

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

In the Matter of the Application of Confluence            )  
Rivers Utility Operating Company, Inc., for            ) **File No. WF-2023-0023**  
Authority to Issue Long-Term Debt and to Secure    )  
Same with a Lien on its Property                        )

**MOTION FOR CLARIFICATION/CORRECTION  
AND EXPEDITED TREATMENT**

**COMES NOW** Confluence Rivers Utility Operating Company, Inc. (“Confluence Rivers” or “Company”), and for its *Motion for Clarification/Correction and Expedited Treatment*, states as follows to the Missouri Public Service Commission (“Commission”):

**CLARIFICATION**

1. On November 9, 2022, effective November 19, 2022, the Commission issued its *Order Granting Financing Application* (“*Order*”). The *Order* indicated, among other things, that the Commission “will approve Confluence’s request.” (*Order*, p. 3).

2. The *Order* described that request as follows:

On August 1, 2022, Confluence Rivers Utility Company, Inc. (“Confluence”) submitted applications requesting authority to issue long-term debt to CoBank, ACB (“CoBank”) in an amount not to exceed \$7.2 million. Confluence’s applications also seek authority to secure this long-term indebtedness by granting CoBank a statutory lien on all equity Confluence owns now and will own in the future, as well as a perfected priority lien on, and security interest in, all real and personal, tangible and intangible, present and future assets of Confluence.

(*Order*, p. 1).

3. As preparations for the closing of the financing approached, the lender has noted that the “Ordered” section states as follows in regard to the authority granted to Confluence Rivers:

Confluence’s application requesting authority to issue long-term debt to CoBank in an amount not to exceed \$7.2 million, and to secure the long-term indebtedness by granting CoBank a lien on all equity confluence [sic.] now owns, and will own in the future, is granted.

(*Order*, p. 4).

4. The lender notes that the authority granted did not include the requested – and required – security language - “as well as a perfected priority lien on, and security interest in, all real and personal, tangible and intangible, present and future assets of Confluence.”

5. Confluence Rivers believes that the Order intended to grant such authority and did not intend to limit Confluence Rivers’ requested authority. Thus, Confluence Rivers requests the Commission’s clarification/correction that its authorization includes authority to secure the referenced long-term debt with a “perfected priority lien on, and security interest in, all real and personal, tangible and intangible, present and future assets of Confluence” so that the closing may proceed.

#### **EXPEDITED TREATMENT**

6. Confluence Rivers seeks expedited treatment of this *Motion*. The Company currently has a rate lock that expires on December 21, 2022. Thus, closing and funding must happen by that date, or rates may rise. Therefore, a grant of this motion will further the public interest. Conversely, there will be no negative effect on customers or the general public by issuing an order clarifying or correcting the *Order Granting Financing Application* effective immediately. This Motion has been filed as soon as possible after the issue arose during preparations for closing.

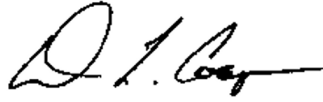
#### **PARTIES**

7. Counsel for Staff of the Commission and the Office of the Public Counsel have reviewed this Motion and stated that they do not object to the relief requested herein.

**WHEREFORE**, Confluence Rivers requests the Commission grant this *Motion for Clarification/Correction and Expedited Treatment* and, thereafter, issue an order clarifying or

correcting its *Order Granting Financing Application*, as described herein.

Respectfully submitted,



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**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 12<sup>th</sup> day of December 2022 to all counsel of record.

