

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

In the Matter of the Application of Confluence Rivers)	
Utility Operating Company, Inc., for Authority to)	<u>File No. WA-2019-0299</u>
Acquire Certain Water and Sewer Assets and for a)	Tariff Nos. YW-2021-0093
Certificate of Convenience and Necessity)	and YS-2021-0094

STAFF’S COMPLIANCE TARIFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), through counsel, and recommends that the Commission approve the proposed tariff sheets Confluence Rivers Utility Operating Company, Inc. (“Confluence”) filed October 5, 2020, bearing effective dates of November 4, 2020.

1. On March 29, 2019 Confluence filed an *Application and Motion for Waiver* (“Application”) with the Commission requesting permission to acquire the water and sewer systems currently owned by Port Perry Service Company (“Port Perry”) and authorization to transfer Port Perry’s existing certificates of convenience and necessity (“CCNs”) to Confluence.

2. Staff filed its recommendation to grant the requested authority, subject to certain conditions, on May 31, 2019. Confluence agreed to Staff’s recommended conditions.

3. The Lake Perry Lot Owners’ Association, which represents many Port Perry customers, objected to the transaction and requested a hearing.

4. An evidentiary hearing was held October 7-8, 2019. The Commission reopened the record to admit evidence of the assets’ net book value, and an additional evidentiary hearing was held May 19, 2020.

5. On August 26, 2020, the Commission issued its *Report and Order*, finding that Confluence possesses adequate technical, managerial, and financial capacities to own, operate, manage, and maintain the Port Perry assets. The Commission found that Confluence satisfied the Tartan Energy Criteria.¹ The Commission further found that Confluence showed by a preponderance of the evidence that granting it CCNs to serve the Port Perry area is necessary for the public service and that transfer of the Port Perry assets to Confluence is not detrimental to the public interest.²

6. The Commission also ordered Confluence to file revised tariff sheets within 10 days after closing on the assets.³

7. On October 5, 2020, Confluence filed original tariff sheets in tariff tracking numbers YW-2021-0093 and YS-2021-0094, with proposed effective dates of November 4, 2020. On October 16, 2020, the Commission directed Staff to file a recommendation regarding these tariff sheets by October 19, 2020.

8. Staff reviewed all tariff sheets and concludes that they comply with the Commission's August 26, 2020 order.

9. Therefore, Staff recommends approval of:

P.S.C. MO No. 14
Original Sheet No. Adoption Notice
Original Sheet No. Title Page

P.S.C. MO No. 15
Original Sheet No. Adoption Notice
Original Sheet No. Title Page

¹ *In the Matter of Tartan Energy Company, et al.*, 3 Mo. PSC 3d 173 (1994).

² *Report and Order*, WA-2019-0299 (Aug 26, 2020), P. 25.

³ *Id.* at 26.

WHEREFORE, Staff requests that the Commission issue an order approving Confluence's proposed tariff sheets filed October 5, 2020, to take effect November 4, 2020.

Respectfully submitted,

/s/ Karen E. Bretz

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing has been electronically mailed to all parties and/or counsel of record on this 16th day of October, 2020.

/s/ Karen E. Bretz

