by Staff, but Osage Utility has the burden to provide all the information. Without the requirements of the rule being met, the Commission cannot find that the request is in the public interest.

#### **IV. Decision**

In making this decision, the Commission has considered the positions and arguments of all of the parties. After applying the facts to the law to reach its conclusions, the Commission determines that the substantial and competent evidence in the record supports the conclusion that Osage Utility has met, by a preponderance of the evidence, its burden of proof. The Commission finds that Osage Utility has demonstrated that it possesses adequate technical, managerial, and financial capacity to own, operate, manage, and maintain the Osage Water Company water and sewer systems. Osage Utility has also proven that the grant of a CCN to serve the Osage Water Company service areas and the transfer of Osage Water Company’s assets to Osage Utility is not detrimental to the public interest, providing that the conditions in

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<sup>155</sup> 20 CSR 4240-10.085(4)(I).

the Staff recommendation are met. The Commission further determines that Osage Utility has not met the criteria of 20 CSR 4240-10.085 for the approval of an acquisition incentive.

Therefore, the Commission will grant Osage Utility a CCN to provide water and sewer service in the service territories previously served by Osage Water Company subject to the conditions recommended by Staff. In addition, the Commission will deny Osage Utility's request for an acquisition incentive. The Commission will authorize Osage Utility to adopt Osage Water Company's tariffs and their rates as an interim measure until it files a rate case within the next 24 months. Upon completion of the transactions transferring the Osage Water Company assets to Osage Utility, the Commission will cancel the CCN of Osage Water Company. Additionally, as recommended by Staff, the Commission will delete the portions of Osage Water Company's service authority for the areas that are not served by Osage Water Company.

The Commission also grants the unopposed motion to dismiss the portions of the application related to a request for a CCN and transfer of the Reflections water and sewer system assets. Further, the Commission finds that good cause exists and waives the 60-day notice requirement of 20 CSR 4240-4.017(1) for purposes of this case.

**THE COMMISSION ORDERS THAT:**

1. The Motion to Dismiss or, in the Alternative, Motion to Modify Osage Utility Operating Company, Inc.'s Amended Application is granted, in part.
2. The portion of the application requesting authority to purchase the assets and serve the customers of the water and sewer systems owned by Reflections Condominium Owners Association, Inc., Great Southern Bank, and the Reflections Subdivision Master Association, Inc., is dismissed.
3. Commission Rule 20 CSR 4240-4.017(1) is waived for purposes of this application.



4. Osage Water Company and Osage Utility Operating Company, Inc. are authorized to enter into, execute, and perform in accordance with the terms described in the Agreement for Sale of Utility System, attached as Appendix B-C of the to the Application and Motion for Waiver, and incorporated by reference in paragraph 10 of the Amended Application and Motion for Waiver and to take any and all other actions which may be reasonably necessary and incidental to the performance of the acquisition.

5. Upon closing on each of the Osage Water Company water and sewer systems, Osage Utility Operating Company, Inc., is granted a certificate of convenience and necessity to provide water and sewer service in the service territories previously served by Osage Water Company. The grant of authority does not include the six areas (Osage Beach South, Osage Beach North, Sunrise Beach South, Sunrise Beach North, Shawnee Bend, and Parkview Bay) in which Osage Water Company has not been providing service.

6. Upon closing on each of the water and sewer systems, Osage Utility Operating Company, Inc. shall provide service by applying, on an interim basis, the existing rates, rules and regulations as outlined in Osage Water Company's water tariff and sewer tariffs, until the effective date of adoption notice tariff sheets.

7. Osage Utility Operating Company, Inc. shall file Tariff Adoption Notice tariff sheets for the corresponding water and sewer tariffs of the regulated Osage Water Company systems within ten days after closing on the assets.

8. Upon completion of the transactions transferring the Osage Water Company assets to Osage Utility Operating Company, Inc. the Commission will cancel the Osage Water Company's certificates of convenience and necessity and tariffs.

9. Osage Utility Operating Company, Inc. shall create and keep financial books and records for plant-in-service, revenues, and operating expenses (including invoices) in accordance with the National Association of Regulatory Utility Commissioners (NARUC) Uniform System of Accounts.

10. Going forward, Osage Utility Operating Company, Inc. shall keep and make available for audit and review all invoices and documents pertaining to the capital costs of constructing and installing the water and sewer utility assets.

11. The depreciation rates for water and sewer utility plant accounts shall be as described and shown in Staff's Memorandum at Schedule ND-d2, Attachment A, page 39 of Exhibit 101, Direct Testimony of Natelle Dietrich.

12. Osage Utility Operating Company, Inc. shall distribute to all customers an informational brochure detailing the rights and responsibilities of the utility and its customers regarding its water service, consistent with the requirements of Commission Rule 20 CSR 4240-13, within thirty days after the effective date of this order.

13. Within ninety days of the effective date of this order, Osage Utility Operating Company, Inc. shall complete repairs to resolve the bypassing of treatment at any wastewater treatment system.

14. Osage Utility Operating Company, Inc. shall resolve all issues regarding noncompliance with Missouri Department of Natural Resources regulations for all water and sewer systems.

15. Osage Utility Operating Company, Inc. shall provide adequate training for the correct application of rates and rules to all customer service representatives, including those

employed by contractors, prior to the customers receiving their first bill from Osage Utility Operating Company, Inc.

16. Osage Utility Operating Company, Inc. shall provide to the Customer Experience Department Staff of the Commission a sample of ten billing statements of bills issued to Osage Water Company customers within thirty days of such billing.

17. Osage Utility Operating Company, Inc. shall file notice in this case once Staff's recommendations regarding customer communications and billing, listed above, have been completed.

18. Osage Utility Operating Company, Inc. shall file a rate case with the Commission no later than twenty-four months after the effective date of this order.

19. The request for an acquisition incentive under Commission rule 20 CSR 4240-10.085 is denied.

20. Osage Utility Operating Company shall notify the Commission of closing on the assets within five days after such closing.

21. Osage Water Company shall cease providing water and sewer service immediately after closing on the assets of each water and sewer system.

22. The Commission's Data Center shall provide a copy of this order to the County Clerk of Camden County, Missouri.

23. If the closing on the water system assets and/or resolution of the real estate issues has not occurred by June 30, 2020, Osage Utility Operating Company, Inc. shall file a status report no later than July 15, 2020, and every 30 days thereafter, until closing takes place, or until Osage Utility Operating Company, Inc. determines that the transfer of the assets will not occur.

24. The Commission makes no finding that would preclude the Commission from considering the ratemaking treatment to be afforded any matters pertaining to Osage Utility Operating Company, Inc., in any later proceeding.

25. This order shall become effective on May 8, 2020.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris L. Woodruff  
Secretary

Kenney, Rupp, Coleman, and  
Holsman CC., concur, as amended.  
Silvey, Chm., dissents, as amended.

Dippell, Senior Regulatory Law Judge

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

In the matter of the Application of Osage	)	
Utility Operating Company, Inc. to Acquire	)	Case Nos. WA-2019-0185
Certain Water and Sewer Assets and for a	)	and SA-2019-0186
Certificate of Convenience and Necessity	)	

**JOINT APPLICATION FOR REHEARING**

COME NOW the Public Water Supply District No. 5 of Camden County, Lake Area Waste Water Association, Inc., and Missouri Water Association, Inc. (collectively the "Joint Bidders") and Cedar Glen Condominium Owners Association, Inc. ("Cedar Glen"), by and through counsel, and pursuant to Section 386.500, RSMo 2016,<sup>1</sup> and 20 CSR 4240-2.160 move and apply for rehearing of the Report and Order entered by the Commission on April 8, 2020 (hereinafter "the Report and Order"). In support of their application, Cedar Glen and Joint Bidders assert the following:

**I. INTRODUCTION**

In the Report and Order, the Commission authorized Osage Utility Operating Company, Inc. ("Central States"<sup>2</sup>) to close on its purchase of Osage Water Company's assets under the provisions of its agreement with the Bankruptcy Trustee; and effective upon that closing the Commission granted a certificate of convenience and necessity to Central States to provide water and sewer service in the service territories previously served

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<sup>1</sup> All statutory citations are to RSMo 2016 unless otherwise noted.

<sup>2</sup> Osage Utility Operating Company, Inc. is an affiliate of Central States Water Resources, Inc., the managing affiliate of CSWR, LLC, the parent of both. It is referred to as "Central States" to avoid confusion with any references to Osage Water Company.

by Osage Water Company. This relief was granted: (1) without an application of or participation by Osage Water Company; (2) over the objection of over 90 current ratepayers of Osage Water Company and potential customers of Central States who submitted written comments; (3) over the objection of a condominium association in which approximately half of those potential customers are members; (4) despite the existence of a better alternative, specifically - local, qualified service providers - who provide service on a nonprofit basis and at rates projected to be far less than those anticipated by Central States; (5) without full consideration of the detriments to the public interest of the transfer; (6) without consideration of the public benefits, financial and otherwise, of regionalizing water and service for the general vicinity; and (7) with consideration of factors irrelevant to the public interest.

The Commission has misinterpreted and misapplied the applicable law governing grants of certificates of need and transfers of assets. The Commission's decision is not supported by competent or substantial evidence. Its decision is unlawful, unreasonable, unjust, arbitrary and an abuse of discretion. For the reasons stated herein, the Commission should set aside the Report and Order, grant a rehearing on this case to reconsider the issues of fact and law as discussed herein, and on rehearing Central States' application should be summarily denied.

## **II. STANDARD OF REVIEW**

The standard of review of Public Service Commission orders was expressed recently by the Missouri Court of Appeals Western District:

Under section 386.510, the appellate standard of review of a PSC order is two-pronged: first, the reviewing court must determine whether the PSC's order is lawful; and second, the court must determine whether the order is reasonable. The PSC's order is prima facie lawful and reasonable. The burden of proof is upon the party attacking the order to show by clear and satisfactory evidence that the order or determination of the PSC is unlawful or unreasonable.

The lawfulness of an order is determined by whether statutory authority for its issuance exists, and all legal issues are reviewed de novo.

The decision of the PSC is reasonable where the order is supported by substantial, competent evidence on the whole record, the decision is not arbitrary or capricious, or where the PSC has not abused its discretion. "Substantial evidence" is competent evidence which, if true, has a probative force on the issues.

The PSC's factual findings are presumptively correct, and if substantial evidence supports either of two conflicting factual conclusions, we are bound by the findings of the administrative tribunal. *In re Union Elec. Co.*, 422 S.W.3d 358, 363–64 (Mo. App. W.D. 2013) (citations, internal quotation marks, and brackets omitted).

Whether we address purely legal issues as part of our "lawfulness" or "reasonableness" inquiries, we review those legal issues *de novo*, and "exercise[ ] independent judgment to correct erroneous interpretations." *Mo. Pub. Serv. Comm'n v. Union Elec. Co.*, No. SC96222, 552 S.W.3d 532, 539, 2018 WL 3235705, at \*5 (Mo. banc July 3, 2018) (citations and internal quotation marks omitted).<sup>[3]</sup>

An abuse of discretion occurs when the ruling of the tribunal is "clearly against the logic of the circumstances' and 'so unreasonable as to indicate a lack of careful consideration.'"<sup>4</sup>

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<sup>3</sup> *Kansas City Power & Light Co.'s Request for Auth. to Implement a Gen. Rate Increase for Elec. Serv. v. Missouri Pub. Serv. Comm'n*, 557 S.W.3d 460, 466 (Mo. App. W.D. 2018).

<sup>4</sup> *Stephenson v. Countryside Townhomes, LLC*, 437 S.W.3d 380, 390 (Mo. App. E. D. 2014); *see also, Mitchell v. Kardesch*, 313 S.W.3d 667, 674–75 (Mo. banc 2010).

### III. THE REPORT AND ORDER IS UNLAWFUL UNDER SECTION 393.190, RSMO, AND 20 CSR 4240-10.10

In cases brought under Section 393.190, RSMo, the seller is consistently the applicant and a party to the case.<sup>5</sup> Here, the seller is not only not the applicant, the seller is not even a party to the case.

The Commission's powers are limited to those conferred by statute either expressly “ ‘or by clear implication as necessary to carry out the powers specifically granted.’ ”<sup>6</sup> Here, the Commission does not have the authority to transfer assets under Section 393.190, RSMo and 20 CSR 4240-10.105 without the participation of the seller utility applicant.

Section 393.190.1, RSMo, provides:

No... water corporation...shall hereafter sell, assign, lease, transfer, mortgage or otherwise dispose of or encumber the whole or any part of its franchise, works or system, necessary or useful in the performance of its duties to the public...without having first secured from the commission an order authorizing it so to do.

(emphasis added). That statute requires the existing, regulated water company (or seller) to seek the approval of the Commission prior to an asset transfer. The Court of Appeals has previously examined the statute, explaining:

Section 393.190.1 concerns the Commission's authority with regard to a utility's sale of its property. Specifically, the statute states that no utility can sell any part of its franchise, works, or system that is necessary or useful in the performance of its duties to the public without first securing an order from the Commission authorizing

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<sup>5</sup> See *State ex rel. Praxair, Inc. v. Mo. Pub. Serv. Comm'n*, 344 S.W.3d 178, 183 (Mo. banc 2011); *State ex rel. AG Processing, Inc. v. Pub. Serv. Comm'n of State*, 120 S.W.3d 732 (Mo. banc 2003); *Env'tl. Utilities, LLC v. Pub. Serv. Comm'n*, 219 S.W.3d 256 (Mo. App. W.D. 2007); *Love 1979 Partners v. Pub. Serv. Comm'n of Mo.*, 715 S.W.2d 482 (Mo. banc 1986).

<sup>6</sup> *State ex rel. Office of Pub. Counsel & Mo. Indus. Energy Consumers v. Mo. Pub. Serv. Comm'n*, 331 S.W.3d 677, 682 (Mo. App. W.D. 2011) (quoting *State ex rel. Util. Consumers' Council of Mo. v. Pub. Serv. Comm'n*, 585 S.W.2d 41, 49 (Mo. banc 1979)).



such a sale. § 393.190.1. Thus, Section 393.190 grants the Commission the statutory authority to approve a sale only where the seller has ...sought the Commission's approval, because it refers to approval after an affirmative, voluntary act by the seller, i.e., the seller's petitioning and securing the Commission's order authorizing the sale.<sup>[7]</sup>

The Court of Appeals has been unequivocal when discussing the rule that preceded 20 CSR 4240-10.105,<sup>8</sup> as promulgated under Section 393.190, RSMo:

Rule 4 CSR 240–3.110, a Commission regulation promulgated pursuant to Section 393.190, confirms that the applicant seeking authorization for the sale of a utility's property must be the utility itself and that the sale must be voluntary. Rule 4 CSR 240–3.110 is titled “Filing Requirements for Electric Utility Applications for Authority to Sell, Assign, Lease or Transfer Assets.<sup>[9]</sup>

Indeed, the title of 20 CSR 4240-10.105, at issue here, is "Filing Requirements for Electric, Gas, Water, Sewer, and Steam Heating Utility Applications for Authority to Sell, Assign, Lease, or Transfer Assets."

There is no application by the utility seller (Osage Water Company) for this Commission to consider. The seller of the assets, as set forth in the Agreement of Sale of Utility System is "Jill D. Olsen as Chapter 11 Trustee of Osage Water Company" ("Trustee").<sup>10</sup> Not only is the Trustee not the applicant, as required by Section 393.130.1, RSMo, but also, the Trustee is not even a party to the case.

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<sup>7</sup> *City of O'Fallon v. Union Elec. Co.*, 462 S.W.3d 438, 443 (Mo. App. W.D. 2015) (emphasis added).

<sup>8</sup> In 2018, the Commission rescinded a number of rules that only applied to one type of utility and consolidated similar rules across utility types. The substance of 4 CSR 240–3.110 (2015) and 20 CSR 4240-10.105 (2020) is nearly identical.

<sup>9</sup> *City of O'Fallon v. Union Elec. Co.*, 462 S.W.3d 438, 443 (Mo. App. W.D. 2015) (emphasis added).

<sup>10</sup> Ex. 1, Cox Direct, Schedule JC-11.

In addition, the requirements set forth in 20 CSR 4240-10.105 apply to the applicant seller. For example, 20 CSR 4240-10.105(1) (C) contemplates a verification by the applicant utility seller. This is made clear by 20 CSR 4240-10.105(F) which specifically requires the purchaser to also comply with the rules. If the purchaser already bore the burden of the requirements in 20 CSR 4240-10.105, then subsection (F) would be unnecessary and rendered superfluous.<sup>11,12</sup> Here, there is no application of the seller before the Commission.

Similarly, 20 CSR 4240-2.060 requires a number of items related to the applicant seller; for example, a certificate of good standing (for Osage Water Company). *See* 20 CSR 4240-2.060(1)(B). The rule cannot be satisfied with the documents of the buyer alone, because it specifically and expressly refers to and requires certain documentation from the seller. Without any one of the items, the Commission lacks the authority to grant the relief requested by Central States.<sup>13</sup>

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<sup>11</sup> *See also* 20 CSR 4240-2.060(3) (requiring a purchaser who will be subsequently subject to Commission jurisdiction to comply with the rules). *See also In the Matter of an Application of Union Elec. Co., d/b/a AmerenUE, for an Order Authorizing the Sale & Transfer of Certain Assets of AmerenUE to St. James Mun. Utilities & Rolla Mun. Utilities*, No. EO-2010-0263, 2010 WL 3454148, at \*3 (Aug. 25, 2010) (the Commission's rules for electrical utilities that seek approval to sell assets contemplate that the Commission may not have jurisdiction over the buyer).

<sup>12</sup> Where an interpretation would render provisions of a rule meaningless, such interpretation must be rejected. *Doe v. St. Louis Cmty. Coll.*, 526 S.W.3d 329, 341 (Mo. App. E.D. 2017).

<sup>13</sup> *See* 20 CSR 4240-2.060 (2) "If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought."

**IV. THE REPORT AND ORDER IS UNLAWFUL, UNREASONABLE,  
ARBITRARY, CAPRICIOUS AND AN ABUSE OF DISCRETION IN FINDING  
THAT THE APPLICANT MET ITS BURDEN**

The Report and Order is unlawful, unreasonable, arbitrary, capricious and abuse of discretion as to its consideration of public interest. This Commission has previously stated:

[T]o satisfy the “not detrimental to the public interest” standard, the applicant must demonstrate that no net detriment would result[.] [<sup>14</sup>]

The Commission has also previously elaborated on the term "public interest" as follows:

The “public interest” is a matter of policy to be determined by the Commission.<sup>11</sup> Determining what is in the interest of the public is a balancing process.<sup>12</sup> In making such a determination, the total interests of the public served must be assessed.<sup>13</sup> This means that some of the public may suffer adverse consequences for the total public interest.<sup>14</sup> Individual rights are subservient to the rights of the public.<sup>15</sup> The “public interest” necessarily must include the interests of both the ratepaying public and the

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<sup>14</sup> *In the Matter of the Application of the Empire Dist. Elec. Co. for Auth. to Sell & Transfer Part of Its Works or Sys. to the City of Monett, Mo.*, No. EO-2009-0159, 2009 WL 362184, at \*4 (Feb. 11, 2009) (emphasis added); see also *In Re Sho-Me Power Corp.*, No. EO-93-259, 1993 WL 719871 (Sept. 17, 1993) (emphasis added) (an applicant for conversion must prove that the conversion would not be detrimental to the public interest).

investing public; however, as noted, the rights of individual groups<sup>[15]</sup> are subservient to the rights of the public in general.<sup>16</sup> <sup>[16]</sup>

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<sup>15</sup> The Report and Order shows the Commission misinterpreted and misapplied the law relating to the phrase "individual groups." The Commission equated Cedar Glen and Joint Bidders with "individual groups" when what that term actually refers to is applicants.

The Commission's footnote cited *State ex rel. Mo. Pac. Freight Transport Co. v. Public Service Commission*, 288 S.W.2d 679, 682 (Mo. App. 1956) in which the Court of Appeals correctly declared:

The rights of an individual with respect to issuance of a certificate are subservient to the rights of the public. See cases last cited. The dominant purpose in creation of the [Public Service] Commission is public welfare.

The Missouri Supreme Court agreed:

In the determination of these matters, the rights of an applicant, with respect to the issuance of a certificate of convenience and necessity, are considered subservient to the public interest and convenience.

*State ex rel. Missouri Pac. Freight Transp. Co. v. Pub. Serv. Comm'n*, 295 S.W.2d 128, 132 (Mo. 1956) (internal citations omitted) (emphasis added).

It is plain from analysis in its Report and Order that the Commission considered the rights of the public, specifically the potential customers of Central States, the majority of which are Cedar Glen unit owners, subservient to those of the applicant, contrary to settled law. Ignoring their status as "the public" the Commission has treated them as members of an "individual group" which, under the Commission's erroneous understanding of the law, has less importance than the public.

