

**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)
Associated with the Acquisition of Certain)
Water Assets) **File No. WA-2023-0003**

**RESPONSE TO UPDATED STAFF RECOMMENDATION
AND REQUEST FOR SHORTENED EFFECTIVE DATE**

COMES NOW Confluence Rivers Utility Operating Company, Inc. (“Confluence Rivers”), and for its *Response to Updated Staff Recommendation and Request for Shortened Effective Date* states as follows to the Missouri Public Service Commission (“Commission”):

RESPONSE TO UPDATED STAFF RECOMMENDATION

1. On July 1, 2022, Confluence Rivers filed an *Application and Motion for Waiver* (“Application”) with the Missouri Public Service Commission (“Commission”) requesting a Certificate of Convenience and Necessity (“CCN”) authorizing it to install, own, acquire, construct, operate, control, manage, and maintain certain water system assets currently served by Tan Tar A in Camden County, Missouri.

2. On October 24, 2022, Staff of the Commission (“Staff”) filed its *Staff Recommendation*. Therein Staff stated it is not opposed to this transaction in principle but was looking for additional information concerning the supply of water, among other things. Confluence Rivers provided a its Response to Staff Recommendation on November 3, 2022.

3. On November 18, 2022, Staff filed its *Updated Staff Recommendation* and supporting *Memorandum* recommending that the Commission approve Confluence Rivers’ request for the issuance of a CCN allowing Confluence Rivers to operate and acquire the water distribution system servicing the residential neighborhood known as the Margaritaville

Subdivision (formerly known as Tan-Tar-A Estates) in Osage Beach, with conditions, to provide water service to the requested service area.

4. Confluence Rivers has reviewed the proposed conditions listed on pages 7-9 of Staff's *Memorandum* and states that it has no objection to the proposed conditions.

REQUEST FOR SHORTENED EFFECTIVE DATE

5. Confluence Rivers further requests that if its *Application* is approved, that the Commission consider an effective date shorter than the thirty (30) day period commonly used.

6. Section 386.490.2, RSMo, states in part that "Every order or decision of the commission shall of its own force take effect and become operative thirty days after the service thereof, except as otherwise provided. . . ." Case law indicates that the Commission has the authority to set an effective date at least as short as ten (10) days. *Harter v. Missouri Public Service Commission*, 361 S.W.3d 52 (Mo.App W.D. 2011).

7. We are nearing the end of the calendar year. Closing transactions prior to the end of the end will have tax implications for both seller and Confluence Rivers, will simplify accounting on a going forward basis for Confluence Rivers, and will clarify the relevance of the acquisition in regard to Confluence Rivers' next rate case.

8. Accordingly, Confluence Rivers respectfully requests that the Commission utilize a ten (10) day effective date for any order that may resolve this matter.

WHEREFORE, Confluence Rivers requests the Commission issue an order approving Confluence Rivers' *Application* and granting Confluence Rivers CCNs subject to the conditions found in Staff's *Memorandum*, and for such other and further relief as deemed appropriate in the

circumstances.

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 21st day of November 2022 to all counsel of record.

