

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

In the Matter of the Application of)	
Confluence Rivers Utility Operating Company, Inc.,)	
For Authority to Acquire Certain Water and Sewer)	File No. WA-2019-0299
Assets and for a Certificate of Convenience and)	
Necessity)	

**LAKE PERRY LOT OWNERS ASSOCIATION'S
MOTION TO STRIKE AND FOR OTHER SANCTIONS**

COMES NOW Lake Perry Lot Owners Association (“Association”) and, as its Motion to Strike, states as follows to the Missouri Public Service Commission (“Commission”):

1. The Association was granted intervention by the Commission to this case on April 15, 2019.
2. The Association’s motion to join Port Perry Service Company as a necessary Applicant was denied by the Commission on April 24, 2019.
3. On July 25, 2019, Confluence Rivers filed the Direct Testimonies of Mr. Josiah Cox and Mr. Todd Thomas. Among the statements contained in said Direct Testimonies were the following:

Cox

- “All the systems lack the financial, technical, and/or managerial capacity needed to provide safe and reliable water or sewer service.” Page 11, lines 1 – 2.
- “Due to their lack of utility experience and inability to make the investments necessary to upgrade its systems, Port Perry has concluded it is in the best interest of the Company and its customers to sell the systems to a qualified operator.” Page 11, lines 14 -17.
- “Confluence Rivers is fully qualified, in all respects, to own and operate the systems to be acquired and to otherwise provide safe and adequate service – something that is not present at the current time.” Page 16, lines 15 -18.

Thomas

- “This well was inspected on March 2, 2018, and concerns were noted regarding the well’s capacity. While the well was running continuously during the summer without stopping on the weekends, this well clearly does not have the capacity to be the sole water source for the community. Additionally, the flow meter at Well #1 showed a lower flow rate than expected, which is typically a sign of the well pump and motor nearing failure. This well needs to be pulled, wire replaced, column piping replaced where it has failed, and the well pump inspected to determine the extent of the issues to prevent complete failure, which would leave the system without water.” Page 5, lines 9 – 17.

4. At a town hall meeting held by the Association on September 5, Mr. Yamnitz, President of Port Perry Service Company, was present and made several representations, including but not limited to, the following:

- Port Perry Service Company did not seek Confluence Rivers out to sell the Port Perry Service Company water and sewer systems, but Confluence Rivers sought Port Perry Service Company out to purchase the systems.
- Port Perry Service Company is capable of and has maintained and operated the systems in a safe and adequate manner.
- Port Perry has four additional offers to purchase the water and sewer systems at this time. If the Commission denies the Application filed by Confluence Rivers, it may or may not consider other offers. It is more than capable of continue to operate the water and sewer systems.

5. In addition to the statements identified in paragraph 4 above, in an email to Mr. Todd Thomas, Mr. Yamnitz states, “When approached by Central States Water, of possibly making the purchase of the Company, I mentioned to a person that had shown interest in buying previously, but he said it wouldn’t work for him at this time. We had been approached in previous years but decided at that time we would look into what they had to offer.” A copy of said email was obtained in response to a data request and is attached hereto as Exhibit No. A. Exhibit No. A is confidential pursuant to the Commission Rules.

6. The undersigned counsel scheduled depositions for Mr. Yamnitz and Mr. Moll pursuant to notice and Commission subpoena on September 18, 2019. Without making a motion to quash, the deponents through their counsel advised the undersigned counsel they would not appear and did not appear at the depositions. The Record of Nonappearance have been attached hereto as Exhibit No. B.

7. “Hearsay statements, or out-of-court statements used to prove the truth of the matter asserted, are generally inadmissible.” State v. Barnett, 980 S.W.2d 297, 306[23] (Mo.banc 1998).

8. In each of the statements made by Mr. Cox and Mr. Thomas cited above, the witnesses attempt to speak for the owners of Port Perry Service Company, Mr. Yamnitz and Mr. Moll, with statements presented for the truth of what is being stated. The statements made by Mr. Yamnitz at the town hall meeting and the attached email cited above refute the statements of Mr. Cox and Mr. Thomas. The undersigned counsel has undertaken reasonable efforts to test the veracity of the above statements by scheduling depositions of Mr. Yamnitz and Moll. The efforts of the undersigned counsel to verify the truth of the statements has been actively thwarted by the parties to the subject agreement in this case by violating a subpoena issued by this Commission. In the absence of the Port Perry Service Company as a party in this case, it is impossible for an opposing party to test the truth of the statements of Mr. Cox and Mr. Thomas.