<sup>16</sup> *Id.* Each of the sentences were supported by additional authority as follows:

<sup>11</sup> *State ex rel. Public Water Supply District v. Public Service Commission*, 600 S.W.2d 147, 154 (Mo. App. 1980). The dominant purpose in creation of the Commission is public welfare. *State ex rel. Mo. Pac. Freight Transport Co. v. Public Service Commission*, 288 S.W.2d 679, 682 (Mo. App. 1956). *State ex rel. Intercon Gas, Inc. v. Public Service Com'n of Missouri*, 848 S.W.2d 593, 597 -598 (Mo. App. 1993). That discretion and the exercise, however, are not absolute and are subject to a review by the courts for determining whether orders of the P.S.C. are lawful and reasonable. *State ex rel. Public Water Supply Dist. No. 8 of Jefferson County v. Public Service Commission*, 600 S.W.2d 147, 154 (Mo. App. 1980).

<sup>12</sup> *In the Matter of Sho-Me Power Electric Cooperative's Conversion from a Chapter 351 Corporation to a Chapter 394 Rural Electric Cooperative*, Case No. EO-93-0259, Report and Order issued September 17, 1993, 1993 WL 719871 (Mo. P.S.C.).

The Commission has also discussed the term "detriment" at length:

A detriment, then, is any direct or indirect effect of the transaction that tends to make the power supply less safe or less adequate, or which tends to make rates less just or less reasonable. The presence of detriments, thus defined, is not conclusive to the Commission's ultimate decision because detriments can be offset by attendant benefits. The mere fact that a proposed transaction is not the least cost alternative or will cause rates to increase is not detrimental to the public interest where the transaction will confer a benefit of equal or greater value or remedy a deficiency that threatens the safety or adequacy of the service.<sup>[17]</sup>

In making a determination regarding whether the applicant has met this burden, the commission's decision, "necessarily includes weighing all of the attendant benefits [or detriments] of the transaction."<sup>18</sup>

The Commission has historically approved a transfer of assets, when the applicant proves benefits and there was an absence of any detriments. *See, e.g.*, Case No. EM-2007-

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<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *State ex rel. Mo. Pac. Freight Transport Co. v. Public Service Commission*, 288 S.W.2d 679, 682 (Mo. App. 1956).

<sup>16</sup> *In State ex rel. City of St. Louis v. Public Service Com'n of Missouri*, 73 S.W.2d 393, 400 (Mo. banc 1934), the Missouri Supreme Court has previously held that the Commission must consider the interests of the investing public and that failure to do so would deny them a right important to the ownership of property.

<sup>17</sup> *In the Matter of the Joint Application of Great Plains Energy Inc., Kansas City Power & Light Co., & Aquila, Inc., for Approval of the Merger of Aquila, Inc., with A Subsidiary of Great Plains Energy Inc. & for Other Related Relief.*, Case No. EM-2007-0374, 2008 WL 2648913, 266 P.U.R.4th 1 (July 1, 2008) (emphasis added).

<sup>18</sup> *Id.*

0374<sup>19</sup> ("Given the number of positive benefits associated with the transaction, and the fact that no credible evidence establishes any negative effects" the transaction was authorized).

In EO-2009-0159 (*Empire-Monnett*), the Staff, based on evidence from the applicant, found the following benefits (and the same were uncontroverted):

(1) improved reliability of service because Monett's substation is closer to the customer loads and Empire will no longer be serving customers in what amounts to two "islands" surrounded by Monett's customers; (2) reduced customer confusion; and, (3) provide for quicker emergency response because power supply and customer support personnel are in closer proximity to customer loads in the two annexed areas. [<sup>20</sup>].

With no evidence of any detriments, the Commission approved the transfer, finding it was in the public interest.<sup>21</sup> The Commission has also approved number of transactions when the evidence was similar. In EM-2007-0374 (*Aquila Merger*), the Commission described the balancing test:

The substantial and competent evidence on the record as a whole demonstrates that Applicants' revised merger proposal offers greater protection and more benefits to ratepayers than their original proposal. There is long-term advantage in Aquila becoming an operating subsidiary of Great Plains in coordination with KCPL. Operational efficiencies and significant realized synergies will result in rates over time rising less than they would have otherwise. This will occur because the geographical service territories of the utilities are adjacent, therefore increasing the potential for economies of scale and improved reliability.[<sup>22</sup>]

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<sup>19</sup> *Id.*

<sup>20</sup> *In the Matter of the Application of the Empire Dist. Elec. Co. for Auth. to Sell & Transfer Part of Its Works or Sys. to the City of Monett, Missouri*, No. EO-2009-0159, 2009 WL 362184, at \*5 (Feb. 11, 2009).

<sup>21</sup> *Id.*

<sup>22</sup> *In the Matter of the Joint Application of Great Plains Energy Inc., Kansas City Power & Light Co., & Aquila, Inc., for Approval of the Merger of Aquila, Inc., with A Subsidiary of Great Plains Energy Inc. & for Other Related Relief.*, Case No. EM-2007-0374, 2008 WL 2648913, 266 P.U.R.4th 1 (July 1, 2008).

In Case No. WM-93-255 (*Missouri American-Missouri Cities*), the Commission summarized the evidence as follows:

No substantial evidence was offered to indicate that the public will suffer any negative effect as the result of this stock purchase. In fact, evidence exists to show that some positive result will occur, that being an improved financial position allowing repair and expansion of aging infrastructure.<sup>[23]</sup>

Similarly, in Case No. EO-2002-178 (*AmerenUE-Gascosage*):

The evidence showed that the effects on the current customers of Gascosage were positive. Gascosage presented testimony that no rate increase was expected to its current customers because of the proposed amendment to the territorial agreement. Gascosage and AmerenUE also presented substantial evidence that many of Gascosage's current customers would benefit from proposed future improvements to the system.<sup>24</sup>

Central States provided no evidence of reduced customer confusion or quicker customer service, as was shown in *Empire-Monnett*. The only evidence in the record shows that Central States plans to outsource customer service to a St. Louis based company.<sup>25</sup> In contrast to *Aquila Merger*, Central States did not prove that the transaction would result in rates over time rising less than they would have (in fact, the evidence shows the opposite).<sup>26</sup> In both *Empire-Monnett* and *Aquila Merger*, the Commission found benefit in the proximity of personnel and in geographically adjacent service. Here, the evidence only proved that the transaction would decrease the proximity of personnel and prevent service

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<sup>23</sup> *In Re Missouri-Am. Water Co.*, No. WM-93-255, 1993 WL 449449 (July 30, 1993).

<sup>24</sup> *In Re Union Elec. Co.*, No. EO-2002-178, 2002 WL 535123 (Jan. 24, 2002).

<sup>25</sup> Ex. 105, Revised Staff Recommendation (attached to Dietrich Rebuttal) at 29.

<sup>26</sup> See Point IX(A), *infra*.

by geographically adjacent providers. Unlike in *Missouri American-Missouri Cities*, there is substantial evidence of negative effects. Finally, unlike in *AmerenUE-Gascosage*, the evidence is undisputed that there will be a rate increase.

In contrast to the cases in which the Commission approved an application for transfer, in *Environmental Utilities, LLC v. Public Service Commission*,<sup>27</sup> the Court of Appeals affirmed the Commission's decision denying an application to transfer assets when the evidence showed that customers "could conceivably see the cost of sewer service double." The only evidence in the record with respect to rates is consistent with *Environmental Utilities*.<sup>28</sup>

Similarly, the Commission found a transaction detrimental to the public interest when the transaction involved "foregoing greater financial benefits" of an alternative transaction and "accepting lesser financial benefits."<sup>29</sup> The evidence here shows the transaction involved foregoes the financial benefits associated with public and nonprofit service providers, including no need for return on equity, lower financing rates, and access

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<sup>27</sup> 219 S.W.3d 256, 266 (Mo. App. W.D. 2007).

<sup>28</sup> See Point IX(A), *infra*; see also Reply Brief of Joint Bidders, filed October 17, 2019, which is incorporated herein by reference, pp. 3-5.

<sup>29</sup> *In the Matter of the Application of Aquila, Inc., d/b/a Aquila Networks - MPS & Aquila Networks - L&P for Auth. to Transfer Operational Control of Certain Transmission Assets to the Midwest Indep. Transmission Sys. Operator, Inc.*, No. EO-2008-0046, 2008 WL 4691014, at \*7 (Oct. 9, 2008).



to public bonding.<sup>30</sup> The evidence shows that the transaction would also require foregoing potential synergies.<sup>31</sup>

Here, the applicant has not met its burden in showing the transaction is not detrimental to the public interest. The Applicant must show that potential benefits outweigh any possible disadvantages.<sup>32</sup> The detriments as more fully discussed herein (in Point IX), are not outweighed by any benefits.

The Commission explains the greatest "benefit" is "stability" for Customers.<sup>33,34</sup> Yet there is no evidence in the record that Joint Bidders would not be able to provide the same stability.<sup>35</sup> The other benefits cited by the Commission, including "not having to have another proceeding" and "continuing to have oversight of the systems" are irrelevant to the analysis, and cannot be used to "outweigh" the significant detriments -- including

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<sup>30</sup> See Point IX(A), *infra*.

<sup>31</sup> See Point IX(C), *infra*.

<sup>32</sup> *In Re Union Elec. Co.*, No. EO-91-204, 1991 WL 498639 (Aug. 16, 1991).

<sup>33</sup> Report and Order, at 35.

<sup>34</sup> Stability is not the same as "safe and adequate service." The Applicant did not show an added benefit of providing "safe and adequate service" as it was already determined that the existing service was safe and adequate. See Ex. 105, Revised Staff Recommendation (attached to Dietrich Rebuttal).

<sup>35</sup> The Commission comments, without identifying it as "benefit" that "Osage Utility has a proven track record of bringing distressed systems into compliance and operating them in a safe and adequate manner." Report and Order at 35. Again, this is not an added benefit as there is substantial and competent that Joint Bidders operate systems in a safe and adequate manner (Tr. 374:18-376:13) and substantial and competent evidence that the Joint Bidders have the same track record -- Joint Bidders have a history of taking over abandoned or distressed systems, conducting repairs, and returning the systems they do purchase to compliance. Tr. 426-432.

rate shock, unnecessary duplication of assets, foregoing synergies, private ownership, and a non-local service provider.<sup>36</sup> Central States has not and cannot satisfy its burden of showing no net detriment. In approving the application, the Commission's Report and Order is unlawful, unreasonable, arbitrary, capricious and an abuse of discretion.

**V. THE REPORT AND ORDER IS UNLAWFUL AND UNREASONABLE AS THE COMMISSION ERRONEOUSLY SHIFTED THE BURDEN OF PROOF TO INTERVENORS**

In cases brought under Section 393.190.1 and the Commission's implementing regulations, the applicant bears the burden of proof. That burden does not shift. Thus, a failure of proof requires a finding against the applicant.<sup>37</sup>

The Commission correctly observes that only the application filed by Central States was before the Commission.<sup>38</sup> Yet, it suggests that the Joint Bidders should have had a "plan" which could be endorsed as a "complete application."<sup>39</sup> The Commission chides the Joint Bidders for not including "comprehensive detailed cost estimates and planned improvements and not including detailed cost estimates for their proposed interconnection between Public Water Supply District#5 ("PWSD#5") and Cedar Glen

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<sup>36</sup> See Point VI, *infra*.

<sup>37</sup> *In the Matter of the Application of Union Electric Company, d/b/a AmerenUE, for an Order Authorizing the Sale, Transfer and Assignment of Certain Assets, Real Estate, Leased Property, Easements and Contractual Agreements to Central Illinois Public Service Company, d/b/a AmerenCIPS, and, in Connection Therewith, Certain Other Related Transactions*, Case No. EO-2004-0108, at 43 (October 6, 2004).

<sup>38</sup> Report and Order at 31.

<sup>39</sup> *Id.* at 33.

Condominiums.”<sup>40,41</sup> The Commission “was not persuaded by the testimony of Cedar Glen’s witness” on these subjects although he was the only Licensed Professional Engineer who testified in this matter.

The Commission scolds the Joint Bidders for not submitting “financing plans that would cover needed repairs,” and not providing costs associated with acquiring permits to cross US 54 for purposes of the interconnection between Cedar Glen and PWSD #5.<sup>42</sup>

Although they were intervenors only, the Commission treats the Joint Bidders as applicants in this matter imposing on them a burden of proof and persuasion that by law rests exclusively on Central States. The burden to show a non-detriment was on Central States. That the Osage Water Company customers could be served by qualified alternative providers of water and sewer service at lower rates over the long term was never disproven.

On page 35 of the Report and Order the Commission found:

Osage Utility’s ownership would definitively provide many benefits over the status quo, the greatest of which would be finally having stability for the Osage Water Company customers after more than 14 years of instability.

There is no evidence in the record that the service provided by the Joint Bidders would be

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<sup>40</sup> *Id.*

<sup>41</sup> Contrary to the Commission's finding, there is ample evidence in the records and testimony on the financing plans. See, e.g., Tr. 411-421; Ex. 400, Stone Direct. Furthermore, Joint Bidders' witnesses committed to making the necessary improvements as required by DNR. See, e.g., Ex. 401, Goss Direct.

Also contrary to the Commission's finding in Paragraph 28 on page 17 of the Report and Order, PWSD#5 has prepared an estimate for its interconnection with the Cedar Glen system. The amount of the estimate was explained by Mr. David Stone during examination by Commissioner Kenney. Tr. 404.

<sup>42</sup> *Id.* at 34.

unstable, or that service provided by Central State would be more stable than Joint Bidders. By shifting the burden to Joint Bidders, the Commission's Report and Order is unlawful and unreasonable.

**VI. THE REPORT AND ORDER IS UNLAWFUL AND UNREASONABLE AS THE COMMISSION ERRONEOUSLY CONSIDERED IRRELEVANT FACTORS IN THE NO NET DETRIMENT TEST**

In making its determination of whether the transaction was detrimental to the public interest, the Commission considered factors irrelevant to such determination.

**A. Avoiding Another Proceeding**

Specifically, the Commission expressed a "benefit" in "not having to have another proceeding."<sup>43</sup> While that may be a benefit to the Commission, there is no explanation for why this would be in the public interest. Avoiding another case for approval of the Osage Water Company asset purchase is not a factor related to the public interest. Furthermore, and more importantly, the Commission is forbidden to consider administrative convenience and expediency in its decision making.

The PSC “is a body of limited jurisdiction and has only such powers as are expressly conferred upon it by the Statutes and powers reasonably incidental thereto.” *State ex rel. and to Use of Kansas City Power & Light Co. v. Buzard*, 350 Mo. 763, 168 S.W.2d 1044, 1046 (Mo. banc 1943). “Neither convenience, expediency or necessity are proper matters for consideration in the determination of whether or not an act of the commission is authorized by statute.” *State ex rel. Mo. Cable Telecomms. Ass'n v. Mo. Pub. Serv. Comm'n*, 929 S.W.2d 768, 772 (Mo. App. 1996).[<sup>44</sup>]

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<sup>43</sup> Report and Order at 35.

<sup>44</sup> *State ex rel. Cass County v. Public Service Commission*, 259 S.W.3d 544, 547 -548 (Mo. App. W.D. 2008).

There is no public interest in "not having to have another proceeding." Given that another proceeding would involve consideration of the transfer to PWSD#5, exactly what the public, in their comments, overwhelmingly desire, "not having another proceeding," if it is relevant at all to the public interest, is detrimental to the public interest. Cedar Glen and Joint Bidders are not aware of any case that holds avoiding another proceeding is relevant to the public interest.

### **B. Retaining Jurisdiction**

The Commission also considered the fact that Central States will be a "regulated public utility" going forward as a "benefit" in its balancing test.<sup>45</sup> The Supreme Court of Missouri has previously rejected the inclusion of this factor in deciding the public interest. In *State ex rel. Consumers Public Service Company v. Public Service Commission*,<sup>46</sup> the intervenors argued "in their brief that it will not be in the public interest to permit a regulated utility to sell to a cooperative." The Commission, in that case, held it lacked authority to consider whether that question was in the public interest since the Legislature had already decided -- and by permitting cooperatives, necessarily decided such alternative was in the public interest. The court, in upholding the Commission, stated:

It is presumed that the General Assembly intended to promote the public interest not only in the creation [of Cooperatives], but in the definition, of corporate purposes and powers. Consequently, the Commission cannot hold, we believe, that it is not in public interest for the...Cooperative upon its conversion, and becoming subject to the provisions of the Rural Electric Cooperative Act, to acquire by

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<sup>45</sup> Report and Order at 33.

<sup>46</sup> 180 S.W.2d 40, 47 (Mo. banc 1944).

purchase the properties of the applicant[.]”<sup>47]</sup>

In considering whether it would be able to retain jurisdiction over the system in its analysis of "public benefit," the Commission's Report and Order was unlawful and unreasonable.<sup>48</sup>

### C. Preference for Regulated Entity

Similarly, the Report and Order also indicated a “benefit” to regulated public utility ownership of the assets. While keeping another entity under its regulatory authority might be a considered a "benefit" to the Commission, there is absolutely no public interest in the same. This “benefit” grants a preference to existing utilities and is irrelevant to the determination of the public interest. The legislature has statutorily created public water supply districts, and has even shown a preference for them.<sup>49</sup> “It can be further concluded that our own state's policy against competition is a flexible one created to protect the public first and concerning itself with the existing utility only in an incidental manner.”<sup>50</sup> Here, the Commission, in concerning itself with the existing utility, and considered the same a "benefit" acted unlawfully and unreasonably.

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<sup>47</sup> *State ex rel. Consumers Pub. Serv. Co. v. Pub. Serv. Comm'n*, 352 Mo. 905, 923, 180 S.W.2d 40, 47 (Mo banc. 1944).

<sup>48</sup> While it is true that the Commission will require that any future rate increase be just and reasonable, a public water supply district is also statutorily required to fix only "reasonable" rates. *See* Section 247.110, RSMo.

<sup>49</sup> *See* Chapter 427, RSMo; Section 393.146, RSMo.

<sup>50</sup> *State ex rel. Pub. Water Supply Dist. No. 8 of Jefferson Cty. v. Pub. Serv. Comm'n*, 600 S.W.2d 147, 155 (Mo. App. 1980).

#### **D. Creating Future Incentives**

During the Commission's open agenda meeting of February 13, 2020, Commissioner Rupp voiced support for granting Central States' application to purchase the Osage Water Company assets and then explained:

I don't want to be sending a message to other companies that are looking at distressed systems saying "Hey, come on out here and bid and if we don't like you and we can find a public entity then we are just going to hand it to them." I don't think it is detrimental to the public interest.

Commissioner Rupp's policy statement has no connection to a determination of the public interest. Moreover, there is no evidence in the record that a public entity's ownership of a distressed system discourages private regulated companies from acquiring them. It appears that Commissioner Rupp expected PWSD#5 or Cedar Glen to prove the contrary.<sup>51</sup> To the extent Commissioner Rupp's comments influenced and are shared by the other Commissioners, excepting one, and are in the fabric of the Report and Order, the decision is unlawful and unreasonable.

Furthermore, his policy statement contravenes the Commission's statutorily assigned duties. Public water supply districts and cooperatives are among the entities a distressed company must approach first before acquisition by a regulated utility is pursued. It is true that in accordance with Section 393.146, RSMo, the Commission has authority to order a utility company to acquire a distressed small water or sewer company. Before doing so however:

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<sup>51</sup> If so, his expectation would constitute another unlawful shift in the burden of proof not to mention proof of an utterly immaterial item of evidence.

the commission shall discuss alternatives to acquisition with the small water or sewer corporation and shall give such small water or sewer corporation thirty days to investigate alternatives to acquisition, including:

(1) . . . ;

\* \* \*

(4) The acquisition of the small water or sewer corporation by a municipality, a municipal authority, a public water supply district, a public sewer district, or a cooperative.

The Legislature and Commission, through rule, has already created an incentive structure related to distressed companies.<sup>52</sup> Any consideration for creating additional incentives, outside the legislative or rulemaking process, is unlawful and unreasonable and ultimately, irrelevant to the determination of the public interest. Section 393.146, RSMo.

**VII. THE REPORT AND ORDER IS UNLAWFUL AND UNREASONABLE  
BECAUSE THE STAFF'S REFUSAL AND FAILURE TO REVIEW  
ALTERNATIVES DEPRIVED COMMISSION OF ITS ABILITY TO WEIGH  
THE BENEFITS AND DETRIMENTS AS REQUIRED BY LAW**

The Report and Order makes clear that despite its statutorily charged duties in Section 386.135, RSMo, "Staff did not...review in-depth the Joint Bidders' proposal."<sup>53</sup> Staff did not send any requests to the Joint Bidders to see if their alternative could provide safe and adequate service.<sup>54,55</sup>

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<sup>52</sup> See e.g., Section 393.146, RSMo; 20 CSR 4240-10.10.

<sup>53</sup> Report and Order at 33.

<sup>54</sup> Tr. 255:23-256:3.

<sup>55</sup> One reason suggested by Staff for failing to conduct a review of the Joint Bidders as an alternative was because Joint Bidders did not submit an application. See Tr. 257:5-11. As described herein, under the applicable statute and rule, buyers (like Joint Bidders) are not required (and indeed cannot) apply for a transfer of assets.



