

**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 Convenience and Necessity and)
To Acquire Certain Sewer Assets in Cass)
County, Missouri) **File No. SA-2023-0187**

STAFF’S RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through counsel, and submits the following recommendation. Staff recommends that the Commission authorize the requested authority to acquire assets and grant the requested Certificate of Convenience and Necessity, subject to the conditions set out in Staff’s Official Memorandum filed contemporaneously herewith. Staff does not oppose a waiver of the Rule 20 CSR 4240-4.017(1)(D) sixty-day notice requirement.

On December 6, 2022, Confluence Rivers Utility Operating Company, Inc., (Confluence) filed an application and motion for waiver seeking an order authorizing it to acquire certain utility assets in Cass County, granting it a Certificate of Convenience and Necessity (“CCN”), and granting a waiver of the Rule 20 CSR 4240-4.017(1) sixty-day notice requirement. On December 7, 2022, the Commission ordered Staff to file either a recommendation or a request for additional time no later than January 9, 2023. On that date, the Commission ordered Staff to file its recommendation no later than March 10, 2023.

Confluence seeks to acquire the sewer system assets (the Wastewater Treatment Facility, i.e., “WWTF”) of Oasis Mobile Home Park, LLC, (“Oasis”), an unregulated utility, and a CCN to operate the acquired asset. Staff investigated the WWTF, and applied the Tartan criteria to Confluence’s request for a CCN. Staff’s investigation, findings, conclusions and recommendations are set out fully and

in detail in its Official Memorandum, filed contemporaneously with this recommendation. The Tartan criteria contemplate: 1) need for the 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. Staff concludes that the CNN application satisfies the Tartan criteria and that granting a CCN is necessary and convenient for the public service. Staff recommends that the Commission grant Confluence's application, authorize Confluence to acquire the Oasis assets, and grant Confluence a CCN to operate the assets, subject to the conditions set out in Staff's Official Memorandum.

Further, based on Confluence's sworn affidavit that no Confluence representative had any communication with the Missouri Public Service Commission within one hundred fifty days immediately preceding Confluence's application regarding any substantive issue presented in this case, Staff states it does not oppose waiving the Commission Rule 20 CSR 4240-4.017(1) sixty-day notice requirement.

WHEREFORE, Staff submits this recommendation in compliance with the Commission's orders.

Respectfully Submitted,

/s/ Paul T. Graham #30416

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CERTIFICATE OF SERVICE

The undersigned by his signature below certifies that the foregoing pleading was served upon all persons who have entered an appearance of record in this matter on this March 10, 2023, by electronic filing in EFIS.

S/s/ Paul T. Graham