9. Not only is the evidence hearsay. Port Perry Service Company, a company subject to the jurisdiction of this Commission, has violated a subpoena of this Commission. The Commission rules permit sanctions for violation of the Commission’s rules on discovery. (See Commission Rule 20 CSR 4240-2.090(1)). At a minimum, the Commission should sanction the conduct of the parties to the agreement for violating the subpoena by striking the hearsay

evidence of Mr. Cox and Mr. Thomas and such other sanctions as the Commission deems appropriate.

WHEREFOR, the Association respectfully requests the Commission strike the above referenced statements from the Direct Testimonies of Mr. Cox and Mr. Thomas and such other sanctions as the Commission deems just and reasonable.

Respectfully submitted,



By: _____

David C. Linton, #32198
314 Romaine Spring View
Fenton, MO 63026
Telephone: 314-341-5769
Email: jdinton@reagan.com

Attorney for Lake Perry Lot Owners
Association

Filed: September 20, 2019

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Request for Hearing and Prehearing Conference was sent to all parties of record in File No. WA-2019-0299 via electronic transmission this 20th day of September 2019.



VERIFICATION

COUNTY OF PERRY)
) SS
STATE OF MISSOURI)

Richard DeWilde, being duly sworn on oath, deposes and says he is President of Lake Perry Lot Owners Association, he was present at the town hall meeting of the Lake Perry Lot Owners Association and has read the foregoing and knows its contents, and the information contained therein is true and correct to the best of his knowledge and belief.

Lake Perry Lot Owners Association

Richard DeWilde
Richard DeWilde

Subscribed and sworn to before me, the undersigned Notary Public in and for the county and state aforesaid, on the 19 day of September 2019.

Allison Sue McAttee
Notary Public

My commission expires: July 9, 2023

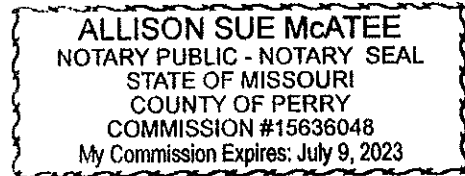


EXHIBIT NO. A

CONFIDENTIAL

In The Matter Of:
Application of Confluence Rivers Utility Operating v.

Record of Nonappeaance - Brad Moll
September 18, 2019

Two-Write Depos, LLC
www.twowritedepos.com



Original File 9-18-19RecordofNonappearance-BradMoll.prn

Min-U-Script® with Word Index

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application:
of Confluence Rivers Utility : File No. WA-2019-0299
Operating Company, Inc., for : File No. SA-2019-0300
Authority to Acquire Certain :
Water and Sewer Assets and for :
a Certificate of Convenience :
and Necessity :

RECORD OF NONAPPEARANCE, BRAD MOLL
Taken on behalf of Lake Perry Lot Owners Association

September 18, 2019

CCR MO LICENSE NO. 1162

TWO-WRITE DEPOS, LLC
Certified Court Reporters
9501 Kohrman Rd.
Bartelso, IL 62218
800.380.4890 (ph&fx)
contact@twowritedeapos.com
www.twowritedeapos.com

www.twowritedeapos.com
800.380.4890

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application:
of Confluence Rivers Utility : File No. WA-2019-0299
Operating Company, Inc., for : File No. SA-2019-0300
Authority to Acquire Certain :
Water and Sewer Assets and for :
a Certificate of Convenience :
and Necessity :

RECORD OF NONAPPEARANCE

on September 18, 2019, between the hours of 9:00 in the morning and 5:00 in the evening of that day at 825 Maryville Centre Drive, Suite 300, Town and Country, Missouri 63017-5946, before Jacqueline A. Pingsterhaus, a Certified Court Reporter and Notary Public within and for the State of Missouri.