This is contrary to the process Staff has followed in the past and deprived the Commission of the ability to weigh the benefits and detriments of the transfer as required by law. In another transfer case, the Commission stated:

As Staff's response correctly states, the Commission's purview is whether it is prudent for AmerenUE to sell the assets, not whether it is prudent for the Cities to buy them.<sup>[56]</sup>

Here, Staff has turned that analysis on its head -- focused only on whether not it is prudent for Central States to buy the Osage Water assets. When Aquila applied for authority to transfer certain assets to MISO, one of the issues before the Commission was as follows:

In making its determination whether to grant Aquila's application to join MISO, should the Commission compare Aquila's membership in MISO to other alternatives? If so, what are the alternatives and what do the comparisons of the alternatives show?<sup>[57]</sup>

Interestingly, and in stark contrast to this case, Staff's position was as follows:

Staff Response: Yes. The Staff's position is that for Aquila not to choose the best alternative, whether it be joining an RTO or not, is detrimental to the public interest.<sup>[58,59]</sup>

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<sup>56</sup> *In the Matter of an Application of Union Elec. Co., d/b/a AmerenUE, for an Order Authorizing the Sale & Transfer of Certain Assets of AmerenUE to St. James Mun. Utilities & Rolla Mun. Utilities*, No. EO-2010-0263, 2010 WL 3454148, at \*3 (Aug. 25, 2010).

<sup>57</sup> See Staff's Position Statements at 4, Case No. EO-2008-0046 (March 18, 2008).

<sup>58</sup> *Id.*

<sup>59</sup> Applying the same test here, Staff's position would be: "[F]or... [Osage Water] not to choose the best alternative...is detrimental to the public interest."

In its Post-Hearing Brief Staff's position was the same: "the Commission should only authorize Aquila to join the Midwest ISO if it is the best alternative."<sup>60</sup> In its Report and Order, the Commission agreed with Staff:

When alternatives with economic impacts are presented, an evaluation of the detriments of a particular alternative to the public interest must include consideration of the opportunity cost of not pursuing any available alternatives.

...

Missouri's Western District Court of Appeals has recently held that the Commission is not limited to narrowly considering the possible benefits of a presented alternative when other alternatives are also important. In *Environmental Utilities, LLC v. Public Service Commission*, the court upheld the Commission's rejection of a proposed sale of a part of the sewer system of a troubled utility, because, while there were benefits to those customers who would be served by the purchaser, the benefits of the sale of the entire system would be greater, and would be lost if the incomplete transaction were allowed to proceed.<sup>[61]</sup>

Here, the Staff, in failing to analyze or even review, alternatives deprived the Commission of the ability to weigh the benefits and detriments of the transfer as required by law. The Staff complained in testimony that the information regarding Joint Bidders proposal was "incomplete"<sup>62</sup> but readily admitted it did not seek any additional information regarding such proposal as it was permitted to do during discovery.<sup>63</sup> The onus is on the applicant to

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<sup>60</sup> See Staff's Post Hearing Brief at 15, Case No. EO-2008-0046 (May 29, 2008).

<sup>61</sup> *In the Matter of the Application of Aquila, Inc., d/b/a Aquila Networks - MPS & Aquila Networks - L&P for Auth. to Transfer Operational Control of Certain Transmission Assets to the Midwest Indep. Transmission Sys. Operator, Inc.*, No. EO-2008-0046, 2008 WL 4691014, at \*7 (Oct. 9, 2008).

<sup>62</sup> Tr. 255:2-4. This was reflected in the Commission's Report and Order when it stated " additionally, neither the Commission, nor Staff, have had the opportunity to truly vet the Joint Bidders' proposal given its incompleteness[.]" Report and Order, at 35.

<sup>63</sup> Tr. 255:23-256:3.

prove its transfer (in Staff's words) is the best alternative. Staff, in making its recommendation, could only recommend approval of Central States' application if it determined the transfer was "the best alternative." In failing to consider any alternatives, Staff's Recommendation is unlawful and unreasonable, as is the Commission's Report and Order, in relying on the incomplete Staff Recommendation.

The Court of Appeals has previously reversed the Commission when the "PSC's refusal to consider... issues...may have substantially impacted the weight of the evidence evaluated to approve [the transaction.]"<sup>64</sup> Here, the Staff and the PSC's unlawful and unreasonable refusal to consider alternatives associated with the transaction, as discussed herein, impacted the weight of evidence evaluated.

**VIII. THE REPORT AND ORDER IS UNLAWFUL, UNREASONABLE, ARBITRARY, CAPRICIOUS AND AN ABUSE OF DISCRETION IN THAT THE COMMISSION FAILED TO CONSIDER ALTERNATIVES AS REQUIRED BY LAW AND EMPLOYED THE "STATUS QUO" TEST**

As described above in Point VII, the Commission, in making its determination whether to grant Central States' application, was required to consider alternatives in its analysis. Rather than determining that Central States' proposal was the best alternative, as required, the Commission disregarded the alternatives.<sup>65</sup> Instead, the Commission based its determination on the fact the application "would provide many benefits over the status

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<sup>64</sup> *State ex rel. AG Processing, Inc. v. Pub. Serv. Comm'n of State*, 120 S.W.3d 732, 736 (Mo. banc 2003).

<sup>65</sup> *See* Report and Order at 35 "Neither the Commission, nor Staff, have had the opportunity to truly vet the Joint Bidders' proposal given its incompleteness." Staff had the opportunity to vet the proposal through the data requests but failed to do so. Tr. 255:23-256:3.

quo."<sup>66</sup> Undoubtedly almost any alternative would be better than "the status quo" when faced with a company in receivership or bankruptcy, but "benefits over the status quo" is not the test, and the Commission's use of such test is unlawful, unreasonable, arbitrary, capricious and an abuse of discretion.

**IX. THE REPORT AND ORDER IS UNREASONABLE BECAUSE THE  
SUBSTANTIAL AND COMPETENT EVIDENCE SHOWS THAT THE  
TRANSFER WOULD BE DETRIMENTAL TO THE PUBLIC INTEREST AND  
ANY FINDING TO THE CONTRARY IS ARBITRARY, CAPRICIOUS, AND AN  
ABUSE OF DISCRETION**

The Commission failed to appropriately weigh the detriments to the public interest in its analysis. These detriments have been previously identified as relevant in a transfer of assets case analysis and are discussed in turn below (along with the detriment of significant public and ratepayer opposition, discussed in Point X), and the Commission acted unlawfully and unreasonably in discounting such detriments. The Court of Appeals has previously reversed the Commission when the "PSC's refusal to consider... issues...may have substantially impacted the weight of the evidence evaluated to approve [the transaction.]"<sup>67</sup> Here, the PSC's unlawful and unreasonable refusal to consider the detriments associated with the transaction, as discussed herein, impacted the weight of evidence evaluated.

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<sup>66</sup> Report and Order at 35.

<sup>67</sup> *State ex rel. AG Processing, Inc. v. Pub. Serv. Comm'n of State*, 120 S.W.3d 732, 736 (Mo. banc 2003).

## A. Detriment: Rate Shock

The Commission failed to appropriately weigh the public detriment of rate shock in its balancing test. The Commission has previously determined that a potential rate increase goes directly to whether an application is detrimental to the public interest.<sup>68</sup>

The rate shock here is actually a combination of a number of significant detriments to the public as established in the record: Central States rates' will require return on equity to be built into rates,<sup>69</sup> Central States financing will inevitably be higher than a political subdivision,<sup>70</sup> Central States rates will be inflated by unnecessary repairs and improvements,<sup>71</sup> and Central States customer base is so small that rate shock is inevitable. In addition, Central States failed to include known costs in its estimates so the actual rate increase will be even higher than suggested by Central States. Despite each of these facts, whether direct or indirect, the effect of the transaction tends to make rates going forward less just and less reasonable.

On page 32 of the Report and Order gives short attention to the rates Central States will charge when its improvements to the water and sewer asset are in service. The

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<sup>68</sup> *In Re Aquila, Inc.*, No. EF-2003-0465, 2003 WL 22840055 (Oct. 19, 2003).

<sup>69</sup> See Mr. David Stone's discussion with Commissioner Kenney about the District's favorable refinancing potential. Tr. 405-406.

<sup>70</sup> Tr. 150:22-24.

<sup>71</sup> Compare Ex. 6, Thomas Direct 16: 21-22, 18:18-19 with Ex. 400, Stone Direct, 3:5 - 4:20 and the MoDNR inspection reports in Ex. 5, Surrebuttal Testimony of Josiah Cox, at JC-S3. Based on the substantial and competent evidence, the Commission erred in finding such the proposed repairs and improvements reasonable and in finding Osage Utility's evidence regarding the same, credible. See Report and Order, pp. 32-33.

Commission acknowledges though that “if approved during a rate case, [those rates] would be a significant increase for Osage Water Company’s” and “could be a financial detriment to Osage Water Company’s customers.” The Commission takes some consolation however in the assurance by Central States' that it will not have an immediate rate increase, then adds that if the Joint Bidders’ become owners of the assets their rates would be higher than what the Osage Water Company customers are paying even before improvements are made. Still, the evidence makes clear that Central States' charges for the same services will be nearly double or more than double when compared to the rates of the Joint Bidders.<sup>72</sup>

The Report and Order notes, " That estimated rate, if approved during a rate case, would be a significant increase for Osage Water Company’s customers and would be substantially more than the rates proposed by the Joint Bidders."<sup>73</sup> The Commission determined that a "substantially" higher rate was justified because it would not be imposed immediately. There are two scenarios for the ratepayer: (a) no rate increase for months 1 - 24, and a substantially higher rate for year two to year 10 (and possibly longer) (b) a substantially lower increase in rates for months 1 through year 10 (and possibly longer). There is no evidence in the record and no justification by the Commission why option (a) would be in the public interest over option (b).

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<sup>72</sup> See Reply Brief of Joint Bidders, filed October 17, 2019, which is incorporated herein by reference, for a discussion of the unnecessary proposed repairs, pp. 5-7.

<sup>73</sup> Report and Order at 32.

The Commission has missed the central point. It is inevitable that Central States will increase its rates, perhaps in less than a year, to levels exponentially higher than what the Joint Bidders will ever charge for service due greatly in part to the Joint Bidders' status as not for profit entities, one of which has access to financing at interest rates and payment terms only available to political subdivisions of the state; also due to the Joint Bidders' much larger customer base over which costs of service and capital improvements can be more equitably divided.<sup>74</sup> Cedar Glen residents prefer PWSD#5 service over Central States'. The increase in PWSD#5's rates is inconsequential when the Central States alternative of significantly higher rates for decades enters the cost/benefits equation.

For the Commission to pretend that Central States' rates will be the same or lower than those of the Joint Bidders in the long term is an abuse of discretion. The Commission has witnessed repeatedly how Central States' sister companies have operated, and the core of those operations includes high cost improvements followed by approved rate increases for customers sometimes exceeding 200%.<sup>75</sup> The Commission's procedures for approving a "just and reasonable" rate virtually guarantee that Central States' rates will always be unreasonably high when compared to those that will be charged by Joint Bidders for the same service.

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<sup>74</sup> If the Osage Water assets are transferred to Central States, they will have just 432 customers (Tr. 112:21-25); if transferred to PWSD, MAWA, and LAWA, they would have in excess of 4,000 customers combined. Tr. 403:18-20; Tr. 458:19-21; Tr. 458:22-24.

<sup>75</sup> See *Order Approving Unanimous Disposition Agreement and Small Company Rate Increase with Accompanying Tariffs*, WR-2020-0053 (Apr. 8, 2020).

What is more, even though the Commission has already found the Central States' rate would ultimately be "substantially higher," the record shows Central States underestimated potential rate increases by failing to include known costs in its calculations. One example is the second well at Cedar Glen.

The Commission ruled in error that a second well for Cedar Glen was not conclusively proven.<sup>76</sup> In order to show that the Central States' figures were reasonable, it was incumbent on Central States to show that a second well would not be needed. Mr. Cox testified that whether or not a second well is required is a "question of how many residents are actually in the condos themselves" and claimed he doesn't have that "completely figured out."<sup>77</sup>

Yet attached to his own Surrebuttal Testimony, as Schedule JC-S3 was evidence that MoDNR inspectors noted in 2015 and 2017: "PWS needs a second well (serves more than 500 people)."<sup>78</sup> The same inspection reports state with respect to "System Information for 12 months" a population served of 535.<sup>79 80</sup> Mr. Cox cannot deny the need for a second well simply because he "hasn't figured it out yet" and offered no reason whatsoever why

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<sup>76</sup> Report and Order at 34.

<sup>77</sup> Tr. 112:4-14.

<sup>78</sup> Ex. 5, Cox Surrebuttal, at 53, 58 (numbers are to the PDF page numbers).

<sup>79</sup> Ex. 5, Cox Surrebuttal, at 57, 62.

<sup>80</sup> The only suggestion that the number was less than 500 was by Mr. Thomas whose testimony includes the conclusory statement that Cedar Glen serves approximately "432 people." See Ex. 6. Mr. Thomas admitted 432 wasn't the "population served" but was rather was twice the number of units - representing 216 water customers and 216 sewer customers. Tr. 112:21-25.



the MoDNR's recommendations and reporting of a population of 535 were inaccurate.

Unmistakably, the MoDNR has concluded that the public water system at Cedar Glen needs a second well.<sup>81</sup> The prospects that Central States will prevail in an argument with MoDNR over the need for that second well, or that MoDNR might overrule its own field inspectors or disregard the public water supply guidelines it publishes, certainly delight the imagination but they are simply implausible. The Commission's disregard for another state agency's conclusion in favor of Mr. Cox is unreasonable and clearly against the logic of the circumstances and an abuse of discretion. The record shows that the application will cause a detriment to the public interest in the form of rates that will be substantially higher than other alternatives, and even higher than estimated by Central States. The Commission erred in failing to appropriately weigh such detriment.

### **B. Detriment: Unnecessary Duplication of Assets/Infrastructure**

Transferring the assets to Central States creates a detriment to the public interest because it unnecessarily duplicates assets and infrastructure. The Commission has previously held that eliminating "overlapping of efforts" is a public benefit.<sup>82</sup> The Commission has likewise held that "reduction of duplicate facilities" is a public benefit.<sup>83</sup>

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<sup>81</sup> Ex. 5, Cox Surrebuttal, JS-S3, at 52-62.

<sup>82</sup> *In re Union Elec. Co.*, No. EO-91-204, 1991 WL 498639 (Aug. 16, 1991).

<sup>83</sup> *In the Matter of the Joint Application of Great Plains Energy Inc., Kansas City Power & Light Co., & Aquila, Inc., for Approval of the Merger of Aquila, Inc., with A Subsidiary of Great Plains Energy Inc. & for Other Related Relief.*, Case No. EM-2007-0374, 2008 WL 2648913, 266 P.U.R.4th 1 (July 1, 2008) (emphasis added).

It follows then that a transaction which unnecessarily requires the duplication of facilities is a detriment to the public interest. As described *supra*, the substantial and competent evidence shows that if the Commission approves Central States' application, Central States will have to construct a second well. A second well would not be needed if there was simply interconnection with PWSD#5. The transaction, in requiring the unnecessary duplication of facilities, is a detriment to the public interest and the Commission unlawfully and unreasonably failed to appropriately weigh this detriment.

An interconnection between PWSD#5 and Cedar Glen would eliminate the need for the second well at Cedar Glen and a second well for the District. That interconnection would also achieve other important public purposes including an opportunity for PWSD#5 to refinance its long-term debt at a lower interest rate which in turn would translate into lower charges for service.<sup>84</sup>

### **C. Detriment: Foregoing Synergies**

The Commission has previously identified as "synergies" as a public interest benefit.<sup>85</sup> The Commission has also found a transaction detrimental to the public interest when it means foregoing benefits.<sup>86</sup> There are synergies and operational efficiencies

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<sup>84</sup> See Mr. David Stone's discussion with Commissioner Kenney about the District's favorable refinancing potential. Tr. 405-406.

<sup>85</sup> *In the Matter of the Joint Application of Great Plains Energy Inc., Kansas City Power & Light Co., & Aquila, Inc., for Approval of the Merger of Aquila, Inc., with A Subsidiary of Great Plains Energy Inc. & for Other Related Relief.*, Case No. EM-2007-0374, 2008 WL 2648913, 266 P.U.R.4th 1 (July 1, 2008).

<sup>86</sup> *In the Matter of the Application of Aquila, Inc., d/b/a Aquila Networks - MPS & Aquila Networks - L&P for Auth. to Transfer Operational Control of Certain Transmission Assets to the*

associated with allowing an adjacent service provider to provide service to the Osage Water Company Customers. Not only would an interconnection between PWSD#5 and Cedar Glen would eliminate create a synergy by eliminating the need for the second well at Cedar Glen but also by eliminating the need for a second well for the District.<sup>87</sup> The interconnection would also achieve additional efficiencies including an opportunity for PWSD#5 to refinance its long term debt at a lower interest rate which in turn would translate into lower charges for service.<sup>88</sup> By refusing to fully consider this detriment, the Commission's Report and Order is unlawful and unreasonable.

#### **D. Detriment: Private Company vs. Public/Nonprofit Entity**

The Commission has previously stated that a detriment in any effect "which tends to make rates less just or less reasonable."<sup>89</sup> Here, the Commission failed to consider the detriments of selecting a private company over a public entity and nonprofit entities. A private entity, under the Commission's basic ratemaking principles, will always be entitled to a return on equity. The reason the legislature created the Public Service Commission was to avoid the potential detriments associated with private operators:

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*Midwest Indep. Transmission Sys. Operator, Inc.*, No. EO-2008-0046, 2008 WL 4691014, at \*7 (Oct. 9, 2008).

<sup>87</sup> Tr. 361:24-362:5.

<sup>88</sup> See Mr. David Stone's discussion with Commissioner Kenney about the District's favorable refinancing potential. Tr. 405-406.

<sup>89</sup> *In the Matter of the Joint Application of Great Plains Energy Inc., Kansas City Power & Light Co., & Aquila, Inc., for Approval of the Merger of Aquila, Inc., with A Subsidiary of Great Plains Energy Inc. & for Other Related Relief.*, Case No. EM-2007-0374, 2008 WL 2648913, 266 P.U.R.4th 1 (July 1, 2008) (emphasis added).

The legislature, in its wisdom, has given the Commission jurisdiction only over investor-owned utilities, and has specifically exempted public agencies of Bi-State's type. The fear, apparently, was that profit-making utilities might make use of their naturally monopolistic situation to extract exorbitant profits for their owners. The Commission does not regulate rates of municipally-owned utilities and rural cooperative associations. See *Pace v. City of Hannibal*, 680 S.W.2d 944 (Mo. banc 1984). Public agencies have no motive for seeking profits and political pressures arguably exert downward pressure on rates. Whether or not we agree with the legislature's concept of the public interest, as evidenced by its regulatory program, is beside the point.<sup>[90]</sup>

Transferring the assets to Central States creates a detriment to the public interest because it Central States has a motive for seeking profits and will not be subject to any political pressures exerting downward pressure on rates.

As a private company, entitled to a return on equity, Central States is incentivized to "over-build" any infrastructure or repairs.<sup>91</sup> Also, as a private company, there is a detriment that the company will be guided by a Board which is neither personally interested or personally invested. The boards of the Joint Bidders consist of customers of the systems they serve. The public comments in this case suggest a strong preference for this model in that it would give residents and ratepayers a "greater voice" with respect to operations.<sup>92</sup> This provides an additional protection to ratepayers that is not present with

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<sup>90</sup> *Love 1979 Partners v. Pub. Serv. Comm'n of Missouri*, 715 S.W.2d 482, 489 (Mo. banc 1986).

<sup>91</sup> See Reply Brief of Joint Bidders, filed October 17, 2019, which is incorporated herein by reference, for a discussion of the unnecessary proposed repairs, pp. 5-7.

<sup>92</sup> See Appendix A, attached hereto.

a private entity. The Commission erred when it failed to appropriately weigh the detriment of transferring the assets to a private entity.

### **E. Detriment: Non-Local Company**

The Commission found previously benefit in the proximity of personnel and in geographically adjacent service.<sup>93</sup> The public comments evidence additional benefits of a local service provider: the provider knows its customers, will use local contractors (and support the local area) and will keep customer interests in mind, and be more responsive to customer needs. While Central States plans to outsource its customer service to a St. Louis Company, local providers would provide the same locally. If an applicant has an issue with the Public Water Supply District, there is no need to call a 1-800 number. As Mr. Stone testified at the hearing, "[I]f somebody is out of water, they ask me."<sup>94</sup> The detriments are two sides of the same coin -- a non-local company is not as in tune with customers, has no incentive to use local contractors or support the local area, is motivated by profits rather than customer interests, and will be less responsive to customer needs.

