

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

In the Matter of the Application of Confluence)
Rivers Utility Operating Company, Inc. and)
Terry Jarrett, Receiver, for Confluence Rivers to) **File No. SA-2023-0215**
Obtain a Certificate of Convenience and)
Necessity and to Acquire Certain Sewer Assets)

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

COME NOW Confluence Rivers Utility Operating Company, Inc., and Terry Jarrett, Receiver for the sewer assets of Kenneth Jaeger located near the Lost Valley subdivision in Ralls County, Missouri (“Confluence Rivers” and “Receiver” respectively, and “Applicants” collectively), and for their *Motion for Leave to Amend Joint Application and Amendment to the Joint Application*, in accordance with 20 CSR 4240-2.080(18), respectfully state as follows to the Missouri Public Service Commission (“Commission”):

Background

1. On January 4, 2023, the Applicants filed a *Joint Application and Motion for Waiver* (“*Joint Application*”) that seeks permission and approval for Confluence Rivers to acquire substantially all the unpermitted sewer system assets of Mr. Kenneth Jaeger located in and around the Lost Valley subdivision in Ralls County, Missouri. The *Joint Application* also seeks a Certificate of Convenience and Necessity (“CCN”) for Confluence Rivers to install, own, acquire, construct, operate, control, manage, and maintain the Lost Valley sewer system and provide service to the public.

2. On April 6, 2023, Staff filed *Staff’s Recommendation* (“*Recommendation*”) that stated in applicable part:

Confluence's legal description and map do not include the land required for the land application system needed to bring the system into compliance and to provide customers with safe and adequate service.

Staff, therefore, concludes that the Application is deficient and should be denied. *Should Confluence rectify its deficiencies, Staff's recommendation will likely change. Should Confluence file an amended application prior to April 14, Staff asks the Commission to give Staff at least forty-five days for its evaluation.*

(emphasis added). This *Motion for Leave to Amend Joint Application and Amendment to the Joint Application* seeks leave of the Commission to amend the *Joint Application* to include in the proposed CCN the real estate associated with the referenced land application system.

Motion for Leave

3. The *Joint Application*, among other things, included, as representative of the proposed area for its requested CCN, Appendix D, a legal description for the unpermitted Lost Valley sewer system, and Appendix E, a map of the unpermitted Lost Valley sewer system. By this motion, the Applicants seek the Commission's leave to amend its *Joint Application* to replace those appendices with the attached **Appendix D – Amended** and **Appendix E - Amended**.

4. These amended appendices include the acreage necessary for subsurface land application of wastewater. Further, Confluence Rivers clarifies that after the grant of the CCN requested in this case, it intends to purchase from the Receiver all of the real estate that the Court placed within the control of the Receiver (the real estate owned by Kenneth Jaegers).

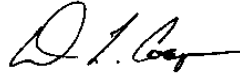
5. Commission Rule 4240-2.080(18) provides, in part, that a pleading may be amended at any time by leave of the Commission. Given the many violations of the Missouri Clean Water Law that resulted in the appointment of the Receiver in regard to this system, the Applicants believe that good cause exists to grant leave and further the progress of this Application.

Amendment to the Application

6. The Applicants provide the attached **Appendix D – Amended** and **Appendix E – Amended** and ask that the Commission consider these to replace and amend Appendix D and Appendix E that were filed with the *Joint Application*.

WHEREFORE, the Applicants request the Commission issue an order granting the *Motion for Leave to Amend Joint Application and Amendment to the Joint Application* and consider the *Joint Application* amended as stated herein.

Respectfully submitted,



Dean L. Cooper MBE #36592

Jesse W. Craig MBE #71850

Jennifer L. Hernandez MBE #59814

BRYDON, SWEARENGEN & ENGLAND P.C.

312 E. Capitol Avenue

P.O. Box 456

Jefferson City, MO 65012

(573) 635-7166 telephone

dcooper@brydonlaw.com

jcraig@brydonlaw.com

jhernandez@brydonlaw.com

David L. Woodsmall MBE #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.**

//S// Terry Jarrett
Terry Jarrett MBE#45663
HEALY LAW OFFICES, LLC
3010 East Battlefield Road, Suite A
Springfield, MO 65804
terry@healylawoffices.com

**COURT APPOINTED RECEIVER FOR THE
LOST VALLEY SUBDIVISION ASSETS**

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been sent by electronic mail this 18th day of April 2023 to all counsel of record.

