

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

In the Matter of Confluence Rivers)	
Utility Operating Company, Inc.'s)	
Request for Authority to Implement a)	
General Rate Increase for Water)	Case No. WR-2023-0006
Service and Sewer Service Provided in)	
Missouri Service Areas)	
)	

**RESPONSE TO COMMISSION ORDER AND MOTION FOR EXPEDITED
TREATMENT**

COMES NOW the Office of the Public Counsel (“OPC”) and for its *Response to Commission Order and Motion for Expedited Treatment*, states as follows:

1. The OPC filed a *Motion to Compel* in the above styled case this day, August 4, 2023.
2. The Commission issued an *Order Shortening Time for Response to OPC’s Motion* this same day.
3. Said Commission *Order* required (1) for the OPC to “file a clarification no later than 5:00 p.m. today, August 4, 2023, as to the specific corporate entity meant by its Motion’s reference to the acronym ‘CSWR’” and (2) for “Confluence Rivers [to] file a response to OPC’s Motion no later than noon on August 9, 2023.”
4. The OPC now files this response to the Commission’s *Order* and an additional *Motion for Expedited Treatment* for the reasons set forth below.

Response to the Commission's *Order* regarding clarification

5. The documents being requested, which are quarterly investment memoranda that are prepared and transmitted to US Water Systems LLC, are referenced in the material supplied to Staff by Confluence Rivers pursuant to staff data request 231.1.

6. In the materials supplied by Confluence, the documents that reference the quarterly memoranda are titled with the name "Central States Water Resources" without either an Inc. or LLC designation.

7. Based on its current knowledge, the OPC understands that the full name "Central States Water Resources" is used to refer to the incorporated entity, which is commonly abbreviated in the Company's internal documents as CSWR.

8. Based on this, the OPC believes that the quarterly investment memoranda, which it has requested, are related to Central States Water Resources, Inc.

9. However, it is also the OPC's understanding, that Central States Water Resources, Inc. does not have any employees.

10. As such, it is the OPC's understanding that any documents presented to US Water Systems LLC by a subordinate entity would be prepared by employees of CSWR LLC, which is the only Central States Water Resources entity to actually have employees.

11. So, to summarize, the OPC believes that these are Central States Water Resources, Inc. documents that are prepared and presented to US Water Systems LLC by CSWR LLC employees.

12. Unfortunately, the presentations on which the OPC relies to establish the existence of the quarterly investment memoranda do not the specific employees who authored or presented the quarterly investment memoranda.

13. To be clear, the confusion in this matter comes from the title of the internal documents, which were supplied by Confluence Rivers to Staff through Staff DR 231.1, that do not specify which entity is at issue.

14. Ultimately, however, the OPC is simply just asking for the quarterly investment memoranda that are presented to US Water Systems LLC by its subordinate, wholly owned entities who are generally doing business under the name Central States Water Resources. If the OPC could be more specific, we would.

OPC's Motion for Expedited Treatment

15. The OPC neglected to include a request for expedited treatment in its initial *Motion to Compel*.

16. The Commission, however, filed the above referenced *Order* shortening times for Company response.

17. The OPC thanks the Commission for this action.

18. The Commission's foresight notwithstanding, the OPC now files this *Motion for Expedited Treatment* regarding its *Motion to Compel* (filed earlier this

same day) pursuant to Commission rule 20 CSR 4240-2.080(14) so that the OPC may bring certain matters of timing to the Commission's attention.

19. Pursuant to subsection (A) of the same rule, the OPC states that the OPC would ask the Commission to rule on the *Motion to Compel* by Wednesday August 10, 2023, and that the Commission compels the Company to provide the documents requested by Friday August 11, 2023.

20. The OPC makes this request based on the desire to review said documents over the weekend of August 12 and 13, in preparation for the issue regarding cost of capital, which is currently scheduled to be heard before the Commission on August 15.

21. Pursuant to subsection (B) of the same rule, the harm that will be avoided or the benefit that will be accrued is the production of documents that the OPC may prove material to the issue of the proper cost of capital that should be assigned to Confluence Rivers Utility Operating Company, Inc. ("Confluence Rivers") in the present rate case prior to the date when that issue is scheduled to be taken up during the evidentiary hearing ordered by the Commission in this case.

22. These documents are expected to be valuable to informing the Commission's decision, and failure to produce them may result in the Company being awarded a higher rate of return than is warranted by the evidence, which would have a direct negative impact on Confluence River's customers.

23. Pursuant to subsection (C) of the same rule, the OPC's *Motion to Compel* was filed at the earliest opportunity as it was filed August 4, 2023, in reference to an

objection to a data request that was received after the close of business August 3, 2023.

WHEREFORE, the Office of the Public Counsel respectfully requests the Commission accept this response and grant expedited treatment as requested herein.

Respectfully submitted,

By: /s/ John Clizer
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CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing have been mailed, emailed, or hand-delivered to all counsel of record this fourth day of August, 2023.

 /s/ John Clizer