The Commission has acted unlawfully, unreasonably and abused its discretion in approving Central States' application in that it ignores the tremendous detriments

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<sup>93</sup> *In the Matter of the Application of the Empire Dist. Elec. Co. for Auth. to Sell & Transfer Part of Its Works or Sys. to the City of Monett, Missouri*, No. EO-2009-0159, 2009 WL 362184, at \*5 (Feb. 11, 2009); *In the Matter of the Joint Application of Great Plains Energy Inc., Kansas City Power & Light Co., & Aquila, Inc., for Approval of the Merger of Aquila, Inc., with A Subsidiary of Great Plains Energy Inc. & for Other Related Relief.*, Case No. EM-2007-0374, 2008 WL 2648913, 266 P.U.R.4th 1 (July 1, 2008).

<sup>94</sup> Tr. 403:4.

associated with the Central States' transaction, ignores the larger needs of the public welfare, handicaps a public entity's efficient use of its assets and resources, including financial resources, by needless duplication of assets in public service, and arrests efforts at regionalization of water treatment and distribution facilities in the affected service area.

**X. THE REPORT AND ORDER IS UNREASONABLE BECAUSE THE  
SUBSTANTIAL AND COMPETENT EVIDENCE SHOWS THAT THE  
TRANSFER WOULD BE DETRIMENTAL TO THE PUBLIC INTEREST AND  
ANY FINDING TO THE CONTRARY IS ARBITRARY, CAPRICIOUS, AND AN  
ABUSE OF DISCRETION GIVEN THE HISTORIC AND CONSISTENT  
CUSTOMER OPPOSITION**

The Commission invites the public to comment on proceedings before it. The invitations are plain in the Commission's web presence:

**Submit Comments In Writing** -- Your comments are appreciated and will be kept on file with the Missouri Public Service Commission.<sup>[95]</sup>

Make your voice heard in cases or on issues in front of the Commission by making a public comment.<sup>[96]</sup>

Over 90 public comments were submitted in this matter all in opposition to Central States' application. The comments evidenced the ratepayers' strenuous objections to Central States' service offerings and ratepayers' preference for PWSD#5 service. Beyond a general preference for PWSD#5 over Central States, the commenters offered specific benefits of being served by PWSD#5 (and detriments of being served by Central States):

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<sup>95</sup> See [https://psc.mo.gov/General/Submit\\_Comments](https://psc.mo.gov/General/Submit_Comments).

<sup>96</sup> See <https://psc.mo.gov/General/Look%20Up%20Docket%20Files>.

- Public (Joint Bidders) vs. Private (Central States) -- Central States being a private company will be entitled to a return on equity (which will be factored into future rate increase);
- Local (Joint Bidders) vs. Nonlocal - (Central States) -- A local company knows its customers, will use local contractors (and support the local area), will keep customers' best interests in mind, more responsive to customer needs;
- Customer Regulated (Joint Bidders) vs. PSC Regulated (Central States) - Customers sit on the Boards of Joint Bidders such that they would have a "greater voice" in operations and rate increases; and
- Company History -- several commenters noted Joint Bidders were doing a "fantastic job" or had not had any issues at other complexes but stated Central States has a history of aggressively raising costs.[<sup>97</sup>]

This evidence was summarized in just one sentence in the Report and Order.<sup>98</sup> No discussion ensued about the objections to regulated public utility service asserted by Cedar Glen and its unit owners over time, and how that history joined with the present volume and pitch of complaint affected the public interest determination in this case. In addition to the public comments, Kenneth Hulett, President of Cedar Glen testified at the hearing

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<sup>97</sup> See Appendix A (attached hereto).

<sup>98</sup> Report and Order, at 35 ("[T]he residents represented by Cedar Glen oppose Osage Utility's ownership and prefer the Joint Bidders to be the owners.").

expressing opposition to the transfer of assets.

The Commission has previously found a project fails to "promote the public interest" when faced with such strong public opposition.<sup>99</sup> In the Grain Belt case, the Commission weighed the benefits and burdens of the proposed project. The Commission stated:

The Commission acknowledges the substantial opposition to the Project expressed by business owners, farmers, and individual landowners across whose properties the Project was proposed to cross. The volume of public comments received in this case demonstrates the level of involvement of individuals who may be affected by this Project. Additionally, several people testified sincerely about their concerns relating to the ProjectHR3. Those concerns were conveyed by farmers who could experience problems related to soil compaction, interference with irrigation equipment, aerial applications to crops and pastures and difficulty in moving large equipment around the towers proposed as part of the Project. For one landowner who owns a bed and breakfast, the view of that business would be marred for any guests staying at the bed and breakfast. In this case the evidence shows that any actual benefits to the general public from the Project are outweighed by the burdens on affected landowners.<sup>[100]</sup>

Here, there is substantial opposition to the asset transfer. The sheer volume of public comments (compared to the affected ratepayers) demonstrates the importance of this transaction to those who may be affected.

Based on the public comments and testimony from ratepayers, the substantial and competent evidence only supports a finding that the transfer would be detrimental to the

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<sup>99</sup> In contrast, where the Commission has found that "public (consumers) would not be affected by the transfer," it has approved the transfer. *State ex rel. City of St. Louis v. Pub. Serv. Comm'n of Missouri*, 73 S.W.2d 393, 400 (Mo. 1934).

<sup>100</sup> *In the Matter of the Application of Grain Belt Express Clean Line LLC for A Certificate of Convenience & Necessity Authorizing It to Construct, Own, Operate, Control, Manage, & Maintain A High Voltage, Direct Current Transmission Line*, No. EA-2014-0207, 2015 WL 4124748, at \*16 (July 1, 2015)



public interest. There is not substantial and competent evidence in the record of any benefits sufficient enough to overcome the many detriments. In finding to the contrary, the Report and Order is arbitrary and capricious and an abuse of discretion. The Commission has abused its discretion in inviting customers to share their preferences and objections in a public forum and then discarding them. The Commission has abused its discretion in issuing the Report and Order in the face of intense customer opposition to Central Sates as the potential service provider.

**XI. THE REPORT AND ORDER IS UNREASONABLE AND THE COMMISSION HAS ABUSED ITS DISCRETION IN DENYING CEDAR GLEN AND JOINT BIDDERS' MOTIONS TO STRIKE**

Rule 20 CSR 4240-2.130 governs the form and content of written testimony before the Commission and provides:

(7) For the purpose of filing prepared testimony, direct, rebuttal, and surrebuttal testimony are defined as follows:

...

(D) Surrebuttal testimony shall be limited to material which is responsive to matters raised in another party's rebuttal testimony.

On September 4, 2019, Todd Thomas and Josiah Cox filed written surrebuttal testimony. On the pages and in the lines identified in Cedar Glen's and the Joint Bidders' Motions To Strike Portions of The Written Surrebuttal Testimony of Todd Thomas And Josiah Cox, or Alternatively, Motion For Leave To File Testimony In Response (the "Motions to Strike"),<sup>101</sup> which are incorporated by reference as if fully set forth herein, Mr. Thomas and Mr. Cox failed to limit their testimony to material which is responsive to

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<sup>101</sup> Filed with the Commission on September 9, 2019.

matters raised in rebuttal testimony in violation of the Commission's evidentiary rule, 20 CSR 4240-2.103(7)(D). Their testimony was in response to matter raised in direct testimony and therefore was untimely and inadmissible rebuttal.

The failure of Mr. Thomas and Mr. Cox to file timely rebuttal and their delay in filing rebuttal until the surrebuttal phase of this matter violated Commission rules and unfairly prevented Cedar Glen and Joint Bidders and other parties from filing responsive testimony to their prejudice. The Commission abused its discretion in overruling Cedar Glen's and Joint Bidders' Motions to Strike.

**XII. THE COMMISSION'S REPORT AND ORDER IS UNLAWFUL,  
UNREASONABLE, ARBITRARY, CAPRICIOUS AND AN ABUSE OF  
DISCRETION IN DETERMINING THE APPLICANT SATISFIED THE  
REQUIREMENTS FOR A CCN**

In order to obtain a CCN, the applicant must show (in addition to the other *Tartan* factors) that the granting of the CCN is in the public interest. The Report and Order, in finding that the granting of a CCN is in the public interest is unlawful, unreasonable, not supported by substantial and competent evidence, arbitrary, capricious and an abuse of discretion. For all the reasons stated herein -- for all the reasons the Commission cannot lawfully or reasonably determine the transfer is not detrimental to the public interest, the Commission cannot lawfully or reasonably determine issuance of a new CCN is in the public interest. As to the issue of a new CCN, the Commission should set aside the Report and Order and grant rehearing in this case.

## XII. CONCLUSION

Section 386.610, RSMo, provides: “[t]he provisions of this chapter shall be liberally construed with a view to the public welfare, efficient facilities and substantial justice between patrons and public utilities.” The Supreme Court has explained:

The prime object and real purpose of commission control is to secure adequate sustained service for the public at the least possible cost, and to protect and conserve investments already made for this purpose. Experience has demonstrated beyond any question that competition among natural monopolies is wasteful economically and results finally in insufficient and unsatisfactory service and extravagant rates.<sup>[102]</sup>

The Commission’s Report and Order defies the purposes of the Commission as decreed by the Missouri Supreme Court a decree that has not lost strength with the passage of time. For all of the reasons stated herein, the Report and Order is unlawful and unreasonable.

The Joint Bidders supply adequate and sustained service for the public in the Osage Water Company service area at just and reasonable rates. They commit to, as mandated by law, to provide that service at the least possible cost (actual cost). The Commission can only approve transfer of assets to Central States' if Central States has shown that it is the best alternative, which it has not shown, and it cannot show. Similarly, Central States has not shown and cannot show the granting of a new CCN would be in the public interest.

**WHEREFORE**, Cedar Glen and Joint Bidders respectfully request that the Commission set aside the Report and Order and grant rehearing in this case.

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<sup>102</sup> *State ex rel. Mo. Pac. Freight Transp. Co. v. Pub. Serv. Comm'n*, 295 S.W.2d 128, 134 (Mo. 1956) (emphasis added) (internal citations omitted).

Respectfully submitted,

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Association, Inc., and Missouri Water  
Association, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served upon all of the parties of record or their counsel, pursuant to the Service List maintained by the Data Center of the Missouri Public Service Commission on May 7, 2020.

/s/ Stephanie S. Bell  
Stephanie S. Bell

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000116**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.-(Water)**  
  
First Name **Ronald**  
Middle Initial **J**  
Last Name **Darling**  
Street Address **[REDACTED]**  
Mailing Address **[REDACTED]**  
City **Florissant**  
State **MO**  
Zip **63031**  
County **N/A**  
Phone No. **[REDACTED]**  
Email **[REDACTED]**  
Case No. **WA-2019-0185**  
Public Comments Description **I am deeply concerned with the pending purchase of the Cedar Glen water and sewer system by Central States Water Resources. It appears they over bid and would seek a quicker return on their debt load by their investors. I would prefer the purchase by PW Supply #5. They are local, know their customer base, would not over estimate repair costs, and know the local contractors for any work necessary. Our costs would be more reasonable over time.**  
  
Date Filed **8/24/2019 11:11:00 AM**

Select Document

[Public Comments](#) (Submission Summary)

Missouri Public Service Commission

Public Comments

Public Comment No. **P202000117**  
Utility Type **Water**

Utility Company **Osage Utility Operating Company, Inc.- (Water)**

First Name **Steven**

Middle Initial **N/A**

Last Name **Rolwes**

Street Address **[REDACTED]**

Mailing Address **N/A**

City **Camdenton**

State **MO**

Zip **65020**

County **Camden**

Phone No. **[REDACTED]**

Email **[REDACTED]**

Case No. **WA-2019-0185**

Public Comments Description **Public Water Supply would greatly help our community at Cedar Glen and areas around our complex. We have been having issues with current water company for several years and it would be nice to have a company that cares about their customers.**

Date Filed **8/24/2019 12:42:00 PM**

Select Document

[Public Comments](#) (Submission Summary)

Missouri Public Service Commission

Public Comments

Public Comment No. **P202000118**  
Utility Type **Water**

Utility Company **Osage Utility Operating Company, Inc.-(Water)**

First Name **Gina**  
Middle Initial **N/A**  
Last Name **Gordick**

Street Address [REDACTED]

Mailing Address **N/A**

City **Camdenton**  
State **MO**

Zip **65020-5631**

County **Camden**

Phone No. [REDACTED]

Email [REDACTED]

Case No. **WA-2019-0185**

Public Comments Description **As residents of Cedar Glen, we want you to know that we feel Public Water Supply #5 would have our best interests in mind if they acquire our water system. We do not want private owners to get awarded our system. PWS#5 would be better for our entire community.**

Date Filed **8/24/2019 3:31:00 PM**



Select Document

[Public Comments](#) (Submission Summary)

Missouri Public Service Commission

Public Comments

Public Comment No. **P202000119**  
Utility Type **Water**

Utility Company **Osage Utility Operating Company, Inc.-(Water)**

First Name **Diane**

Middle Initial **N/A**

Last Name **Eidson**

Street Address [REDACTED]

Mailing Address [REDACTED]

City **Camdenton**

State **MO**

Zip **65020**

County **N/A**

Phone No. [REDACTED]

Email [REDACTED]

Case No. **WA-2019-0185**

Public Comments Description **Public Water Supply #5 would be of great value to Cedar Glen and the surrounding communities if they are awarded to acquire Cedar Glen's system. They would have the best interest for Cedar Glen rather than a privately owned company looking to increase their revenues as their focus rather than quality services with reasonable rates.**

Date Filed **8/24/2019 7:24:00 PM**

Select Document

[Public  
Comments](#)(Submission  
Summary)

## Missouri Public Service Commission

### Public Comments

Public  
Comment No. **P202000120**  
Utility Type **Water**

Utility Company **Osage Utility Operating  
Company, Inc.-(Water)**

First Name **Mike**

Middle  
Initial **N/A**

Last Name **Eidson**

Street  
Address [REDACTED]

Mailing  
Address [REDACTED]

City **Camdenton**

State **MO**

Zip **65020**

County **N/A**

Phone No. [REDACTED]

Email [REDACTED]

Case No. **WA-2019-0185**

Public  
Comments  
Description **Public Water Supply #5 would be  
of great value to Cedar Glen and  
the surrounding communities if  
they are awarded to acquire  
Cedar Glen's system. They would  
have the best interest for Cedar  
Glen rather than a privately  
owned company looking to  
increase their revenues as their  
focus rather than quality  
services with reasonable rates.**

Date Filed **8/24/2019 7:27:00 PM**

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[Public Comments](#) (Submission Summary)

Missouri Public Service Commission

Public Comments

Public Comment No. **P202000122**  
Utility Type **Water**

Utility Company **Osage Utility Operating Company, Inc.-(Water)**

First Name **Janie**

Middle Initial **I**

Last Name **Hulett**

Street Address [REDACTED]

Mailing Address **N/A**

City **Camdenton**

State **MO**

Zip **65020**

County **Camden**

Phone No. [REDACTED]

Email [REDACTED]

Case No. **WA-2019-0185**

Public Comments Description **I am a retired owner. If this company takes over our water system and spends hundreds of thousand of \$ it will raise our rates by at least 150% or even more. A public water would not do that. There many public water systems everywhere. Thank you.**

Date Filed **8/26/2019 6:32:00 AM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000123**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.- (Water)**  
  
First Name **Marianette**  
Middle Initial **N/A**  
Last Name **Allen**  
Street Address **[REDACTED]**  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. **[REDACTED]**  
Email **N/A**  
Case No. **WA-2019-0185**  
Public Comments Description **Public Water Supply #5 would be a better choice for me at Cedar Glen, and to the surrounding community, if they are award the acquisition of Cedar Glen's system. I am 88 years old and on a fixed income. My husband work for them for many years; they would have the best interests for Cedar Glen residents, rather than a privately-held company interested only in increasing revenues rather than quality service at a reasonable rate.**  
  
Date Filed **8/26/2019 9:57:00 AM**

Select Document

[Public Comments](#) (Submission Summary)

Missouri Public Service Commission

Public Comments

Public Comment No. **P202000129**  
Utility Type **Water**

Utility Company **Osage Water Company- (Water)**

First Name **Mary**  
Middle Initial **D**  
Last Name **Kelley**  
Street Address [REDACTED]  
Mailing Address **Unit 1 A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**

Phone No. [REDACTED]  
Email [REDACTED]

Case No. **WA-2019-0185**

Public Comments Description **Public Water Service #5 has the good people of Cedar Glen at heart. They are not out to make money at the expense of residents. Please give them the proper consideration. Thank You**

Date Filed **8/26/2019 1:48:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000130**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.- (Water)**  
  
First Name **Sharon**  
Middle Initial **J**  
Last Name **Bevolo**  
Street Address **[REDACTED]**  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. **N/A**  
Email **N/A**  
Case No. **WA-2019-0185**  
Public Comments Description **We here at Cedar Glen are convinced that Public Water Supply # 5 would be an excellent choice and should be awarded the Cedar Glen and surrounding communities system. We prefer would Public rather than privately owned company that mainly focus on profits instead of providing quality service at reasonable cost to users.**  
  
Date Filed **8/26/2019 1:50:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000132**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.- (Water)**  
  
First Name **Donna**  
Middle Initial **N/A**  
Last Name **Garnett**  
Street Address **[REDACTED]**  
Mailing Address **[REDACTED]**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. **N/A**  
Email **N/A**  
Case No. **WA-2019-0185**  
Public Comments Description **Public Water Supply #5, would be of great value to Cedar Glen and the surrounding communities if they are awarded to acquire Cedar Glen's system. They would have the best interest for Cedar Glen rather than a privately owned company looking to increase their revenues as their focus rather than quality services with reasonable rates.**  
  
Date Filed **8/26/2019 2:02:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000173**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.- (Water)**  
  
First Name **Donna**  
Middle Initial **N/A**  
Last Name **Engle**  
Street Address **[REDACTED]**  
Mailing Address **[REDACTED]**  
City **Camdenton**  
State **MO**  
County **N/A**  
Phone No. **N/A**  
Email **N/A**  
Case No. **WA-2019-0185**  
Public Comments Description **Public Water Supply #5, would definitely be the preferred provider to Cedar Glen and the surrounding communities. My husband and I are confident if they are awarded the acquiring of the Cedar Glen's system, they would have our best interest in mind. We are NOT confident that a privately owned company would have quality of services with reasonable rates, as their main concern.**  
Date Filed **8/28/2019 1:07:00 PM**



Select Document

[Public  
Comments](#)(Submission  
Summary)

## Missouri Public Service Commission

### Public Comments

Public  
Comment No. **P202000174**  
Utility Type **Water**

Utility Company **Osage Utility Operating  
Company, Inc.-(Water)**

First Name **Dolores**  
Middle Initial **E**  
Last Name **Ovington**

Street Address **[REDACTED]**

Mailing Address **N/A**

City **Camdenton**

State **MO**

Zip **65020**

County **Camden**

Phone No. **[REDACTED]**

Email **[REDACTED]**

Case No. **WA-2019-0185**

Public Comments Description **Public Water Supply #5 would  
be of great value to Cedar Glen  
and the surrounding  
communities.They would have  
greater interest in providing  
quality services with reasonable  
rates than a privately owned  
company looking to increase  
their revenues.**

Date Filed **8/28/2019 3:04:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000176**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.- (Water)**  
  
First Name **Sandra**  
Middle Initial **S**  
Last Name **Majchrzak**  
Street Address **[REDACTED]**  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. **N/A**  
Email **[REDACTED]**  
Case No. **WA-2019-0185**  
Public Comments Description **Public Water Supply #5, would be of great value to Cedar Glen and the surrounding communities if there are awarded to acquire Cedar Glen 's system. They would have the best interest for Cedar Glen rather than a private owned company looking to increase their revenues as their focus rather than quality services with reasonable rates.**  
  
Date Filed **8/28/2019 5:58:00 PM**

Select Document

[Public Comments](#) (Submission Summary)

Missouri Public Service Commission

Public Comments

Public Comment No. **P202000181**  
Utility Type **Water**

Utility Company **Osage Utility Operating Company, Inc.-(Water)**

First Name **Michael**

Middle Initial **S**

Last Name **Ellmer**

Street Address [REDACTED]

Mailing Address [REDACTED]

City **Fenton**

State **MO**

Zip **63026**

County **N/A**

Phone No. [REDACTED]

Email [REDACTED]

Case No. **WA-2019-0185**

Public Comments Description **Public Water Supply #5 would be of value to Cedar Glen if awarded to acquire Cedar Glen system This is the best interest for Cedar Glen Condos than have a privately owned company to come in raise rates and provide less quality services**

Date Filed **8/29/2019 3:12:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No.	<b>P202000182</b>
Utility Type	<b>Water</b>
Utility Company	<b>Osage Utility Operating Company, Inc.-(Water)</b>
First Name	<b>Tina</b>
Middle Initial	<b>N</b>
Last Name	<b>Jones</b>
Street Address	[REDACTED]
Mailing Address	<b>N/A</b>
City	<b>St. Charles</b>
State	<b>MO</b>
Zip	<b>63303</b>
County	<b>Camden</b>
Phone No.	[REDACTED]
Email	[REDACTED]
Case No.	<b>WA-2019-0185</b>
Public Comments Description	<b>Public Water Supply #5 would be of great value to Cedar Glen and the surrounding communities if they are awarded to acquire Cedar Glen's system. They would have the best interest for Cedar Glen rather than a privately owned company looking to increase their revenues as their focus rather than quality services with reasonable rates. We hope that this will be awarded to Public Water Supply #5</b>
Date Filed	<b>8/29/2019 6:27:00 PM</b>

