

**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	)	

**LAKE PERRY LOT OWNERS ASSOCIATION’S RESPONSE TO OBJECTION TO  
LAKE PERRY LOT OWNERS ASSOCIATION’S PROPOSAL FOR A LOCAL PUBLIC  
HEARING.**

COMES NOW Lake Perry Lot Owners Association (“Association”), by and through its counsel, and responds to Confluence Rivers Utility Operating Company, Inc. (“Confluence Rivers”) Objection to the Association’s request for a local public hearing. In support thereof, the Association states as follows:

1. The two telling statements in the Confluence Rivers Objection are paragraphs 1 and 6.
  1. Confluence Rivers acknowledges that the Commission’s common practice is to hold public hearings to listen to the thoughts of the public. However, there is no true “public” to hear from at such a hearing in this case.
  6. Certainly, the Commission is entitled to hear what the customers of Port Perry have to say in this case. But when the Commission granted the Application to Intervene, the Association, and the entire Port Perry customer base it represents, became a party to the case.

The Commission is entitled to hear what customers of Port Perry have to say in this case just as the Commission has adopted it in common practice in other cases, end of story. The remainder of Confluence Rivers’ Objection is baseless

2. Confluence Rivers’ claim that the residents are not the public because they are represented by a party to the case is ludicrous. Does a person cease to be a member of the public simply because they are involved in litigation? If the Commission accepts that argument, there will no longer be a public in any case to which the Office of Public Counsel is a party because

the Office of Public Counsel represents the public. Intervention in an evidentiary proceeding, designed to permit a party to introduce technical factual evidence, should not deny the customers of the utility the right to engage in a common practice adopted by this Commission designed to elicit comments from the public.

3. The Objection is also ludicrous from the standpoint that it attempts to circumscribe the limits of the public a priori. The public defies such definition. That is why “public notice” is published in generally circulated periodicals rather than mailing. It is an invitation to anyone who wants to attend. The PUBLIC Service Commission should listen to the public.

4. Confluence Rivers’ attempt to tie local public hearing testimony in with the evidentiary proceeding through Commission Rule 4 CSR 240-2.130(7) is likewise baseless. Local public hearing testimony is nowhere addressed in the Commission’s rules. The purpose of the evidentiary hearing is to permit the parties to present evidence and the Commission to sit in judgment on whether the application is detrimental to the public interest. The purpose of the local public hearing is for the Commission to be able to assess the sentiment of the customers of the utility company. The Commission is certainly able to distinguish the two purposes.

5. Confluence Rivers’ reference to the Association’s August 2019 Newsletter is curious. Should the fact that the residents of Lake Perry effectively communicate as a group deny them the ability to individually address their concerns to the Commission, a right the Commission extends in virtually every other case of controversy? The purpose of the local public hearing is to allow the customer to meaningfully and effectively present their opinions to the Commission. The Association’s August 2019 Newsletter and similar communications are designed accomplish that goal. The Commission understands local citizen groups frequently engage the Commission in cases such as this. Confluence Rivers is simply attempting to shut down what it anticipates

will be effective communication between the public and the Commission. This Commission should not do so.

6. For the record, the Association wishes to point out that this is just one more effort on the part of Confluence Rivers to stifle the communications of the utility customers of Port Perry. The threat of “cross-examination” is also not becoming of a company proposing to take over the utility services of a small community such as Lake Perry.

WHEREFORE, the Association requests a local public hearing as previously outlined.

Respectfully submitted,



By: \_\_\_\_\_

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#### CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was sent to all parties of record in File No. WA-2019-0299 via electronic transmission this 9th day of August 2019.



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