APPEARANCES

Counsel for Lake Perry Lot Owners Association:

Mr. David Linton
McCarthy Leonard & Kaemmerer, LC
825 Maryville Centre Drive
Suite 300
Town and Country, MO 63017-5946
314.341.5769 (cell)
dlinton@mlklaw.com

Counsel for Staff Service Commission:

Ms. Karen E. Bretz
State of Missouri Public Service Commission
Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
573.751.5472 (ph)
Karen.bretz@psc.mo.gov

Reported by:

Ms. Jacqueline A. Pingsterhaus, CCR
Two-Write Depos, LLC
9501 Kohrman Rd.
Bartelso, IL 62218
800.380.4890, 618.973.3755
contact@twowritededpos.com, www.twowritededpos.com

EXHIBITS

No., Description	Page
1, Notice of Deposition and Subpoena-----	2
2, Email correspondence-----	2

1 MR. LINTON: My name is David Linton. I am
2 the attorney for Lake Perry Lot Owners Association.
3 We are here today for a deposition of Brad Moll at 1
4 o'clock at the offices of McCarthy, Leonard, and
5 Kaemmerer, 825 Maryville Centre Drive, Suite 300,
6 Town and Country, Missouri.

7 This is a deposition in the matter of the
8 application of Confluence Rivers Utility Operating
9 Company, Inc., for authority to acquire certain water
10 and sewer assets and for a certificate of convenience
11 necessity, file number WA-201-0299.

12 Previously, this morning at 9 o'clock,
13 there was a deposition called for Mr. Mike Yamnitz,
14 also the president of Port Perry Service Company. He
15 did not appear. I contacted the attorney for Mr.
16 Yamnitz, who is also the attorney for Mr. Brad Moll,
17 and Mr. Pendergast returned my call and advised me
18 that not only would Mike Yamnitz not appear for the
19 deposition this morning at 9, but Mr. Moll would not
20 appear for the deposition here today at 1 o'clock. It
21 is now 1:07 by my watch. Considering the fact that
22 Mr. Pendergast has advised us that his client will
23 not appear, we are proceeding. I have had marked as
24 Exhibit Number 1 a copy of the notice of deposition
25 that was sent in this proceeding, along with the

1 subpoena and the return of service for this
2 deposition.

3 (Deposition Exhibit 1 was marked and
4 identified for the record.)

5 I have had marked for the record as Exhibit
6 2 Mr. Pendergast's objection letter.

7 (Deposition Exhibit 2 was marked and
8 identified for the record.)

9 And we'll leave those for the record.
10 Again, I am David Linton. I am the attorney of
11 record for Lake Perry Lot Owners Association in this
12 case. Would you like to enter your appearance?

13 MS. BRETZ: Yes, thank you. I'm Karen
14 Bretz for Staff Of The Public Service Commission.

15 MR. LINTON: With that, I think we have
16 concluded. Thank you.

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(The record was concluded.)

RECORD OF NONAPPEARANCE, September 18, 2019

STATE OF MISSOURI :
: SS: C E R T I F I C A T E
CITY OF ST. LOUIS :

I, JACQUELINE A. PINGSTERHAUS, CCR, Certified Court Reporter the officer before whom the foregoing record of nonappearance was taken, do hereby certify that the record was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

_____/s/ Jacqueline A. Pingsterhaus_____
JACQUELINE A. PINGSTERHAUS, CCR
Notary Public within and for the
State of Missouri, CCR 1161

www.twowritedeapos.com
800.380.4890

A	copy (1) 5:24	5:5	return (1) 6:1	5:5
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Application of Confluence Rivers Utility Operating v.