Public Comments

[Public Comments](#)(Submission Summary)

Public Comment No. **P202000183**  
Utility Type **Water**  
  
Utility Company **Osage Water Company-(Water)**  
  
First Name **steve**  
Middle Initial **N/A**  
Last Name **milller**  
Street Address **[REDACTED]**  
Mailing Address **[REDACTED]**  
City **camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. **[REDACTED]**  
Email **[REDACTED]**  
Case No. **WA-2019-0185**  
Public Comments Description **I am in favor of public water supply #5 for Cedar Glen Condos as I feel they are of greater value to us and the surrounding area. They would have the best interest for Cedar Glen rather than a privately owned entity looking to increase revenues. I am sure Public Supply # 5 would have a far greater interest in the quality of service.**  
  
Date Filed **8/30/2019 10:42:00 AM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No.	<b>P202000185</b>
Utility Type	<b>Water</b>
Utility Company	<b>Osage Utility Operating Company, Inc.-(Water)</b>
First Name	<b>Martha</b>
Middle Initial	<b>N/A</b>
Last Name	<b>Hainline</b>
Street Address	[REDACTED]
Mailing Address	<b>N/A</b>
City	<b>Camdenton</b>
State	<b>MO</b>
Zip	<b>65020</b>
County	<b>N/A</b>
Phone No.	<b>N/A</b>
Email	[REDACTED]
Case No.	<b>WA-2019-0185</b>
Public Comments Description	<b>Public Water Supply #5 is the best option to supply water to the Cedar Glen community. The fact this is a public utility which is State regulated and monitored rather than a private corporation is important to us as owners in protecting our investment and the resale ability of our condo in the future. Having a private corporation controlling our water supply may lead to excessive rates and potentially a lower quality of water which in turn would lower the value of our property.</b>
Date Filed	<b>8/30/2019 10:51:00 AM</b>

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000187**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.-(Water)**  
  
First Name **Courtney**  
Middle Initial **B**  
Last Name **Henderson**  
Street Address [REDACTED]  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. [REDACTED]  
Email [REDACTED]  
Case No. **WA-2019-0185**  
Public Comments Description **Public Water Supply #5 will be better for residents of the Cedar Glen condos if they are awarded acquisition of Cedar Glen's system. As a full time resident, I strongly encourage the court to award our water company to Public Water Supply #5, and NOT to a private company.**  
Date Filed **8/30/2019 11:43:00 AM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No.	<b>P202000188</b>
Utility Type	<b>Water</b>
Utility Company	<b>Osage Water Company- (Water)</b>
First Name	<b>Larry</b>
Middle Initial	<b>D</b>
Last Name	<b>House</b>
Street Address	[REDACTED]
Mailing Address	<b>N/A</b>
City	<b>Manchester</b>
State	<b>MO</b>
Zip	<b>63021</b>
County	<b>St. Louis County</b>
Phone No.	[REDACTED]
Email	[REDACTED]
Case No.	<b>WA-2019-0185</b>
Public Comments Description	<b>Public Water Supply #5, would be of great value to Cedar Glen and the surrounding communities if they are awarded to acquire Cedar glen's system. They would have the best interest for Cedar Glen rather that a privately owned company looking to increase their revenues as their focus rather than quality services with reasonable rates.</b>
Date Filed	<b>8/30/2019 12:32:00 PM</b>



Public Comments

[Public Comments](#)(Submission Summary)

Public Comment No. **P202000189**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.-(Water)**  
  
First Name **Richard**  
Middle Initial **C**  
Last Name **Schilling**  
Street Address [REDACTED]  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. [REDACTED]  
Email [REDACTED]  
Case No. **WA-2019-0185**  
Public Comments Description **As the owner of a condo at Cedar Glen in Camdenton, MO it would be of great value to me if Public Water Supply District #5 were awarded permission to acquire Cedar Glen's system rather than giving it to a privately held "for profit" organization. Water systems should be operated as a service to the users not for the profit of investors.**  
  
Date Filed **8/30/2019 1:16:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000190**  
Utility Type **Water**

Utility Company **Osage Utility Operating Company, Inc.-(Water)**

First Name **Zelda**

Middle Initial **M**

Last Name **Haynes**

Street Address [REDACTED]

Mailing Address **N/A**

City **Camdenton**

State **MO**

Zip **65020**

County **Camden**

Phone No. [REDACTED]

Email [REDACTED]

Case No. **WA-2019-0185**

Public Comments Description **I do not want my water bill to go up. I would prefer to be with public water supply #5.**

Date Filed **8/30/2019 2:03:00 PM**

Public Comments

[Public Comments](#)(Submission Summary)

Public Comment No. **P202000191**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.- (Water)**  
  
First Name **Raymond**  
Middle Initial **N/A**  
Last Name **Prokop**  
Street Address **[REDACTED]**  
Mailing Address **[REDACTED]**  
City **Camdenton**  
State **MO**  
Zip **60520**  
County **Camden**  
Phone No. **N/A**  
Email **N/A**  
Case No. **WA-2019-0185**  
Public Comments Description **As a home owner in the Cedar Glen Community I do not feel that OUOC,Inc as a privately held utility will have the best interest of our community. We will be better suited for a publicly held utility Like Public Water Supply #5 to represent us. They currently add value to surrounding communities and have a proven record of supporting the area and not having financial interests come first. As a privately held company OUOC will look to its private holders first.**  
  
Date Filed **8/30/2019 2:20:00 PM**

Public Comments

[Public Comments](#)(Submission Summary)

Public Comment No.	<b>P202000192</b>
Utility Type	<b>Water</b>
Utility Company	<b>Osage Utility Operating Company, Inc.- (Water)</b>
First Name	<b>Dianne</b>
Middle Initial	<b>M</b>
Last Name	<b>Blake</b>
Street Address	[REDACTED]
Mailing Address	<b>N/A</b>
City	<b>Camdenton</b>
State	<b>MO</b>
Zip	<b>65020</b>
County	<b>Camden</b>
Phone No.	[REDACTED]
Email	[REDACTED]
Case No.	<b>WA-2019-0185</b>
Public Comments Description	<b>I feel the best option for Cedar Glen Condos would be Public Water Supply #5 .This would be in our best interest as they are local and NOT a private company looking to use our complex to increase profits and to remedy problems with other systems(such as the KK system) and make money for investors. We Have unfairly compensated for these other systems for many years rather focus on our own water supply. Please help us keep our rates reasonable.</b>
Date Filed	<b>8/30/2019 5:04:00 PM</b>

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000193**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.-(Water)**  
  
First Name **Dennis**  
Middle Initial **N/A**  
Last Name **Stockstill**  
Street Address [REDACTED]  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. [REDACTED]  
Email [REDACTED]  
Case No. **WA-2019-0185**  
Public Comments Description **I recently under went a Stem Cell Transplant at University of Kansas Medical Center. My immune system is very weak, and will be for quite a while. This leaves me susceptible to being infected by a host of pathogens. I feel that A smaller private company will not be as diligent as a local public company in maintaining the safety of our water supply. My prime example was the sewer blockage next to our condo, that leaked raw sewage into the ground. PLEASE award contract to Public Water #5.**  
  
Date Filed **8/30/2019 5:04:00 PM**

Public Comments

[Public Comments](#)(Submission Summary)

Public Comment No.	<b>P202000194</b>
Utility Type	<b>Water</b>
Utility Company	<b>Osage Utility Operating Company, Inc.-(Water)</b>
First Name	<b>DANIEL</b>
Middle Initial	<b>L</b>
Last Name	<b>SCHUPP</b>
Street Address	[REDACTED]
Mailing Address	<b>N/A</b>
City	<b>Camdenton</b>
State	<b>MO</b>
Zip	<b>65020</b>
County	<b>Camden</b>
Phone No.	[REDACTED]
Email	[REDACTED]
Case No.	<b>WA-2019-0185</b>
Public Comments Description	<b>Public Water Supply #5, would be a great value to Cedar Glen and the surrounding communities if they are awarded to acquire Cedar Glen's system. They would have the interest for Cedar Glen rather than a privately owned company looking to increase their revenues as their focus rather than quality services with reasonable rates. We were never notified by Osage Utility Operating Co. of their intention to acquire our water and sewer services and oppose this acquisition.</b>
Date Filed	<b>8/30/2019 5:20:00 PM</b>

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000195**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.-(Water)**  
  
First Name **Sue**  
Middle Initial **N/A**  
Last Name **Hertel**  
Street Address [REDACTED]  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. [REDACTED]  
Email [REDACTED]  
Case No. **WA-2019-0185**  
Public Comments Description **As a resident of Cedar Glen Condo Assn., Camdenton, Missouri I would like to express my concern for Osage Utility Operating Company trying to purchase our water system. I fear if Osage Utility Operating Company would purchase or water system they will raise our rates to make a profit for their investors. I am very much in favor of and in support of local Public Water Supply District #5 purchasing our water system.**  
Date Filed **8/30/2019 6:22:00 PM**

Public Comments


[Public Comments](#)(Submission Summary)

Public Comment No. **P202000196**  
Utility Type **Water**  
  
Utility Company **Osage Water Company-(Water)**  
  
First Name **Patricia**  
Middle Initial **A**  
Last Name **Miller**  
Street Address **[REDACTED]**  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **N/A**  
Phone No. **[REDACTED]**  
Email **N/A**  
Case No. **WA-2019-0185**  
Public Comments Description **I am of the opinion that residents of Cedar Glen condominiums and surrounding communities would be better served if Public Water Supply #5 is awarded to acquire Cedar Glen Condominiums rather than a privately owned company with intentions to increase their revenue rather than quality service and reasonable rates.**  
  
Date Filed **8/30/2019 6:38:00 PM**



Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000197**  
Utility Type **Water**  
Utility Company **Osage Utility Operating Company, Inc.-(Water)**  
First Name **James**  
Middle Initial **R**  
Last Name **Carter**  
Street Address   
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
County **N/A**  
Phone No. **N/A**  
Email **N/A**  
Case No. **WA-2019-0185**  
Public Comments Description **I do not want this company to control our water system**  
Date Filed **8/30/2019 7:59:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000198**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.- (Water)**  
  
First Name **Mark**  
Middle Initial **N/A**  
Last Name **Riley**  
Street Address **[REDACTED]**  
Mailing Address **[REDACTED]**  
City **Hannibal**  
State **MO**  
Zip **63401**  
County **N/A**  
Phone No. **N/A**  
Email **N/A**  
Case No. **WA-2019-0185**  
Public Comments Description **We are owners of a condo at Cedar Glen in Camdenton, mo. We support Public Water Supply District #5 purchasing our water and sewer system rather than Osage Utility Operating Company. We feel this non-profit Co. is in our best interest with local Boardof Directors over Osage. Please consider this with the upcoming hearing on September17. Thank you**  
Date Filed **8/30/2019 8:17:00 PM**

Public Comments

[Public Comments](#)(Submission Summary)

Public Comment No. **P202000199**  
Utility Type **Water**

Utility Company **Osage Utility Operating Company, Inc.-(Water)**

First Name **Steve**  
Middle Initial **N/A**  
Last Name **Tomasi**

Street Address 

Mailing Address 

City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. **N/A**  
Email **N/A**

Case No. **WA-2019-0185**

Public Comments Description **I own a condo in Cedar Glen and prefer our water and sewer be maintained by a public/local utility rather than a private company.**

Date Filed **8/31/2019 4:44:00 AM**

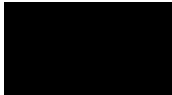
Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000203**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.-(Water)**  
  
First Name **Paula**  
Middle Initial **N/A**  
Last Name **Nienhueser**  
Street Address [REDACTED]  
Mailing Address **N/A**  
City **CAMDENTON**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. [REDACTED]  
Email [REDACTED]  
Case No. **WA-2019-0185**  
Public Comments Description **We support the purchase of our water and sewer system by the local, neighboring Public Water Supply District #5. Cedar Glen Would have a greater Voice with a not-for-profit utility with local responsible Board of Directors vs investors with a business plan by Osage Utility Operating Company, who has no personal concern for the OWNERS of the condos!**  
Date Filed **8/31/2019 11:00:00 AM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000205**  
Utility Type **Water**  
Utility Company **Osage Utility Operating Company, Inc.-(Water)**  
First Name **Jerry**  
Middle Initial **N/A**  
Last Name **Isaacs**  
Street Address   
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. **N/A**  
Email **N/A**  
Case No. **WA-2019-0185**  
Public Comments Description **My wife, children and I would very much prefer to stay local for the Cedar Glen water system. We feel that Public Water Supply #5 would be far preferable to a privately investor owned company. We presently have 2 water meters at Cedar Glen and strongly ask that you leave us private with District #5.**  
Date Filed **8/31/2019 11:04:00 AM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000206**  
Utility Type **Water**

Utility Company **Osage Utility Operating Company, Inc.-(Water)**

First Name **Kerri**  
Middle Initial **N/A**  
Last Name **Fenton**

Street Address 

Mailing Address **N/A**

City **Camdenton**

State **MO**

Zip **65020**

County **N/A**

Phone No. **N/A**

Email **N/A**

Case No. **WA-2019-0185**

Public Comments Description **Public Water Supply #5 would be the greatest value to Cedar Glen and surrounding communities. I request they be awarded the acquisition of Cedar Glen's system. PWSD #5 would have the best interest for Cedar Glen, focusing on quality services at reasonable rates, rather than a privately owned company focusing on increased revenues.**

Date Filed **8/31/2019 11:24:00 AM**

Public Comments

[Public Comments](#)(Submission Summary)

Public Comment No. **P202000207**

Utility Type **Water**

Utility Company **Osage Utility Operating Company, Inc.-(Water)**

First Name **DONNA**

Middle Initial **S**

Last Name **POHLMANN**

Street Address **[REDACTED]**

Mailing Address **[REDACTED]**

City **CAMDENTON**

State **MO**

Zip **65020**

County **Camden**

Phone No. **[REDACTED]**

Email **N/A**

Case No. **WA-2019-0185**

Public Comments Description **Public Water Supply #5, would be of great value to Cedar Glen and the surroundin communties if they are awarded to aquire Cedar Glen's system. They would have the best interest for Cedar Glen rather than a privately owned company looking to increase their revenues as their focus rather than quality services with reasonable rates.**

Date Filed **8/31/2019 1:05:00 PM**

Public Comments

[Public Comments](#)(Submission Summary)

Public Comment No. **P202000208**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.-(Water)**  
  
First Name **Pat**  
Middle Initial **N/A**  
Last Name **Simpson**  
Street Address [REDACTED]  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. [REDACTED]  
Email [REDACTED]  
Case No. **WA-2019-0185**  
Public Comments Description **Water, is the issue for comment. Also sewer. Public water supply #5 is of great value to Cedar Glen. this would be the best for Cedar Glen rather than a privately owned company only looking to increase their revenues, rather than quality services and reasonable rates.**  
Date Filed **8/31/2019 1:41:00 PM**



Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000209**  
Utility Type **Water**  
Utility Company **Osage Water Company-(Water)**  
First Name **Kathy**  
Middle Initial **N/A**  
Last Name **Stauch**  
Street Address **[REDACTED]**  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. **[REDACTED]**  
Email **N/A**  
Case No. **WA-2019-0185**  
Public Comments Description **Public water supply #5 would be of great value to Cedar Glen if they are awarded to acquire Cedar Glen system. It would be the best interest for Cedar Glen rather than a privately owned company trying to make a profit.**  
Date Filed **8/31/2019 2:31:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000210**  
Utility Type **Water**

Utility Company **Public Water Supply District No. 5 of Camden County, Missouri-(Water)**

First Name **Allan**  
Middle Initial **G**  
Last Name **Poole**

Street Address [REDACTED]  
Mailing Address [REDACTED]

City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**

Phone No. [REDACTED]  
Email [REDACTED]

Case No. **WA-2019-0185**

Public Comments Description **Please DO NOT allow the take over of Osage Water by Osage Utility Water Co. Public Water Supply District No. 5 is much preferred. It is local and non-profit. The Osage Utility Water Co, is not local and is operated for profit which virtually guarantees big rate increases over the coming years. Cedar Glen residents (all 200 units) strongly urge you to reject Osage Utility Water Co. tAke over bid. Thank you, Allan & Nancy Poole**

Date Filed **8/31/2019 4:25:00 PM**

Public Comments

[Public Comments](#)(Submission Summary)

Public Comment No. **P202000211**  
Utility Type **Water**

Utility Company **Osage Utility Operating Company, Inc.-(Water)**

First Name **Doug**

Middle Initial **N/A**

Last Name **Porzel**

Street Address [REDACTED]

Mailing Address **N/A**

City **Camdenton**

State **MO**

Zip **65020**

County **Camden**

Phone No. [REDACTED]

Email [REDACTED]

Case No. **WA-2019-0185**

Public Comments Description **I would like to see Public Water Supply #5 as our water company. I am not sold on a privately owned company coming in looking mainly to raise their revenues. I want a company that would focus on quality and be reasonable with the costs. Public Water Supply #5 looks like a great fit.**

Date Filed **8/31/2019 4:42:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000212**  
Utility Type **Water**

Utility Company **Osage Utility Operating Company, Inc.-(Water)**

First Name **Michelle**

Middle Initial **N/A**

Last Name **Porzel**

Street Address [REDACTED]

Mailing Address **N/A**

City **Camdenton**

State **MO**

Zip **65020**

County **Camden**

Phone No. [REDACTED]

Email [REDACTED]

Case No. **WA-2019-0185**

Public Comments Description **We would really like to have Public Water Supply #5 as our water provider. In speaking to others who have them, I hear they offer quality service at a fair price. The outside private equity company who is trying to take us over seems like a money grab for them that would leave us out in the cold. Please consider this when making your decision.**

Date Filed **8/31/2019 4:53:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000213**  
Utility Type **Water**

Utility Company **Osage Utility Operating Company, Inc.-(Water)**

First Name **Joseph**  
Middle Initial **N/A**  
Last Name **Wheeler**

Street Address [REDACTED]

Mailing Address [REDACTED]

City **Camdenton**

State **MO**

Zip **65020**

County **Camden**

Phone No. [REDACTED]

Email [REDACTED]

Case No. **WA-2019-0185**

Public Comments Description **It has been brought to our attention that our water service may be transferred to another entity. As an owner and customer at Cedar Glen we believe Public Water Supply #5 would be the better choice. District 5 is a public utility, state regulated and monitored, which would best suit our water needs at Cedar Glen while keeping the rates for service low.**

Date Filed **8/31/2019 6:20:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000214**  
Utility Type **Water**

Utility Company **Osage Utility Operating Company, Inc.-(Water)**

First Name **Lanny**  
Middle Initial **J**  
Last Name **Swingle**

Street Address [REDACTED]

Mailing Address [REDACTED]

City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**

Phone No. [REDACTED]

Email [REDACTED]

Case No. **WA-2019-0185**

Public Comments Description **We strongly feel Cedar Glen would have a greater voice with a not-for-profit utility with local responsible Board of Directors. Please listen to us as responsible homeowners and take this recommendation into serious consideration. We too are professionals who believe we know what is best for us a a large group of owners.**

Date Filed **8/31/2019 7:45:00 PM**

Public Comments

[Public Comments](#)(Submission Summary)

Public Comment No. **P202000215**  
Utility Type **Water**

Utility Company **Osage Utility Operating Company, Inc.-(Water)**

First Name **Steve**

Middle Initial **N/A**

Last Name **Zelinsky**

Street Address [Redacted]

Mailing Address **N/A**

City **Camdenton**

State **MO**

Zip **65020**

County **Camden**

Phone No. [Redacted]

Email [Redacted]

Case No. **WA-2019-0185**

Public Comments Description **My wife and I fully support the local and neighboring Public Water Supply District #5. A not for profit company to take over our Water. We do NOT want competing bidder - Osage Utility Water Company a "for profit" group with out of state interest and Investors to raise our rates exponentially to make money to "pad their pockets"**

Date Filed **9/1/2019 8:46:00 AM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000216**  
Utility Type **Water**

Utility Company **Osage Utility Operating Company, Inc.-(Water)**

First Name **Karen**

Middle Initial **N/A**

Last Name **Bone**

Street Address 

Mailing Address **N/A**

City **Camdenton**

State **MO**

Zip **65020**

County **Camden**

Phone No. **N/A**

Email **N/A**

Case No. **WA-2019-0185**

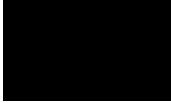
Public Comments Description **I believe Public Water Supply #5 would be very good if they would acquire Cedar Glen's system. It is the best option for Cedar Glen rather than a privately owned company, only looking after their interests, and not the interest of others.**

