

**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 Issue Long-Term Debt and to        )  
Secure Same with a Lien on its Property        )        **File No. WF-2023-0023**

**STAFF RECOMMENDATION**

**COMES NOW** the Staff of the Missouri Public Service Commission (“Staff”) and for its Recommendation states as follows:

1. 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 also seeks authority to secure this long-term indebtedness by granting CoBank a lien on all equity Confluence owns now and will own in the future.

2. In addition, Confluence requests a waiver of Commission Rule 20 CSR 4240-4.017(1) which states that “(a)ny person that intends to file a case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such case.” However, 20 CSR 4240-4.017(1)(D) provides that a waiver may be granted for good cause. Good cause may exist if “a verified declaration from the filing party that it has had no communication with the office of the commission within the prior one hundred fifty (150) days regarding any substantive issue likely to be in the case.” In its application, Confluence states that it has had no communication with the Office of the Commission within the prior 150 days regarding any substantive issue likely to be in this case other than the pleadings filed for record.

3. On August 3, 2022, the Commission ordered Staff to file a recommendation or status report regarding Confluence's application by September 19, 2022.

4. On September 15, 2022, Staff filed its status report indicating that it intends to file its recommendation on or before October 28, 2022. On the same day, the Commission ordered Staff to file its recommendation no later than October 28, 2022.

5. Staff has reviewed Confluence's application, as well as responses to various data requests, and has summarized its conclusion in its *Memorandum*, attached hereto as Appendix A, and incorporated by reference.

6. Section 386.300 RSMo, authorizes the Commission to apply a fee for the issuance of bonds, notes, or other evidence of indebtedness. However, "... no fee shall be charged when such issue is made for the purpose of guaranteeing, taking over, refunding, discharging or retiring any bond, note or other evidence of indebtedness up to the amount of the issue guaranteed, taken over, refunded, discharged or retired."<sup>1</sup>

7. Confluence believes that this issuance of long-term indebtedness is not subject to the fee schedule in Section 386.300, RSMo

8. Staff concludes that the proposed transaction is not detrimental to the public interest, subject to the imposition of certain conditions as outlined in Staff's *Memorandum*.

**WHEREFORE**, Staff recommends the Commission approve the application, subject to conditions outlined in Staff's *Memorandum*, waive the 60-day notice requirement of Rule 20 CSR 4240-4.017(1), and grant such other and further relief as the Commission finds appropriate in the circumstances.

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<sup>1</sup> Section 386.300.3, RSMo.

Respectfully Submitted,

**/s/ Ron Irving**

Ron Irving

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Missouri Public Service Commission

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand delivered, transmitted by facsimile or electronically mailed to all parties and/or counsel of record on this 7<sup>th</sup> day of October 2022.

**/s/ Ron Irving**