*Record of Nonappearance - Michael Yamnitz
September 18, 2019*

*Two-Write Depos, LLC
1-800-380-4890*

Original File 9-18-19RecordofNonappearance_MichaelYamnitz.prn

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RECORD OF NONAPPEARANCE, MICHAEL YAMNITZ
Taken on behalf of Lake Perry Lot Owners Association

September 18, 2019

CCR MO LICENSE NO. 1161

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on September 18, 2019, between the hours of 9:00 in the
morning and 5:00 in the evening of that day at 825
Maryville Centre Drive, Suite 300, Town and Country,
Missouri 63017-5946, before Jennifer A. Budde, a
Certified Court Reporter and Notary Public within and
for the State of Missouri.

www.twowritedeapos.com
800.380.4890

APPEARANCES

Counsel for Lake Perry Lot Owners Association:

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Counsel for Staff Service Commission:

Ms. Karen E. Bretz
State of Missouri Public Service Commission
Staff Counsel Department
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Karen.bretz@psc.mo.gov

Reported by:

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2 for the deposition of Mr. Michael Yamnitz in the case
3 of Missouri Public Service Commission Case File
4 number WA-2019-0299 in the matter of the application
5 of Confluence Rivers Utility Company, Inc., for
6 authority to acquire certain water and sewer assets,
7 and for a certificate of convenience and necessity.
8 My name is David Linton, I represent the Lake Perry
9 Lot Owners Association, and I have called via a
10 subpoena and a notice of deposition, which has been
11 marked as Exhibit 1.

12 (Exhibit 1 was marked and identified for
13 the record.)

14 MR. LINTON: We are here at the offices
15 of McCarthy, Leonard, and Kaemmerer, located at 825
16 Maryville Center Drive, Suite number 300, Town and
17 Country, Missouri, and it is - the deposition was
18 scheduled for 9 o'clock. It is now 9:25. I have
19 placed a call to Mike Pendergast and left a message
20 with him. Mr. Yamnitz has not shown; as a matter of
21 fact, Mr. Pendergast informed me last week that he
22 would not show. And so, we are making a record. For
23 completeness of the record, I have also had marked as
24 Exhibit 2 a letter of objection that Mr. Pendergast
25 sent to me on August 21st.

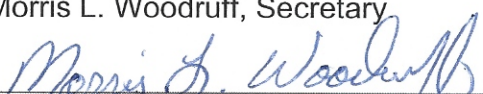
		5:2	sewer (1)	825 (1)
A	E	Mike (1) 5:19	5:6	5:15
acquire (1) 5:6	Exhibit (4) 5:11,12,24;6:1	Missouri (3) 5:3,17;6:8	show (1) 5:22	9
again (1) 6:3	F	N	shown (1) 5:20	9 (1) 5:18
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August (1) 5:25	identified (2) 5:12;6:1	number (2) 5:4,16	Suite (1) 5:16	
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B	informed (1) 5:21	objection (1) 5:24	Town (1) 5:16	
Bretz (2) 6:7,7	K	o'clock (1) 5:18	U	
C	Kaemmerer (1) 5:15	off (1) 6:10	Utility (1) 5:5	
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Center (1) 5:16	left (1) 5:19	Pendergast (3) 5:19,21,24	water (1) 5:6	
certain (1) 5:6	Leonard (1) 5:15	Perry (2) 5:8;6:4	week (1) 5:21	
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D	matter (2) 5:4,20	scheduled (1) 5:18	300 (1) 5:16	
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Drive (1) 5:16	Michael (1)			



State of Missouri
Public Service Commission

SUBPOENA

(order to appear and testify at hearing or deposition, or bring documents, or both)

(Style of Action) In the Matter of the Application of Confluence Rivers Utility Operating Company		(File No.) WA-2019-0299	
State of Missouri to:			
Person to Be Served	(Name) Brad Moll	(Address) 2101 Moll Ave. Perryville, MO 63775	
Requesting Party	(Name) Lake Perry Lot Owners Assoc.	(Address)	
Requesting Party's Attorney	(Name) David C. Linton	(Address) 314 Romaine Spring View, Fenton, MO 63026	(Telephone) 314-341-5769
You are hereby commanded to:			
<input checked="" type="checkbox"/> Appear at	(Address) 825 Maryville Centre Drive, Suite 300, Town and Country, MO 63017	(Date) July 31, 2019	(Time) 1:00 p.m.
<input type="checkbox"/> Contact	(Name)	, at (Telephone)	, who will advise of the time and place to appear.
<input type="checkbox"/> Testify on behalf of	(Name)	(Address)	
<input checked="" type="checkbox"/> Give depositions.			
<input checked="" type="checkbox"/> Bring the following.	(Documents; attach extra page if needed) Documents described in Exhibit A		
Morris L. Woodruff, Secretary			
 Secretary, Commissioner, or Regulatory Law Judge			