Date Filed **9/1/2019 2:21:00 PM**



Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000217**  
Utility Type **Water**  
Utility Company **Osage Utility Operating Company, Inc.-(Water)**  
First Name **Darlene**  
Middle Initial **N/A**  
Last Name **Knoerle**  
Street Address   
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. **N/A**  
Email **N/A**  
Case No. **WA-2019-0185**  
Public Comments Description **My husband and I both agree that we at Cedar Glen would be so much better off having Public Water Supply District #5 own our water and sewer system. Thank you for allowing our input about this important concern.**  
Date Filed **9/1/2019 11:51:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000218**  
Utility Type **Water**

Utility Company **Osage Utility Operating Company, Inc.-(Water)**

First Name **Randy**  
Middle Initial **J**  
Last Name **Miller**

Street Address [REDACTED]  
Mailing Address [REDACTED]

City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**

Phone No. [REDACTED]  
Email [REDACTED]

Case No. **WA-2019-0185**

Public Comments Description **I want Public Water Supply #5. I prefer this over a privately owned company. I believe they would have our best interests in quality services.**

Date Filed **9/2/2019 8:58:00 AM**

Public Comments

[Public Comments](#)(Submission Summary)

Public Comment No. **P202000219**  
Utility Type **Water**

Utility Company **Osage Utility Operating Company, Inc.-(Water)**

First Name **Michelle**

Middle Initial **N/A**

Last Name **Miller**

Street Address [REDACTED]

Mailing Address [REDACTED]

City **Camdenton**

State **MO**

Zip **65020**

County **Camden**

Phone No. [REDACTED]

Email [REDACTED]

Case No. **WA-2019-0185**

Public Comments Description **I prefer Public Water Supply #5 than a privately owned company. I believe they have our best interests in quality services.**

Date Filed **9/2/2019 9:02:00 AM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000220**  
Utility Type **Water**

Utility Company **N/A**

First Name **Todd**  
Middle Initial **R**  
Last Name **Hackett**

Street Address [REDACTED]

Mailing Address **N/A**

City **Muscatine**

State **IA**

Zip **52761**

County **N/A**

Phone No. [REDACTED]

Email [REDACTED]

Case No. **WA-2019-0185**

Public Comments Description **We are very concerned about the sale of our water system. We feel Public Water Supply #5 would be in the best interest for Cedar Glen owners & surrounding communities rather than a "For Profit" company. We feel they are more suited for our community & know our needs better than an outside company. Please, please, please consider our heartfelt request!**

Date Filed **9/2/2019 10:45:00 AM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000221**  
Utility Type **Water**  
Utility Company **Osage Utility Operating Company, Inc.-(Water)**  
First Name **R**  
Middle Initial **N/A**  
Last Name **Ginther**  
Street Address **[REDACTED]**  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
County **N/A**  
Phone No. **N/A**  
Email **N/A**  
Case No. **WA-2019-0185**  
Public Comments Description **Public water supply #5**  
Date Filed **9/2/2019 12:25:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000223**  
Utility Type **Water**

Utility Company **Osage Utility Operating Company, Inc.-(Water)**

First Name **AI**  
Middle Initial **N/A**  
Last Name **Steck**  
Street Address [REDACTED]  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. [REDACTED]  
Email [REDACTED]

Case No. **WA-2019-0185**

Public Comments Description **I am in support the purchase of our water and sewer system by the local, neighboring Public Water Supply District #5. I am concerned that Osage Utility Operating Company (a subsidiary of Central States Water Resources) would be awarded the right to take over the water and sewer system, we lose local control and are subject to significant rate increases and degraded service. Thank you.**

Date Filed **9/2/2019 4:02:00 PM**

Public Comments

[Public Comments](#)(Submission Summary)

Public Comment No. **P202000224**  
Utility Type **Water**

Utility Company **Osage Utility Operating Company, Inc.-(Water)**

First Name **William**

Middle Initial **N/A**

Last Name **Papa**

Street Address 

Mailing Address **N/A**

City **camdenton**

State **MO**

Zip **65020**

County **N/A**

Phone No. **N/A**

Email **N/A**

Case No. **WA-2019-0185**

Public Comments Description **I support Public Water Company 5 as my provider at Cedar Glen Condo complex and throughout our district. I feel that they have our best consumer interest in their agenda unlike the group of private investors who have a history of increasing revenues. Thank you for your time and consideration in this matter.**

Date Filed **9/2/2019 4:11:00 PM**

Public Comments

**Public Comment No.** P202000225  
**Utility Type** Water

**Utility Company** Osage Utility Operating Company, Inc.-(Water)

**First Name** Tom  
**Middle Initial** N/A  
**Last Name** Scherzinger  
**Street Address** [REDACTED]  
**Mailing Address** N/A  
**City** St Louis  
**State** MO  
**Zip** 63119  
**County** N/A  
**Phone No.** N/A  
**Email** [REDACTED]

**Case No.** WA-2019-0185

**Public Comments Description** Regard to our condo at Cedar Glen 306 4-A: We feel for the best interest for us at Cedar Glen would be for Public Water Supply #5 to acquire our water system. We feel they would have the best interest for us rather than a privately owned company looking to increase their revenues instead of quality of services with reasonable rates. Thank you for your consideration. Tom & Nancy Scherzinger 306 4-A Cedar Glen Condo, Camdenton, Mo

**Date Filed** 9/2/2019 4:51:00 PM

[Public Comments](#)(Submission Summary)



Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000226**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.- (Water)**  
  
First Name **James**  
Middle Initial **P**  
Last Name **Burns**  
  
Street Address **[REDACTED]**  
Mailing Address **2230 Highway CC**  
City **Linn**  
State **MO**  
Zip **65051**  
County **N/A**  
Phone No. **N/A**  
Email **N/A**  
Case No. **WA-2019-0185**  
Public Comments Description **As an owner in the Cedar Glen Condominiums in Camdenton, I write to provide comments in advance of an upcoming meeting regarding the water service to our community. I offer my support for the Public Water Supply District #5. The public district would serve in the best interests of its customers and be more responsive to our needs. A privately-owned water company would be more interested in increasing profits for the company's owners. Please consider awarding the service to PWSD#5.**  
  
Date Filed **9/2/2019 6:14:00 PM**

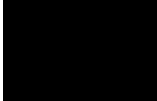
Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000228**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.-(Water)**  
  
First Name **Russel**  
Middle Initial **N/A**  
Last Name **Horsley**  
Street Address [REDACTED]  
Mailing Address [REDACTED]  
City **elwood**  
State **IL**  
Zip **60421**  
County **N/A**  
Phone No. [REDACTED]  
Email [REDACTED]  
Case No. **WA-2019-0185**  
Public Comments Description **we strongly oppose the acquisition of our current sewer and water facility servicing Cedar Glen Condos by Osage Utility Operating Co. we support the acquisition of our cuurent water and sewer facility by public water supply district #5.**  
Date Filed **9/2/2019 6:34:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000229**  
Utility Type **Water**  
Utility Company **Osage Utility Operating Company, Inc.-(Water)**  
First Name **Melissa**  
Middle Initial **N/A**  
Last Name **Guest**  
Street Address   
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
County **N/A**  
Phone No. **N/A**  
Email **N/A**  
Case No. **WA-2019-0185**  
Public Comments Description **We are against by Public Water Supply District #5.**  
Date Filed **9/3/2019 7:09:00 AM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000230**  
Utility Type **Water**

Utility Company **Osage Utility Operating Company, Inc.- (Water)**

First Name **Joanie**

Middle Initial **N/A**

Last Name **Brouwer**

Street Address [REDACTED]

Mailing Address [REDACTED]

City **CAMDENTON**

State **MO**

Zip **65020**

County **Camden**

Phone No. [REDACTED]

Email [REDACTED]

Case No. **WA-2019-0185**

Public Comments Description **I feel the privately owned company trying to purchase the Cedar Glen system would be a major disaster. Their major concern is to increase their revenues to pay their investors. I hope you see fit for Public Water Supply District # 5 to take over Cedar Glen's system. They will focus on supplying the 212 owners quality service and help keep reasonable rates.**

Date Filed **9/3/2019 11:22:00 AM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000231**  
Utility Type **Water**

Utility Company **Osage Water Company- (Water)**

First Name **Gary**  
Middle Initial **L**  
Last Name **Smith**

Street Address [REDACTED]  
Mailing Address [REDACTED]

City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. **N/A**

Email [REDACTED]  
Case No. **WA-2019-0185**

Public Comments Description **We are opposed to the takeover by Osage Utility Operating Company. The parties have a history of taking over services, loading them with debt and then raising prices through the roof. This new Corp did not exist before 9 months ago. We much prefer the offer by Public Water #5 to maintain local control.**

Date Filed **9/3/2019 3:26:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000232**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.-(Water)**  
  
First Name **Mary Lou**  
Middle Initial **N/A**  
Last Name **Bouck**  
Street Address [REDACTED]  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. [REDACTED]  
Email [REDACTED]  
Case No. **WA-2019-0185**  
Public Comments Description **Public Water Supply #5, would be of great value to Cedar Glen and the surrounding communities if they are awarded to acquire Cedar Glen's system. They would have the best interest for Cedar Glen rather than a privately owned company looking to increase their revenues as their focus rather than quality services with reasonable rates.**  
Date Filed **9/3/2019 4:10:00 PM**

Public Comments

[Public Comments](#)(Submission Summary)

Public Comment No. **P202000233**

Utility Type **Water**

Utility Company **N/A**

First Name **Tim**

Middle Initial **C**

Last Name **Peterson**

Street Address **[REDACTED]**

Mailing Address **N/A**

City **Sullivan**

State **MO**

Zip **63080**

County **Non-Missouri**

Phone No. **[REDACTED]**

Email **[REDACTED]**

Case No. **WA-2019-0185**

Public Comments Description **The water/sewer cost for Cedar Glen Condominiums is already exorbitant. Your consideration of Osage Utility Operation Company would be much appreciated. They will provide a fair cost of these services.**

Date Filed **9/3/2019 6:06:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000234**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.-(Water)**  
  
First Name **Michael**  
Middle Initial **T**  
Last Name **Reiter**  
Street Address [REDACTED]  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
County **Camden**  
Phone No. [REDACTED]  
Email [REDACTED]  
Case No. **WA-2019-0185**  
Public Comments Description **Please keep my water and sewer system locally owned. I do not want Osage Utility Operating Company (Central States Water Supply Dist #5) to be awarded rights to assume control over my water and sewer system. I am happy with the cost effective manner in which the systems are currently ran and don't feel it would be in the customers best interests.**  
Date Filed **9/4/2019 8:17:00 AM**



Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000235**  
Utility Type **Water**

Utility Company **Osage Utility Operating Company, Inc.-(Water)**

First Name **Jeffrey**

Middle Initial **S**

Last Name **Anderson**

Street Address [REDACTED]

Mailing Address [REDACTED]

City **Camdenton**

State **MO**

Zip **65020**

County **Camden**

Phone No. [REDACTED]

Email [REDACTED]

Case No. **WA-2019-0185**

Public Comments Description **I would like to support the purchase of our water supply of Public water system number 5. Osage Utility Operating Company is an out of state company that is for profit and would not give us a real voice. The public water system number 5 would give us the chance to get a voice and would not be profit driven. Please allow Public water system number 5 to purchase the water company. Thank you**

Date Filed **9/4/2019 8:32:00 AM**

Public Comments

[Public Comments](#)(Submission Summary)

Public Comment No. **P202000239**  
Utility Type **Water**

Utility Company **Public Water Supply District No. 5 of Camden County, Missouri-(Water)**

First Name **Raymond**

Middle Initial **F**

Last Name **Berneking**

Street Address [REDACTED]

Mailing Address **N/A**

City **Camdenton**

State **MO**

Zip **65020**

County **N/A**

Phone No. [REDACTED]

Email [REDACTED]

Case No. **WA-2019-0185**

Public Comments Description **I previously suggested the wrong utility company be awarded the water system for Cedar Glen Condos. We prefer Public Water Supply District 5.**

Date Filed **9/4/2019 4:08:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000241**  
 Utility Type **Water**  
  
 Utility Company **Osage Utility Operating Company, Inc.- (Water)**  
  
 First Name **Steven**  
 Middle Initial **N/A**  
 Last Name **Mix**  
 Street Address **[REDACTED]**  
 Mailing Address **[REDACTED]**  
 City **Camdenton**  
 State **MO**  
 Zip **65020**  
 County **Camden**  
 Phone No. **[REDACTED]**  
 Email **[REDACTED]**  
 Case No. **WA-2019-0185**  
 Public Comments Description **As a homeowner at Cedar Glen Condominium I want to have my water service provided by Public Water Supply District #5. They are a local water supplier and would charge us the same rates. Whereas Osage Utility Operating Co is bidding on the system that is backed by investors and has a business plan. They are not a local company and have a reputation of acquiring failing systems and aggressively raising costs to increase profits for their investors. Thankyou**  
  
 Date Filed **9/6/2019 10:36:00 AM**

Public Comments

[Public Comments](#)(Submission Summary)

Public Comment No. **P202000248**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.- (Water)**  
  
First Name **Carolyn**  
Middle Initial **J**  
Last Name **Toomey**  
Street Address **[REDACTED]**  
Mailing Address **N/A**  
City **Saint Louis**  
State **MO**  
Zip **63128**  
County **St. Louis County**  
Phone No. **[REDACTED]**  
Email **[REDACTED]**  
Case No. **WA-2019-0185**  
Public Comments Description **I am a condo owner in the Cedar Glen condos (united 238-4G).I want to register my support of the purchase of our water/sewer system to Public Water Supply District #5. SWSD#5 is a local operation and as such, I feel, will be more responsive to the customer needs, both current & future, of the water/sewer system.**  
  
Date Filed **9/9/2019 11:03:00 AM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000249**  
Utility Type **Water**  
Utility Company **Osage Utility Operating Company, Inc.-(Water)**  
First Name **Richard**  
Middle Initial **N/A**  
Last Name **Simpson**  
Street Address   
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
County **N/A**  
Phone No. **N/A**  
Email **N/A**  
Case No. **WA-2019-0185**  
Public Comments Description **Public Water Supply #5 would be just fine for Cedar Glen's system. Do not want to have any additional charges. Have quality service now.**  
Date Filed **9/9/2019 4:03:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000251**  
Utility Type **Water**  
Utility Company **Osage Utility Operating Company, Inc.-(Water)**  
First Name **arthur**  
Middle Initial **N/A**  
Last Name **stolle**  
Street Address **[REDACTED]**  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. **[REDACTED]**  
Email **N/A**  
Case No. **WA-2019-0185**  
Public Comments Description **We would prefer that a local not for profit utility like District #5 take over this utility**  
Date Filed **9/11/2019 12:04:00 PM**

Public Comments

[Public Comments](#)(Submission Summary)

Public Comment No. **P202000253**

Utility Type **Water**

Utility Company **Osage Utility Operating Company, Inc.- (Water)**

First Name **Jesse**

Middle Initial **N/A**

Last Name **Beasley**

Street Address **[REDACTED]**

Mailing Address **[REDACTED]**

City **Camdenton**

State **MO**

Zip **65020**

County **Camden**

Phone No. **N/A**

Email **N/A**

Case No. **WA-2019-0185**

Public Comments Description **As a resident of Cedar Glen Condominiums, I am not in favor of this privately owned company. From what I have read about them is they do not have the customers best interest in mind, they also do not fulfill their promises to repair failing systems, and raise rates to all their customers. Already I feel they have been dishonest by sending a letter to us months ago stating they are our new water and sewer provider. I feel we will be best served by a public utility company.**

Date Filed **9/11/2019 10:14:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000263**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.- (Water)**  
  
First Name **Robert**  
Middle Initial **W**  
Last Name **Gauch**  
Street Address **[REDACTED]**  
Mailing Address **[REDACTED]**  
City **Camdenton**  
State **MO**  
Zip **65049**  
County **Camden**  
Phone No. **[REDACTED]**  
Email **[REDACTED]**  
Case No. **WA-2019-0185**  
Public Comments Description **waterRobert**  
Date Filed **9/14/2019 8:41:00 AM**



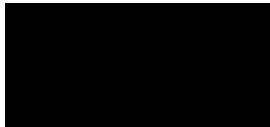
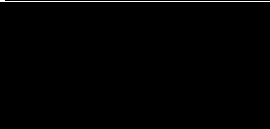
Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000264**  
Utility Type **Water**  
  
Utility Company **Osage Water Company-(Water)**  
  
First Name **Loretta**  
Middle Initial **N/A**  
Last Name **Figge**  
Street Address **[REDACTED]**  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. **[REDACTED]**  
Email **[REDACTED]**  
Case No. **WA-2019-0185**  
Public Comments Description **I am in complete favor for Public Watee Supply #5 to purchase the Cedar Glen water system. From 1970 until 2016 my water was supplied by a Public Water supply in another county of Missouri. I was quite satisfied with their service. I am confident PWS #5 will do the same for Cedar Glen. Thank you Loretta M Figge**  
  
Date Filed **9/15/2019 1:00:00 AM**



Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000265**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.- (Water)**  
  
First Name **Diana**  
Middle Initial **N/A**  
Last Name **Franck**  
  
Street Address   
  
Mailing Address   
  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **N/A**  
Phone No. **N/A**  
Email **N/A**  
Case No. **WA-2019-0185**  
Public Comments Description **As owners of property in Cedar Glen Condos, I wish to support our local water and sewer system, Public Water Supply District #5 Thank you**  
Date Filed **9/15/2019 10:28:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000266**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.- (Water)**  
  
First Name **Gilbert**  
Middle Initial **N/A**  
Last Name **Franck**  
  
Street Address   
  
Mailing Address   
  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **N/A**  
Phone No. **N/A**  
Email **N/A**  
Case No. **WA-2019-0185**  
Public Comments Description **As owner of property in Cedar Glen Condos I want to support our local water and sewer system: Public Water Supply District #5 Thank you.**  
Date Filed **9/15/2019 10:37:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000267**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.- (Water)**  
  
First Name **Cheryl**  
Middle Initial **L**  
Last Name **taylor**  
Street Address **[REDACTED]**  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
County **Camden**  
Phone No. **N/A**  
Email **N/A**  
Case No. **WA-2019-0185**  
Public Comments Description **Cedar Glen Condo Association should have a right to select it's own water source. We believe that Osage Utility Operating Company will aggressively raise prices. We have developed a relationship with Public Water District #5 who is locally operated and expresses desire to continually develop the area including Cedar Glen Condos.**  
Date Filed **9/16/2019 7:45:00 AM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000268**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.-(Water)**  
  
First Name **Chris**  
Middle Initial **N/A**  
Last Name **Figge**  
Street Address [REDACTED]  
Mailing Address **N/A**  
City **Peculiar**  
State **MO**  
Zip **64078**  
County **Cass**  
Phone No. [REDACTED]  
Email [REDACTED]  
Case No. **WA-2019-0185**  
Public Comments Description **It is our preference that Public Water Supply #5 be allowed to support and provide water to the Cedar Glenn Condominium and surrounding community. We feel that their local presence and knowledge would be better suited to this lake side area.**  
Date Filed **9/16/2019 12:29:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000270**  
Utility Type **Water**

Utility Company **Osage Utility Operating Company, Inc.- (Water)**

First Name **Ken**

Middle Initial **N/A**

Last Name **Figge**

Street Address [REDACTED]

Mailing Address **N/A**

City **Camdenton**

State **MO**

Zip **65020**

County **Camden**

Phone No. [REDACTED]

Email [REDACTED]

Case No. **WA-2019-0185**

Public Comments Description **Public water supply #5 would be of great value to Cedar Glen and the surrounding communities if they are awarded to acquire Cedar Glen's system. They would have the best interest of Cedar Glen rather than a privately owned company looking to increase their revenues as their focus rather than quality services with reasonable rates.**

Date Filed **9/16/2019 1:52:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000271**  
Utility Type **Water**

Utility Company **Osage Utility Operating Company, Inc.-(Water)**

First Name **Gina**

Middle Initial **M**

Last Name **Bohler**

Street Address [REDACTED]

Mailing Address **N/A**

City **Camdenton**

State **MO**

Zip **50131**

County **Camden**

Phone No. [REDACTED]

Email [REDACTED]

Case No. **WA-2019-0185**

Public Comments Description **Please consider our water at Cedar Glen Condos be managed by Public Water Supply District #5. This would allow for more efficient and reliable service, as well as, safe drinking water for our own members! It makes no sense to have any other outside agency manage this.**

Date Filed **9/16/2019 6:13:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000272**  
Utility Type **Water**  
  
Utility Company **N/A**  
  
First Name **Loretta**  
Middle Initial **N/A**  
Last Name **FIGGE**  
Street Address **[REDACTED]**  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. **[REDACTED]**  
Email **[REDACTED]**  
Case No. **WA-2019-0185**  
Public Comments Description **View commentd**  
Date Filed **9/16/2019 7:19:00 PM**



Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000273**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.- (Water)**  
  
