

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

In the Matter of the Application of)
Confluence Rivers Utility Operating)
Company, Inc., for a Certificate of) **File No. WA-2023-0003**
Convenience and Necessity and)
Associated with the Acquisition of Certain)
Water Assets)

**MOTION FOR LEAVE TO AMEND APPLICATION
AND AMENDMENT TO THE APPLICATION**

COMES NOW Confluence Rivers Utility Operating Company, Inc., (“Confluence Rivers”) and, as its *Motion for Leave to Amend Application and Amendment to the Application*, in accordance with 20 CSR 4240-2.080(18), states as follows to the Missouri Public Service Commission (“Commission”):

Background

1. On July 1, 2022, Confluence Rivers filed an *Application and Motion for Waiver*¹ (“*Application*”) that seeks permission and approval for the acquisition of, and a certificate of convenience and necessity (“CCN”) to install, own, acquire, construct, operate, control, manage, and maintain a water system within the specified areas currently served by Tan Tar A State Road, LLC (“Tan Tar A”), located in Camden County. Confluence Rivers proposes to purchase substantially all of the water system assets of the currently unregulated Tan Tar A, excepting the Margaritaville Lake Resort. Confluence Rivers also requests waiver of Commission Rule 20 CSR 4240-4.017(1) that requires the filing of a notice with the secretary of the Commission at least sixty days prior to the filing of an application.

¹ On July 6, 2022, Confluence Rivers filed an *Amendment to Application* pursuant to Commission Rule 20 CSR 4240-2.080(18), to correct a statement in the *Application*. Confluence Rivers erroneously stated that it proposes to adopt the rates utilized by the Tan Tar A system. Tan Tar A has no rates for the area that is the subject of the *Application*, so the *Amendment to Application* corrected the *Application* to state that Confluence Rivers proposes to adopt the rates that are attached to the *Application* as Appendix G.

2. On July 6, 2022, the Commission issued an Order that, in part, directed Staff to file a recommendation regarding the *Application*, or a request for additional time, on or before August 23, 2022.

Motion for Leave

3. Confluence Rivers' *Application*, among other things, included Appendix F-C, a feasibility study for the unregulated water system for which Confluence Rivers seeks a CCN, including estimates of the number of customers, expenses and revenues during the first three (3) years of operation by Confluence Rivers. During the processing of this case, it has become apparent that Appendix F-C required amendment and Confluence Rivers seeks to file and utilize a correct amended appendix. Accordingly, by this motion, Confluence Rivers seeks the Commission's leave to amend its *Application* to include **Appendix F-C – Amended**.

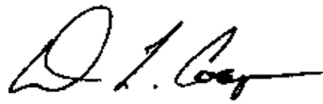
4. Commission Rule 4240-2.080(18) provides, in part, that a pleading may be amended at any time by leave of the Commission if no responsive pleading has been filed. No responsive pleading has yet been filed in this matter. Staff has been ordered to file a recommendation, or request for additional time, on or before August 23, 2022. Confluence Rivers believes that a grant of the requested leave will not prejudice the parties and will aid in the efficient processing of this *Application*.

Amendment to the Application

5. Confluence Rivers provides the attached **Appendix F-C – Amended** and asks that the Commission consider this to replace and amend Appendix F-C that was filed with the *Application*. **Appendix F-C - Amended** has been identified as "Confidential" in accordance with Commission Rule 20 CSR 4240-2.135(2)(A)3 and 6, as it contains market specific information and information representing strategies employed in contract negotiations.

WHEREFORE, Confluence Rivers requests the Commission issue an order granting Confluence Rivers' *Motion for Leave to Amend Application and Amendment to the Application* and consider the *Application* amended as stated herein.

Respectfully submitted,



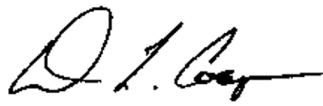
Dean L. Cooper, Mo. Bar #36592
BRYDON, SWEARENGEN & ENGLAND P.C.
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102-0456
Telephone: (573) 635-7166
Facsimile: (573) 635-0427
dcooper@brydonlaw.com

David L. Woodsmall, Mo. Bar #40747
CENTRAL STATES WATER RESOURCES
1630 Des Peres Rd., Suite 140
Des Peres, MO 63131
dwoodsmall@cswrgroup.com

**ATTORNEYS FOR CONFLUENCE RIVERS
UTILITY OPERATING COMPANY, INC.**

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been sent by electronic mail this 8th day of August 2022 to all counsel of record.



APPENDIX F-C – AMENDED
IS CONFIDENTIAL
IN ITS ENTIRETY PURSUANT TO
COMMISSION RULE
20 CSR 4240-2.135(2)(A)3 and 6