Return

(must be signed in the presence of a notary unless served by a peace officer)

On the _____ day of _____, 20____,	
<input type="checkbox"/> I served the person to be served with a copy of this subpoena at their address, as listed above, by: <ul style="list-style-type: none"> <input type="checkbox"/> Delivering to that person; or <input type="checkbox"/> Leaving at the dwelling place or usual place of abode with a member of that person's family over the age of 15 years; or <input type="checkbox"/> Mailing by first class mail in a sealed envelope, postage prepaid; or <input type="checkbox"/> The following other method allowed by law: _____ 	
<input type="checkbox"/> Non est.	
_____ Process Server's Signature	_____ Process Server's Printed Name

Notarization

(required unless served by a peace officer)

Subscribed and sworn before me on this ___ day of _____, 20____.
[NOTARY SEAL]
_____ Notary's Signature



State of Missouri
Public Service Commission

SUBPOENA

(order to appear and testify at hearing or deposition, or bring documents, or both)

(Style of Action) In the Matter of the Application of Confluence Rivers Utility Operating Company		(File No.) WA-2019-0299	
State of Missouri to:			
Person to Be Served	(Name) Michael Yamnitz	(Address) 728 PCR 724, Perryville, MO 63775	
Requesting Party	(Name) Lake Perry Lot Owners Assoc.	(Address)	
Requesting Party's Attorney	(Name) David C. Linton	(Address) 314 Romaine Spring View, Fenton, MO 63026	(Telephone) 314-341-5769
You are hereby commanded to:			
<input checked="" type="checkbox"/> Appear at	(Address) 825 Maryville Centre Drive, Suite 300, Town and Country, MO 63017	(Date) July 31, 2019	(Time) 9:00 a.m.
<input type="checkbox"/> Contact	(Name)	, at (Telephone)	, who will advise of the time and place to appear.
<input type="checkbox"/> Testify on behalf of	(Name)	(Address)	
<input checked="" type="checkbox"/> Give depositions.			
<input checked="" type="checkbox"/> Bring the following.	(Documents; attach extra page if needed) Documents described in Exhibit A		
Morris L. Woodruff, Secretary			
Secretary, Commissioner, or Regulatory Law Judge <i>Morris L. Woodruff</i>			

Return

(must be signed in the presence of a notary unless served by a peace officer)

On the _____ day of _____, 20____,
<input type="checkbox"/> I served the person to be served with a copy of this subpoena at their address, as listed above, by:
<input type="checkbox"/> Delivering to that person; or
<input type="checkbox"/> Leaving at the dwelling place or usual place of abode with a member of that person's family over the age of 15 years; or
<input type="checkbox"/> Mailing by first class mail in a sealed envelope, postage prepaid; or
<input type="checkbox"/> The following other method allowed by law:
<input type="checkbox"/> Non est.
_____ Process Server's Signature
_____ Process Server's Printed Name

Notarization

(required unless served by a peace officer)

Subscribed and sworn before me on this ___ day of _____, 20____.
[NOTARY SEAL]
_____ Notary's Signature

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

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Rivers Utility Operating Company, Inc., for)	
Authority to Acquire Certain Water and Sewer)	File No. WA-2019-0299
Assets and for a Certificate of Convenience)	File No. SA-2019-0300
and Necessity)	


NOTICE OF DEPOSITION AND SUBPOENA DUCES TECUM

TO: Parties of Record

You and each of you are hereby notified that the undersigned counsel for Lake Perry Lot Owners Association will take the deposition of Brad Moll on Wednesday, July 31, 2019, at the offices of McCarthy, Leonard & Kaemmerer, located at 825 Maryville Centre Drive, Suite 300, Town and Country, Missouri 63017 beginning at 1:00 p.m. The deposition will continue until completed or as otherwise agreed to by the parties.

Please take further notice that, pursuant to Rule 58.02 of the Missouri Rule of Civil Procedure, the deponent is hereby directed to bring to the deposition all documents and materials as described on Exhibit A attached hereto and incorporated herein by reference.