First Name **Kathy**  
Middle Initial **N/A**  
Last Name **Sylvester**  
Street Address **[REDACTED]**  
Mailing Address **[REDACTED]**  
City **Saint Charles**  
State **MO**  
Zip **63304**  
County **N/A**  
Phone No. **N/A**  
Email **N/A**  
Case No. **WA-2019-0185**  
Public Comments Description **I want to express support for the purchase of our water and sewer system by the local, neighboring Public Water Supply District #5. The competing bidder, Osage Utility Operating Company is out of the area and has a history of aggressively raising service costs to cover their debt load and make a profit for their investors.**  
  
Date Filed **9/17/2019 7:34:00 AM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000274**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.- (Water)**  
  
First Name **Dennise**  
Middle Initial **E**  
Last Name **Dixon**  
Street Address **[REDACTED]**  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
County **N/A**  
Phone No. **N/A**  
Email **N/A**  
Case No. **WA-2019-0185**  
Public Comments Description **As a resident of Cedar Glen, in Camdenton, MO I would like to voice my support of the purchase of our water and sewer system by the local, neighboring Public Water Supply District #5. I feel our community would be much more connected with this local water company and would be able to have more relative dialog through the association's very responsible Board of Directors. Thank you.**  
  
Date Filed **9/17/2019 9:13:00 AM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No.	<b>P202000300</b>
Utility Type	<b>Water</b>
Utility Company	<b>Osage Utility Operating Company, Inc.-(Water)</b>
First Name	<b>Pat</b>
Middle Initial	<b>N/A</b>
Last Name	<b>Simpson</b>
Street Address	[REDACTED]
Mailing Address	<b>N/A</b>
City	<b>Camdenton</b>
State	<b>MO</b>
Zip	<b>65020</b>
County	<b>Camden</b>
Phone No.	[REDACTED]
Email	[REDACTED]
Case No.	<b>WA-2019-0185</b>
Public Comments Description	<b>I am for Public Water Supply #5, for the better interest of we at Cedar Glen as well as our neighboring community around us. I feel that OUOC will harm the value of the condos by raising the rates. Individuals are concerned about this company inflating our bills and effect our budgets. I am a new Owner and every cent counts.</b>
Date Filed	<b>10/3/2019 3:43:00 PM</b>

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000301**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.- (Water)**  
  
First Name **Bee**  
Middle Initial **N/A**  
Last Name **Evans**  
Street Address **[REDACTED]**  
Mailing Address **N/A**  
City **Osage Beach**  
State **MO**  
Zip **65065**  
County **Camden**  
Phone No. **N/A**  
Email **N/A**  
Case No. **WA-2019-0185**  
Public Comments Description **Public Water Supply #5 would be of great value to Cedar Glen and the surrounding communities if they are awarded the right to acquire Cedar Glen's system. I feel PWS#5 would have the best interest for Cedar Glen rather than a privately owned company looking to increase their revenue. I feel that Cedar Glen would be negatively impacted and unit resales compromised by widely different utility rates in the area.**  
  
Date Filed **10/3/2019 5:30:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000302**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.- (Water)**  
  
First Name **Ken**  
Middle Initial **N/A**  
Last Name **Figge**  
Street Address **[REDACTED]**  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. **[REDACTED]**  
Email **[REDACTED]**  
Case No. **WA-2019-0185**  
Public Comments Description **As an Owner &VP of Board of Directors, I attended the hearing PSC case# WA-2019-0185. After 2 days of hearings & testimonies it was clear, as I represented Cedar Glen, that PWSD#5 has the best interest of Cedar Glen Owners & surrounding communities. If OUOC, a private co. is awarded the "supposed failing system" it will mean higher water & Sewer rates, decreases in property value; surrounding complexes like Cedar Heights & Clear Water will experience financial declines as well.**  
  
Date Filed **10/5/2019 11:51:00 AM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000303**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.- (Water)**  
  
First Name **Kenneth**  
Middle Initial **N/A**  
Last Name **Figge**  
Street Address **[REDACTED]**  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. **[REDACTED]**  
Email **[REDACTED]**  
Case No. **WA-2019-0185**  
Public Comments Description **In regard to Cedar Glen and Cedar Heights complexes: The requirement to drill additional wells, per DNR regs, since each would need a back up well, would be an expense not needed if the plan presented by District #5 was approved. Prior to moving to Cedar Glen I was serviced by a public water supply for 45yrs with great success & reasonable rates. The best decision for the area is PWSD#5.**  
  
Date Filed **10/5/2019 12:13:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000304**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.- (Water)**  
  
First Name **Ronald**  
Middle Initial **D**  
Last Name **Pate**  
Street Address **[REDACTED]**  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. **[REDACTED]**  
Email **N/A**  
Case No. **WA-2019-0185**  
Public Comments Description **I live at 238 Cedar Glen, Camdenton MO and am in favor of PWSD#5 owning and operating the water and sewer system at in this area. The public utility will be able to better maintain the systems and control costs much better as improvements are spread amongst many consumers.**  
  
Date Filed **10/5/2019 3:17:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000305**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.- (Water)**  
  
First Name **Syl Sally**  
Middle Initial **L**  
Last Name **Fontana**  
Street Address **[REDACTED]**  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. **[REDACTED]**  
Email **[REDACTED]**  
Case No. **WA-2019-0185**  
Public Comments Description **Now that the hearing has happened. We want to encourage the PSC ruling in favor of number 5. Higher rates harms us a condo owners. The effects will lower our property values and make it harder to resell our condo do to much higher water and sewer bills. Number 5 benefits us all because it is a locally managed company and managed by local people that use the water. This keeps the money in our community.**  
  
Date Filed **10/5/2019 4:13:00 PM**



Public Comments

[Public Comments](#)(Submission Summary)

Public Comment No. **P202000306**  
Utility Type **Water**  
  
Utility Company **Osage Water Company-(Water)**  
  
First Name **Robert**  
Middle Initial **N/A**  
Last Name **Teak**  
Street Address **[REDACTED]**  
Mailing Address **[REDACTED]**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **N/A**  
Phone No. **N/A**  
Email **[REDACTED]**  
Case No. **WA-2019-0185**  
Public Comments Description **I would like the PSC to rule in favor of #5. We feel that our water system should be in the hands of a local neighboring public system. As a homeowner it is favorable to current property value. Thank you for taking homeowners preferences to make your final ruling.**  
Date Filed **10/7/2019 10:25:00 AM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P20200307**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.- (Water)**  
  
First Name **Donald**  
Middle Initial **N/A**  
Last Name **Howard**  
Street Address **[REDACTED]**  
Mailing Address **[REDACTED]**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. **N/A**  
Email **N/A**  
Case No. **WA-2019-0185**  
Public Comments Description **With my review... and being a prior CG Board Member ... Public Water Supply #5 would be a better choice for me at Cedar Glen, and to the surrounding community**  
Date Filed **10/7/2019 6:06:00 PM**

Public Comments

[Public Comments](#)(Submission Summary)

Public Comment No. **P202000310**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.-(Water)**  
  
First Name **Zelda**  
Middle Initial **N/A**  
Last Name **Haynes**  
Street Address [REDACTED]  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. [REDACTED]  
Email [REDACTED]  
Case No. **WA-2019-0185**  
Public Comments Description **Now that the Hearing is completed we as Owners at Cedar Glen are hoping the PSC makes the best decision, to keep it at as low of rate as possible which is to go with Public Water Supply District #5. Thank you for considering our opinions in your decision.**  
  
Date Filed **10/9/2019 12:46:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000311**  
Utility Type **N/A**  
  
Utility Company **Osage Utility Operating Company, Inc.- (Water)**  
  
First Name **Sue**  
Middle Initial **N/A**  
Last Name **Hertel**  
Street Address **[REDACTED]**  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **N/A**  
Phone No. **N/A**  
Email **N/A**  
Case No. **WA-2019-0185**  
Public Comments Description **PWSD #5 would by far be the best option for us at Cedar Glen Condos. PWSD #5 would have the best interest for Cedar Glen with quality services at reasonable rates. This is beneficial to our community helping with increased property values and less hardship on our wallets. A private company's only interest is in their own bottom line. They will immediately impose steep rate hikes and will not care about the quality of services. We absolutely do not want that!!**  
  
Date Filed **10/10/2019 4:14:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No.	<b>P202000314</b>
Utility Type	<b>Water</b>
Utility Company	<b>Osage Utility Operating Company, Inc.-(Water)</b>
First Name	<b>Janice</b>
Middle Initial	<b>N/A</b>
Last Name	<b>Riner</b>
Street Address	[REDACTED]
Mailing Address	<b>N/A</b>
City	<b>Camdenton</b>
State	<b>MO</b>
Zip	<b>65030</b>
County	<b>Camden</b>
Phone No.	[REDACTED]
Email	[REDACTED]
Case No.	<b>WA-2019-0185</b>
Public Comments Description	<b>PWS#5 would be highly recommended and valuable to Cedar Glen and it's surrounding community if awarded Cedar Glen's system. A privately owned company would be financially crippling to customers because the company is more concerned with revenue rather than service.</b>
Date Filed	<b>10/12/2019 10:08:00 AM</b>

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No.	<b>P202000315</b>
Utility Type	<b>Water</b>
Utility Company	<b>Osage Utility Operating Company, Inc.-(Water)</b>
First Name	<b>Sarah</b>
Middle Initial	<b>J</b>
Last Name	<b>Van Dyne</b>
Street Address	[REDACTED]
Mailing Address	<b>N/A</b>
City	<b>Camdenton</b>
State	<b>MO</b>
County	<b>Camden</b>
Phone No.	<b>N/A</b>
Email	[REDACTED]
Case No.	<b>WA-2019-0185</b>
Public Comments Description	<b>As a home owner at Cedar Glen Condominiums, I feel it is in our best interest to support the purchase of our water and sewer system by the local neighboring Public Water Supply District #5.</b>
Date Filed	<b>10/12/2019 11:06:00 AM</b>

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000316**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.- (Water)**  
  
First Name **Virginia**  
Middle Initial **L**  
Last Name **Dannatt**  
Street Address **[REDACTED]**  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. **[REDACTED]**  
Email **N/A**  
Case No. **WA-2019-0185**  
Public Comments Description **I would like to support PWSD#5 annexing Cedar Glen. The residents here are mostly retired people. Raising rates very high would be a hardship to all , I believe this company would keep rates down. Thank you for hearing my comment.**  
  
Date Filed **10/13/2019 2:14:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000317**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.-(Water)**  
  
First Name **Wendy**  
Middle Initial **N/A**  
Last Name **Rogers**  
Street Address **[REDACTED]**  
Mailing Address **N/A**  
City **Linn Creek**  
State **MO**  
Zip **65052**  
County **Camden**  
Phone No. **[REDACTED]**  
Email **[REDACTED]**  
Case No. **WA-2019-0185**  
Public Comments Description **I work for PMG & assigned to Cedar Glen Condo Complex as property mngr. I attended PSC Hearings 9.17 & 9.18. A very interesting case - much of the process was redundant, however I was impressed w/ PSC counsel, judge & the questions asked. PSC staff however, was confusing until I heard they really evaluated ONLY the dark horse bidder & its validity to run the system. They didn't even consider PWSD#5 in their considerations. PWSD & Ned Goss were very impressive, personally involved, and care!**  
  
Date Filed **10/14/2019 10:13:00 AM**



Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000318**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.- (Water)**  
  
First Name **Robert**  
Middle Initial **N/A**  
Last Name **Jenkins**  
Street Address **[REDACTED]**  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. **[REDACTED]**  
Email **N/A**  
Case No. **WA-2019-0185**  
Public Comments Description **I believe that PWSD #5 is a local company and that is the best option for Cedar Glen. They are local, they are friends and neighbors, they will have our best interest at heart. I am the Grounds and Maintenance man assigned to CG with a background in water and sewer.**  
  
Date Filed **10/14/2019 10:54:00 AM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000319**  
Utility Type **Water**  
  
Utility Company **Public Water Supply District No. 5 of Camden County, Missouri-(Water)**  
  
First Name **Rhonda**  
Middle Initial **S**  
Last Name **Cox**  
Street Address [REDACTED]  
Mailing Address [REDACTED]  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. [REDACTED]  
Email [REDACTED]  
Case No. **WA-2019-0185**  
Public Comments Description **We have a condo at Cedar Glen Condos at Lake of the Ozarks and we support Public Water Supply District # 5 annexing our condo for our water.**  
Date Filed **10/15/2019 12:20:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No.	<b>P202000320</b>
Utility Type	<b>Water</b>
Utility Company	<b>Osage Utility Operating Company, Inc.- (Water)</b>
First Name	<b>Cynthia</b>
Middle Initial	<b>J</b>
Last Name	<b>Stauch</b>
Street Address	[REDACTED]
Mailing Address	[REDACTED]
City	<b>Camdenton</b>
State	<b>MO</b>
Zip	<b>65020</b>
County	<b>Non-Missouri</b>
Phone No.	[REDACTED]
Email	[REDACTED]
Case No.	<b>WA-2019-0185</b>
Public Comments Description	<b>I am writing to ask that you strongly consider Public water District #5 for Cedar Glen condominiums. Public Water Supply District #5, would be of great value to Cedar Glen and the surrounding communities if they are awarded to acquire Cedar Glen's system. They would have the best interest for Cedar Glen rather than a privately owned company looking to increase their revenues as their focus rather than quality services with reasonable rates. Thank you for your consideration.</b>
Date Filed	<b>10/15/2019 2:23:00 PM</b>

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000321**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.- (Water)**  
  
First Name **Robert**  
Middle Initial **W**  
Last Name **Gauch**  
Street Address **[REDACTED]**  
Mailing Address **N/A**  
City **Belleville**  
State **IL**  
Zip **62220-5104**  
County **St. Clair**  
Phone No. **[REDACTED]**  
Email **N/A**  
Case No. **WA-2019-0185**  
Public Comments Description **As an owner of a condo at Cedar Glen I wish to have my water service provided by Public Water Supply District #5.**  
Date Filed **10/15/2019 4:46:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000322**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.- (Water)**  
  
First Name **Ken**  
Middle Initial **N/A**  
Last Name **Hartlage**  
Street Address **[REDACTED]**  
Mailing Address **N/A**  
City **Pacific**  
State **MO**  
Zip **63069**  
County **N/A**  
Phone No. **[REDACTED]**  
Email **[REDACTED]**  
Case No. **WA-2019-0185**  
Public Comments Description **We do not need someone with a bad track record to take over our Water & Sewer system. We don't want to be associated with someone who has a history of raising rates. Many Owners are on a fixed income and can't afford to be ripped off. He didn't even offer us any senior citizen discounts!**  
  
Date Filed **10/16/2019 11:05:00 AM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000323**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.-(Water)**  
  
First Name **Mark**  
Middle Initial **N/A**  
Last Name **Nienhueser**  
Street Address [REDACTED]  
Mailing Address [REDACTED]  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. [REDACTED]  
Email [REDACTED]  
Case No. **WA-2019-0185**  
Public Comments Description **As a local Insurance Agency owner and a Cedar Glen Condo owner, I support the purchase of our water & sewer system by the local, neighboring Public Water Supply District #5. I believe that the best choice for the local neighboring public system rather is PWSD #5 vs the privately backed Osage Utility Operating Company (OUOC). Negative factors to letting a privately held company purchase this system include property values, service rates and high profits for the company at condo owner's expense.**  
  
Date Filed **10/16/2019 11:09:00 AM**

Public Comments

[Public Comments](#)(Submission Summary)

Public Comment No. **P202000324**

Utility Type **Water**

Utility Company **Osage Utility Operating Company, Inc.-(Water)**

First Name **cheryl**

Middle Initial **N/A**

Last Name **taylor**

Street Address **[REDACTED]**

Mailing Address **N/A**

City **nashville**

State **IL**

Zip **62263**

County **Washington**

Phone No. **[REDACTED]**

Email **[REDACTED]**

Case No. **WA-2019-0185**

Public Comments Description **i am an owner of The Cedar Glen Condo Association, 238 Cedar Glen #2D. We enjoy the progress of the area and are concerned of rising rates if Osage Utility Operating Company takes over . Public Water Supply District #5. We feel that PWSD#5 will better serve our community and continue to develop the area at a reasonable cost and performance. Please support our claim to deny Osage Water access to Cedar Glen as we are concerned that our property value will deteriorate with increased water bills.**

Date Filed **10/16/2019 11:56:00 AM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000325**  
Utility Type **Water**  
  
Utility Company **Osage Water Company-  
(Water)**  
  
First Name **Linda**  
Middle Initial **N/A**  
Last Name **Eldridge**  
Street Address **[REDACTED]**  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. **[REDACTED]**  
Email **[REDACTED]**  
Case No. **WA-2019-0185**  
Public Comments Description **I would like to give my full support for PWSD#5 annexing Cedar Glen.**  
Date Filed **10/16/2019 2:15:00 PM**



Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000326**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.- (Water)**  
  
First Name **Raymond**  
Middle Initial **N/A**  
Last Name **Berneking**  
Street Address **[REDACTED]**  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. **[REDACTED]**  
Email **N/A**  
Case No. **WA-2019-0185**  
Public Comments Description **Owners of Cedar Glen Condos have learned that the PSC, has decided not to hear their comments or complaints reference who should receive the bid for our water system. I guess the PSC (Public Service) knows best as to who could serve the public better, Public or Private. Cedar Glen Owners feel it is not OUOC. Please give us the same consideration you have given OUOC.**  
  
Date Filed **10/16/2019 5:59:00 PM**

Public Comments

[Public Comments](#)(Submission Summary)

Public Comment No.	<b>P202000327</b>
Utility Type	<b>Water</b>
Utility Company	<b>Osage Utility Operating Company, Inc.-(Water)</b>
First Name	<b>Alan</b>
Middle Initial	<b>M</b>
Last Name	<b>Engle</b>
Street Address	[REDACTED]
Mailing Address	<b>N/A</b>
City	<b>Bloomington</b>
State	<b>IL</b>
Zip	<b>61705</b>
County	<b>Camden</b>
Phone No.	[REDACTED]
Email	[REDACTED]
Case No.	<b>WA-2019-0185</b>
Public Comments Description	<b>As a condo owner at Cedar Glen I object to the approval of OUOC's application for taking over the water and sewer services of our location. I prefer district ownership and operation of the utility assets serving the Cedar Glen location. I have researched the OUOC history of taking over similar utilities and very few positive consumer has been found.</b>
Date Filed	<b>10/16/2019 6:32:00 PM</b>

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000328**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.- (Water)**  
  
First Name **James**  
Middle Initial **D**  
Last Name **Lamb**  
Street Address **[REDACTED]**  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. **[REDACTED]**  
Email **[REDACTED]**  
Case No. **WA-2019-0185**  
Public Comments Description **My wife and I have lived and owned a Cedar Glen Condo for nearly 15 years. We are opposed and object to the approval of OUOC's application. Our sincere preference is for District ownership and operation of the utility assets serving Cedar Glen.**  
  
Date Filed **10/16/2019 6:45:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P20200329**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.- (Water)**  
  
First Name **Dennis**  
Middle Initial **N/A**  
Last Name **Bretz**  
Street Address **[REDACTED]**  
Mailing Address **[REDACTED]**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. **[REDACTED]**  
Email **N/A**  
Case No. **WA-2019-0185**  
Public Comments Description **Please allow our local neighboring company to service our Cedar Glen Condo community. We do not want to be controlled by a private entity. Our needs would be best served by letting us annex PWSD #5. Our wishes are clear and we hope they are heard. Thank you.**  
Date Filed **10/16/2019 8:00:00 PM**

Public Comments

[Public Comments](#)(Submission Summary)

Public Comment No. **P202000330**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.- (Water)**  
  
First Name **Loretta**  
Middle Initial **N/A**  
Last Name **Figge**  
Street Address **[REDACTED]**  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. **[REDACTED]**  
Email **[REDACTED]**  
Case No. **WA-2019-0185**  
Public Comments Description **The opinion of the owners of Cedar Glen surely is a consideration! There are many areas to consider in this issue such as real estate values, creating a monopoly of water companies, increase costs for users who ave limited assets ( as I am) and many more. I respectfully request you to accept Public Water Supply #5. Homeowners matter,**  
  
Date Filed **10/16/2019 8:32:00 PM**

Public Comments

[Public Comments](#)(Submission Summary)

Public Comment No. **P202000332**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.-(Water)**  
  
First Name **Patricia**  
Middle Initial **A**  
Last Name **Terp**  
Street Address **[REDACTED]**  
Mailing Address **[REDACTED]**  
City **Camdenton**  
State **MO**  
County **Camden**  
Phone No. **[REDACTED]**  
Email **[REDACTED]**  
Case No. **WA-2019-0185**  
Public Comments Description **No monopoly Public District #5**  
Date Filed **10/16/2019 9:09:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000333**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.- (Water)**  
  
First Name **Eva**  
Middle Initial **A**  
Last Name **Danek**  
Street Address **[REDACTED]**  
Mailing Address **N/A**  
City **Camden**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. **[REDACTED]**  
Email **N/A**  
Case No. **WA-2019-0185**  
Public Comments Description **We owners at Cedar Glen are the ones who would bear the brunt of your decision and I would hope you would take into consideration our desire to be supplied by the not for profit group in our area. As the commission I would request you require discussions with those who would be directly affected. I feel we are being railroaded into a PCS staff decision without feedback.**  
  
Date Filed **10/17/2019 8:04:00 AM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No.	<b>P202000334</b>
Utility Type	<b>Water</b>
Utility Company	<b>Osage Utility Operating Company, Inc.-(Water)</b>
First Name	<b>Daniel</b>
Middle Initial	<b>J</b>
Last Name	<b>Eber</b>
Street Address	[REDACTED]
Mailing Address	[REDACTED]
City	<b>Kansas City</b>
State	<b>MO</b>
Zip	<b>64151</b>
County	<b>Platte</b>
Phone No.	[REDACTED]
Email	[REDACTED]
Case No.	<b>WA-2019-0185</b>
Public Comments Description	<b>I object to approval of OUOC's application. I support the preference for District ownership and operation of the utility assets serving Cedar Glen. I support Cedar Glen be ran by PWSD#5 public utility.</b>
Date Filed	<b>10/17/2019 8:21:00 AM</b>



Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000335**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.- (Water)**  
  
First Name **Jude**  
Middle Initial **N/A**  
Last Name **Wawrzyniak**  
Street Address **[REDACTED]**  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. **N/A**  
Email **N/A**  
Case No. **WA-2019-0185**  
Public Comments Description **As an owner and resident of Cedar Glen Condominiums, our preference is that the water utility assets serving our neighborhood be operated by a local District, PWSD #5 Utility, and not a distant for-profit entity as Osage Utility Operating Company. I understand the both the PSC and OUOC has chosen to ignore the concerns and preference of other residents of Cedar Glen on this matter and wish to extend my disappointment that our voice is not being adequately considered in this final decision.**  
  
Date Filed **10/17/2019 8:47:00 AM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No.	<b>P202000336</b>
Utility Type	<b>Water</b>
Utility Company	<b>Osage Utility Operating Company, Inc.- (Water)</b>
First Name	<b>John</b>
Middle Initial	<b>N/A</b>
Last Name	<b>Krettek</b>
Street Address	[REDACTED]
Mailing Address	[REDACTED]
City	<b>Saint Louis</b>
State	<b>MO</b>
Zip	<b>63127-1539</b>
County	<b>St. Louis County</b>
Phone No.	[REDACTED]
Email	[REDACTED]
Case No.	<b>WA-2019-0185</b>
Public Comments Description	<b>Vote for Utility PWSD#5</b>
Date Filed	<b>10/17/2019 9:07:00 AM</b>

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No.	<b>P202000337</b>
Utility Type	<b>Water</b>
Utility Company	<b>Osage Utility Operating Company, Inc.-(Water)</b>
First Name	<b>Steven</b>
Middle Initial	<b>N/A</b>
Last Name	<b>Morrison</b>
Street Address	<b>[REDACTED]</b>
Mailing Address	<b>N/A</b>
City	<b>Camdenton</b>
State	<b>MO</b>
Zip	<b>65020</b>
County	<b>Camden</b>
Phone No.	<b>N/A</b>
Email	<b>[REDACTED]</b>
Case No.	<b>WA-2019-0185</b>
Public Comments Description	<b>I prefer District ownership and operation of the utility assets serving Cedar Glen. Woud like to be served by a non-profit utility.</b>
Date Filed	<b>10/17/2019 10:57:00 AM</b>

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000338**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.- (Water)**  
  
First Name **Ronald**  
Middle Initial **J**  
Last Name **Darling**  
Street Address **[REDACTED]**  
Mailing Address **[REDACTED]**  
City **Florissant**  
State **MO**  
Zip **63031**  
County **N/A**  
Phone No. **[REDACTED]**  
Email **N/A**  
Case No. **WA-2019-0185**  
Public Comments Description **This is my second comment. I am deeply concerned that the PSC is not giving the appropriate credit to the previous public comments received. The Cedar Glen and surrounding community should have a significant voice in the pending decision. Local control and knowledge of our water and sewer system with a local voice in necessary corrections and costs is so important. This resource is in better hands with an organization not driven by a pure profit motivation. Thank you for listening. .**  
  
Date Filed **10/17/2019 11:13:00 AM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000339**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.- (Water)**  
  
First Name **Terry**  
Middle Initial **N/A**  
Last Name **Heidegger**  
Street Address **[REDACTED]**  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **N/A**  
Phone No. **N/A**  
Email **N/A**  
Case No. **WA-2019-0185**  
Public Comments Description **As an owner at Cedar Glen Condominiums, I would like for Osage Utility Operating Co to have control of our water system. They are supplying the water and sewer services to other complexes in the area and have not had any problems to my knowledge, and have been fair and reasonable with the cost.**  
  
Date Filed **10/17/2019 12:01:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000340**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.-(Water)**  
  
First Name **Garry**  
Middle Initial **N/A**  
Last Name **Brandt**  
Street Address [REDACTED]  
Mailing Address [REDACTED]  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. [REDACTED]  
Email [REDACTED]  
Case No. **WA-2019-0185**  
Public Comments Description **As an insurance agent with customers at Cedar Glen I believe Public Water Supply District #5 will best meet the needs of the residents of Cedar Glen. Public Water Supply District #5 offers the best combination of service and cost.**  
Date Filed **10/17/2019 1:57:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000342**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.- (Water)**  
  
First Name **Dick**  
Middle Initial **N/A**  
Last Name **Wright**  
Street Address **[REDACTED]**  
Mailing Address **N/A**  
City **Osage Beach**  
State **MO**  
Zip **65065**  
County **N/A**  
Phone No. **5-- Ext -**  
Email **N/A**  
Case No. **WA-2019-0185**  
Public Comments Description **The owners at Cedar Glen would be better served if they had PSWD#5 as their water company. If they have to use Osage Utility Operating Company they will be at a disadvantage when comes to the time when want to sell their property. Both Clearwater and Cedar Heights have PSWD#5 and they have serve them well**  
  
Date Filed **10/18/2019 6:06:00 PM**

Public Comments

[Public Comments](#)(Submission Summary)

Public Comment No. **P202000345**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.-(Water)**  
  
First Name **Joan**  
Middle Initial **E**  
Last Name **Johnson**  
Street Address [REDACTED]  
Mailing Address [REDACTED]  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. [REDACTED]  
Email [REDACTED]  
Case No. **WA-2019-0185**  
Public Comments Description **PWSD#5 needs to be awarded to annex Cedar Glen's system. It makes more sense and PWSD#5 is doing a fantastic job at our Clearwater Complex.**  
Date Filed **10/23/2019 8:53:00 AM**



Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000743**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.-(Water)**  
  
First Name **Jody**  
Middle Initial **L**  
Last Name **Welsh**  
Street Address **[REDACTED]**  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. **[REDACTED]**  
Email **[REDACTED]**  
Case No. **WA-2019-0185**  
Public Comments Description **As a resident of Cedar Glen Condos, I am very concerned about the potential rate hikes should the commission decide in favor of the Osage Utility Operating Company over PWSD#5. Myself and many other residents are on fixed incomes and the OUOC has a history of extreme rate hikes all in the name of profit. This company is not looking out for the best interest of the citizens but rather their own bottom line. I hope you will do the RIGHT thing and deny OUOC the opportunity to harm our residents.**  
  
Date Filed **3/2/2020 1:29:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000745**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.-(Water)**  
  
First Name **Ricky**  
Middle Initial **G**  
Last Name **Becker**  
Street Address **[REDACTED]**  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **N/A**  
Phone No. **[REDACTED]**  
Email **[REDACTED]**  
Case No. **WA-2019-0185**  
Public Comments Description **We want Osage utility not the private company**  
Date Filed **3/2/2020 2:18:00 PM**

Public Comments

[Public Comments](#)(Submission Summary)

Public Comment No. **P202000746**  
Utility Type **Water**  
  
Utility Company **Camden County PWSD-(Water)**  
  
First Name **Wayne**  
Middle Initial **A**  
Last Name **Hertel**  
Street Address [REDACTED]  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020-5633**  
County **Camden**  
Phone No. [REDACTED]  
Email [REDACTED]  
Case No. **WA-2019-0185**  
Public Comments Description **My Wife owns and lives at 272 Cedar Glen Drive Unit 1B, she opposes the take over of the water service by the Osage Utility Operating Co... She is in favor of the PWSD#5 water and Sewer service, and it is only fair that the people living in the community have a choice in the final decision, they live there and it is their community.**  
  
Date Filed **3/3/2020 7:30:00 AM**

Public Comments

[Public Comments](#)(Submission Summary)

Public Comment No. **P202000750**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.-(Water)**  
  
First Name **Joe**  
Middle Initial **N/A**  
Last Name **Wheeler**  
Street Address **[REDACTED]**  
Mailing Address **Cedar Glen Condominiums**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **N/A**  
Phone No. **N/A**  
Email **[REDACTED]**  
Case No. **WA-2019-0185**  
Public Comments Description **My wife and I are owners of a condo at Cedar Glen. We both feel strongly the correct choice would continue our services with the publicly ran PWSD#5 and not the privately ran Osage Utility Operating Company (OUOC). WA-2019-0185Cedar Glen Water & Sewer case - opposing - Osage Utility Operating Company. We hope you honor our wishes!  
Joe Wheeler**  
Date Filed **3/3/2020 4:04:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000751**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.- (Water)**  
  
First Name **Kenneth**  
Middle Initial **E**  
Last Name **Figge**  
Street Address **[REDACTED]**  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. **[REDACTED]**  
Email **[REDACTED]**  
Case No. **WA-2019-0185**  
Public Comments Description **As an Owner at Cedar Glen Condo complex since 2004, I am in support of Public Water Supply #5. I am also the Vice-President of the Board of Directors and have served on the Board for 6+ years, so I am speaking for more than just myself. The Board and Owners are in agreement about wanting PWSD#5 to assume the assests of the water and sewer system. Since the post-hearing discussion we need you to hear our position and help us make this a reality.**  
  
Date Filed **3/4/2020 1:25:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000752**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.- (Water)**  
  
First Name **John**  
Middle Initial **J**  
Last Name **Bevolo**  
Street Address **[REDACTED]**  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. **N/A**  
Email **N/A**  
Case No. **WA-2019-0185**  
Public Comments Description **Very discourage thatbthe PSC is leaning towards the private,investor backed, profit based OUOC company. That decision is not for the public interest but actually AGAINST THE PUBLIC INTEREST. OUOC is a company that does work against thepublic interest demonstrated by their track record of ridiculous increases in multiple cases that other unhappy ratepayers. Being a ratepayers our interests is not to support OUOC.**  
  
Date Filed **3/4/2020 3:53:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000753**  
Utility Type **Water**  
  
Utility Company **N/A**  
  
First Name **Marjorie**  
Middle Initial **M**  
Last Name **Nenninger**  
Street Address [REDACTED]  
Mailing Address [REDACTED]  
City **Camdenton**  
State **MO**  
Zip **65020-5660**  
County **Camden**  
Phone No. [REDACTED]  
Email [REDACTED]  
Case No. **WA-2019-0185**  
Public Comments Description **Regarding WA-2019-0185 Osage Utility Operating Company, Inc. and the Post-Hearing Discussion. Please reconsider comments as OUOC a private CO is totally against public interest! Their Track Record is not acceptable to ratepayers living on fixed incomes. PLEASE reconsider & re-research all comments & multiple cases filed against Central States parent CO to OUOC, reread the STL Post Dispatch article & rate case for Cape Girardeau. The PSC is not to make decisions against the Public Interest!**  
  
Date Filed **3/4/2020 7:34:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000754**  
Utility Type **N/A**  
  
Utility Company **N/A**  
  
First Name **Zelda**  
Middle Initial **N/A**  
Last Name **Haynes**  
Street Address **[REDACTED]**  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
County **N/A**  
Phone No. **N/A**  
Email **N/A**  
Case No. **WA-2019-0185**  
Public Comments Description **As a rate payer wants the following post hearing Discussion to be PWSD#5 for this OCOD is against the people as Rate Payers.**  
Date Filed **3/5/2020 8:41:00 AM**



Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000756**  
Utility Type **N/A**  
  
Utility Company **N/A**  
  
First Name **Jeff**  
Middle Initial **N/A**  
Last Name **Anderson**  
Street Address **Not provided**  
Mailing Address **N/A**  
City **Not provided**  
State **MO**  
County **N/A**  
Phone No. **N/A**  
Email **N/A**  
Case No. **WA-2019-0185**  
Public Comments Description **We are being forced in working with Osage Utility Operating Company to operate our Sewer. This is a for profit company that is trying to force us into their group raise our rates to fix Sewers they already have that are in disrepair. We would rather deal with PWSD#5. The commission is obviously heavily lobbied by the Osage Utility Company. Please help us to stop this injustice and allow us to become part of a non for profit ran public water supply district. Thank you for your time and consideration.**  
  
Date Filed **3/5/2020 12:23:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000758**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.- (Water)**  
  
First Name **Zelda**  
Middle Initial **N/A**  
Last Name **Haynes**  
Street Address **[REDACTED]**  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **N/A**  
Phone No. **[REDACTED]**  
Email **N/A**  
Case No. **WA-2019-0185**  
Public Comments Description **Zelda Haynes at Cedar Glen Drive, 2C, as a "ratepayer" wants the following: The PSC decision to be for PWSD #5, because (Osage Utility Operating Company) is against the people's best interest -- against the people as RATEPAYERS! I think you should look into why four of the PSC COMMISSIONERS were in favor of OUOC when the PUBLIC is not!**  
  
Date Filed **3/6/2020 10:51:00 AM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000760**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.- (Water)**  
  
First Name **Raymond**  
Middle Initial **F**  
Last Name **Berneking**  
Street Address **[REDACTED]**  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. **N/A**  
Email **N/A**  
Case No. **WA-2019-0185**  
Public Comments Description **Myself and other condo owners at Cedar Glen in Camdenton Mo. are requesting that the commission NOT give the water utility rights to the Private Company. We are a majority in favor of the Public Owned Co #5, and since the commissioners are placed in that position, to do for the best interest of those involved, then the vote should be for the Public Co #5.**  
  
Date Filed **3/6/2020 12:54:00 PM**

Public Comments

[Public Comments](#)(Submission Summary)

Public Comment No.	<b>P202000766</b>
Utility Type	<b>N/A</b>
Utility Company	<b>N/A</b>
First Name	<b>Ken</b>
Middle Initial	<b>N/A</b>
Last Name	<b>Hulett</b>
Street Address	[REDACTED]
Mailing Address	<b>N/A</b>
City	<b>Camdenton</b>
State	<b>MO</b>
Zip	<b>65020</b>
County	<b>Camden</b>
Phone No.	[REDACTED]
Email	[REDACTED]
Case No.	<b>WA-2019-0185</b>
Public Comments Description	<b>Ken Hulett pres. cedar glen condos, Camdenton mo. Concerning Cedar glen condo vs. OUOC. Has the PSC looked into fire hazard that will occur at cedar glen condos if we have only the existing water system? With the PWS#5 we will have the water from cedar heights as primary and the existing well at cedar glen we currently have . And the cost per homeowner at cedar glen will be approximately \$100 to \$150 less than OUOC. A FOR profit co. Will charge considerable more to operate than a PWS..</b>
Date Filed	<b>3/15/2020 9:21:00 AM</b>

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000805**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.-(Water)**  
  
First Name **Paula**  
Middle Initial **C**  
Last Name **Nienhueser**  
Street Address [REDACTED]  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Non-Missouri**  
Phone No. [REDACTED]  
Email [REDACTED]  
Case No. **WA-2019-0185**  
Public Comments Description **I'm very upset that the voices of the owners at Cedar Glen Condo Complex have not been heard in relation to the decision to award the Cedar Glen Water and Sewer assets to Osage Utility Operating Company. Why wouldn't the owners have a say in this as opposed to five commission members who do not have a vested interest? If this were their home, they might have a very different view. Not happy at all!**  
Date Filed **4/9/2020 9:37:00 AM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000806**  
Utility Type **Water**  
  
Utility Company **Osage Water Company-(Water)**  
  
First Name **Courtney**  
Middle Initial **N/A**  
Last Name **Henderson**  
Street Address **[REDACTED]**  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Non-Missouri**  
Phone No. **[REDACTED]**  
Email **[REDACTED]**  
Case No. **WA-2019-0185**  
Public Comments Description **I appeal to the commission to award our water contract to the PUBLIC water company, not to Osage Utility Opetating Company, which is a private company, and which has engaged in PREDATORY practices in the past. Please do the right thing to protect homeowners.**  
Date Filed **4/9/2020 11:13:00 AM**

Public Comments

[Public Comments](#)(Submission Summary)  
[henderson courtney.pdf](#)

Public Comment No. **P20200807**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.- (Water)**  
  
First Name **Courtney**  
Middle Initial **N/A**  
Last Name **Henderson**  
Street Address **[REDACTED]**  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **N/A**  
Phone No. **[REDACTED]**  
Email **N/A**  
Case No. **WA-2019-0185**  
Public Comments Description **See Attached**  
Date Filed **4/9/2020 1:31:00 PM**

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**Subject:** FW: constituent comment on Osage Beach Utility Operating Company

RECEIVED  
April 9, 2020  
Data Center  
Missouri Public  
Service Commission

**From:** [REDACTED]  
**Sent:** Thursday, April 9, 2020 11:18 AM  
**To:** Justin Brown  
**Subject:**

Dear Senator Brown,

I am a homeowner at Cedar Glen Condominiums in Camdenton, MO. Our water contract has just been awarded to Osage Beach Utility Operating Company, which is a private company that has engaged in PREDATORY PRACTICES in the past. The Board has scheduled an appeal. We want our water contract to go to the public company.

I am asking for your help in this matter.

Sincerely,  
Courtney Henderson

[REDACTED]  
Camdenton, MO 65020  
[REDACTED]



Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000809**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.-(Water)**  
  
First Name **Arthur**  
Middle Initial **E**  
Last Name **Stolle**  
Street Address **[REDACTED]**  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. **[REDACTED]**  
Email **[REDACTED]**  
Case No. **WA-2019-0185**  
Public Comments Description **Do not want Osage to take over the water service.**  
Date Filed **4/9/2020 4:59:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No. **P202000810**  
Utility Type **Water**  
  
Utility Company **Osage Utility Operating Company, Inc.-(Water)**  
  
First Name **Dolores**  
Middle Initial **E**  
Last Name **Ovington**  
Street Address [REDACTED]  
Mailing Address **N/A**  
City **Camdenton**  
State **MO**  
Zip **65020**  
County **Camden**  
Phone No. **N/A**  
Email [REDACTED]  
Case No. **WA-2019-0185**  
Public Comments Description **Owners of Cedar Glen are not happy that their opinions and concerns were ignored when the PSC made its decision on this order. We still want Osage Utility Operating Company to be our water provider.**  
Date Filed **4/9/2020 8:35:00 PM**

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No.	<b>P202000811</b>
Utility Type	<b>Water</b>
Utility Company	<b>Osage Utility Operating Company, Inc.- (Water)</b>
First Name	<b>Joan</b>
Middle Initial	<b>N/A</b>
Last Name	<b>Brouwer</b>
Street Address	<b>[REDACTED]</b>
Mailing Address	<b>N/A</b>
City	<b>CAMDENTON</b>
State	<b>MO</b>
Zip	<b>65020</b>
County	<b>Camden</b>
Phone No.	<b>[REDACTED]</b>
Email	<b>[REDACTED]</b>
Case No.	<b>WA-2019-0185</b>
Public Comments Description	<b>I am so disappointed that the PSC will not listen to the Owners of Cedar Glen Complex who desire to have PWSD#5 take over our water system. They are a publicly owned company, who do not have to pay back investors. Osage Utility Operating Company will do as they please and increase our rates, as they please, to be able to reimburse their investors. It seems that we, as the rate payers, have no voice. Who is getting the big Pay-off by allowing this crooked company to take over our system?</b>
Date Filed	<b>4/10/2020 2:14:00 PM</b>

Public Comments

[Public Comments](#) (Submission Summary)

Public Comment No.	<b>P202000812</b>
Utility Type	<b>Water</b>
Utility Company	<b>Osage Utility Operating Company, Inc.- (Water)</b>
First Name	<b>Ben</b>
Middle Initial	<b>N/A</b>
Last Name	<b>Peine</b>
Street Address	[REDACTED]
Mailing Address	<b>N/A</b>
City	<b>Lenexa</b>
State	<b>KS</b>
Zip	<b>66227</b>
County	<b>Johnson</b>
Phone No.	[REDACTED]
Email	[REDACTED]
Case No.	<b>WA-2019-0185</b>
Public Comments Description	<b>I'm one of the Cedar Glen Owners that are being effected and I like to be heard. I don't live at the lake but out of town I have to pay the monthly water bill weather I use water or not. I don't mind but do mind that the rate will be going up. The choices the PSC are making should be to avoid anything that can "do harm to the public" and ruling in favor of OUOC to gain the assets of the Cedar Glen water and sewer will cause MUCH higher rates. That is harm!</b>
Date Filed	<b>4/11/2020 1:41:00 PM</b>