Respectfully submitted,

By: 

David C. Linton, #32198
314 Romaine Spring View
Fenton, MO 63026
Telephone: 314-341-5769
Email: dlinton@mlklaw.com

Attorney for Lake Perry Lot Owners
Association

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Application to Intervene was sent to all parties of record via electronic transmission this ____ day of July, 2019.



Exhibit A

1. Please provide copies of any and all written agreements between Lake Perry Land Company and Port Perry Service Company, including but not limited to the agreement between Lake Perry Land Company and Port Perry Service Company whereby Messrs. Yamnitz and Moll acquired an ownership interest in Port Perry Service Company or ownership of the assets which are the subject matter in this case.
2. Please identify and provide a copy of all documents, correspondence and communications exchanged between employees, counsel, representatives or agents of Confluence Rivers on the one hand, and employees, counsel, representatives or agents of Port Perry Service Company on the other, related to the Contract, this case or Case Nos. WM-2018-0116 and SM-2018-0117.
3. Please provide a list and a copy of each and every “existing asset” Port Perry anticipates, expects, or plans to transfer to Confluence Rivers pursuant to and as described in sections 1 and 2 of the Contract, including any and all documents representing such existing assets recorded in the Recorder of Deeds office in Perry County, Missouri.
4. Please identify and provide a list and a copy of each and every document, correspondence or communication between Port Perry on the one hand and any other Entity on the other hand regarding the Abatement Order on Consent No. 2019-WPCB-1582, issued by the Missouri Department of Natural Resources.
5. Please identify and provide a list and a copy of each and every document, correspondence or communication between Port Perry on the one hand and Lake Perry Lot Owners Association or any member thereof on the other hand regarding the Contract, this case or Case Nos. WM-2018-0116 and SM-2018-0117.

Definitions:

“Confluence Rivers” means Confluence Rivers Utility Operating Company, Inc., any affiliate thereof and any employee, agent, or counsel of the same.

“Contract” means the Agreement for Sale of Utility System, by and between Central States Water Resources, Inc. and Port Perry Service Company, dated June 20, 2017.

“Correspondence” shall have the broadest meaning possible, including but not limited to, all written or printed matter or electronically stored matter or copies thereof, including the originals and all non-identical copies thereof and any attachments to or enclosures in, including without limitation e-mails, attachments to e-mails, letters, facsimiles, notes of communications, summary of communications, memoranda, opinions about communications, compilations of communications, inter-office and intra-office communications, notations of any sort of conversations or communications, diaries, appointment books or calendars, teletypes, telefax, thermafax, confirmations, computer data (including information or programs stored in a computer, server or other data storage device, whether or not ever printed out or displayed), text messages, and all drafts, alterations, modification, changes and amendments of any of the foregoing, and all graphic or manual records or representations of any kind.

Exhibit A

“Communications” means all occasions on which information was conveyed from one person to another (a) by means of a document, including electronically, or (b) verbally, including but not limited to, by means of a telephone or other mechanical device. The word “communications” shall have the broadest meaning possible, including but not limited to, all written or printed matter or electronically stored matter or copies thereof, including the originals and all non-identical copies thereof and any attachments to or enclosures in, including without limitation e-mails, attachments to e-mails, letters, facsimiles, notes of communications, summary of communications, memoranda, opinions about communications, compilations of communications, inter-office and intra-office communications, notations of any sort of conversations or communications, diaries, appointment books or calendars, teletypes, telefax, thermafax, confirmations, computer data (including information or programs stored in a computer, server or other data storage 2 device, whether or not ever printed out or displayed), text messages, and all drafts, alterations, modifications, changes and amendments of any of the foregoing, and all graphic or manual records or representations of any kind.

“Document” shall be construed in accordance with Missouri Supreme Court Rule 58.01 and shall mean the original and every draft or non-identical copy (whether different from the original because of handwritten notes or underlining or checkmarks on the copy or otherwise) of every paper, electronic record, electronic mail or other record, regardless of origin, location or format, whether sent or received or made or used internally, in whatever form, electronic or otherwise, in the possession, custody, or control of Confluence Rivers, Port Perry or the person to whom the particular data request is directed, or in the possession, custody or control of the attorneys for Confluence Rivers, Port Perry or the attorneys for the person to whom the particular data requests are directed.

“Entity” means an individual, a company, a governmental unit or any other form of organization or association.

“Identify” with respect to a person means to provide, to the extent available, the person’s name, employer and business address.

“Port Perry Land Company” means Port Perry Land Co. LLC and any of its affiliates that may have had an ownership interest at any time in the assets which are the subject of this case.

“Port Perry” means Port Perry Service Company.

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

In the Matter of the Application of Confluence)	
Rivers Utility Operating Company, Inc., for)	
Authority to Acquire Certain Water and Sewer)	File No. WA-2019-0299
Assets and for a Certificate of Convenience)	File No. SA-2019-0300
and Necessity)	


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Respectfully submitted,

By: 

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“Entity” means an individual, a company, a governmental unit or any other form of organization or association.

“Identify” with respect to a person means to provide, to the extent available, the person’s name, employer and business address.

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“Port Perry” means Port Perry Service Company.

State of Missouri Public Service Commission

LAKE PERRY LOT OWNERS ASSOC

Plaintiff

v.

Defendant

Case No.:WA-2019-0299

Court Date: 9/18/2019 at

AFFIDAVIT OF PERSONAL SERVICE

That I, Vernon F. Nelson hereby solemnly affirm under penalties of perjury and upon personal knowledge that the contents of the following document are true and do affirm I am a competent person over 18 years of age, not a party to this action and that I am certified and in good standing and/or authorized to serve process in the Judicial Circuit in which the process was served.

That on 8/19/2019 at 6:25 PM at 728 Pcr 724, PERRYVILLE, MO 63017 I served MICHAEL YAMNITZ with the following list of documents: Civil Subpoena by then and there personally delivering a true and correct copy of the documents into the hands of and leaving with MICHAEL YAMNITZ.

That I asked the person spoken to whether the Servee was in the active duty military service of the United States or in the state in which this service was made and was told [] No they were not [] Yes they are [] No answer was given.

That the fee for this Service is \$.00

Subscribed and sworn before me, a Notary Public, this 22nd day of August, 2019

John Gregory Houseman
Notary Public
My Commission expires on: 10/25/2019

Vernon F. Nelson
Contracted by Captured Investigative Agency
8235 Forsyth Blvd., STE 282
Clayton, MO 63105

Executed On:

JOHN GREGORY HOUSEMAN
Notary Public - Notary Seal
STATE OF MISSOURI
Commissioned for St. Louis County
My Commission Expires: Oct. 25, 2019
Commission # 15138515



Order #:13700
Their File

State of Missouri Public Service Commission

LAKE PERRY LOT OWNERS ASSOC

Plaintiff
v.

Defendant

Case No.:WA-2019-0299

Court Date: 9/19/2019 at

AFFIDAVIT OF PERSONAL SERVICE

That I, Vernon F. Nelson hereby solemnly affirm under penalties of perjury and upon personal knowledge that the contents of the following document are true and do affirm I am a competent person over 18 years of age, not a party to this action and that I am certified and in good standing and/or authorized to serve process in the Judicial Circuit in which the process was served.

That on 8/19/2019 at 6:50 PM at 2101 Moll Ave, Perryville, MO 63775-9441 I served BRAD MOLL with the following list of documents: Civil Subpoena by then and there personally delivering a true and correct copy of the documents into the hands of and leaving with BRAD MOLL.

That I asked the person spoken to whether the Servee was in the active duty military service of the United States or in the state in which this service was made and was told [] No they were not [] Yes they are [] No answer was given.

That the fee for this Service is \$.00

Subscribed and sworn before me, a Notary Public, this 22nd day of August, 2019

John Gregory Houseman
Notary Public
My Commission expires on: 10/25/2019

[Handwritten Signature]

Vernon F. Nelson
Contracted by Captured Investigative Agency
8235 Forsyth Blvd., STE 282
Clayton, MO 63105

[Handwritten Date]

Executed On:

JOHN GREGORY HOUSEMAN
Notary Public - Notary Seal
STATE OF MISSOURI
Commissioned for St. Louis County
My Commission Expires: Oct. 25, 2019
Commission # 15138515



Order #:13701
Their File