

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held by telephone and internet audio conference on the 13<sup>th</sup> day of May, 2020.

**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 Acquire Certain Water and Sewer ) **File No. WA-2019-0299**  
Assets and for a Certificate of Convenience and )  
Necessity )

**ORDER DENYING MOTION TO QUASH**

Issue Date: May 13, 2020

Effective Date: May 13, 2020

On April 24, 2020, Confluence Rivers Utility Operating Company, Inc. (Confluence Rivers) filed a motion to quash the non-disclosure agreements (NDAs) of two persons filed on behalf of the Lake Perry Lot Owners Association (Lot Owners). NDAs are addressed in Commission Rule 20 CSR 4240-2.135, subsections six and seven.

Confluence Rivers objected that the expertise of the two persons as applied to this case is not apparent. Confluence Rivers also argued that the NDA signatories must have expertise in the subject matter of an upcoming evidentiary hearing, and cannot be experts in other matters of the case. Confluence Rivers then implies two conditions from the Commission rule: 1) the experts must have true expertise regarding the issues or subjects

for which the access is sought; and 2) the information sought must be within the area of expertise.

Neither subsection six nor seven of 20 CSR 4240-2.135 requires that the reason for the retention of the expert must be made known before an NDA is filed. Nor do those subsections require that the expertise of an NDA signatory be limited in the manner suggested by Confluence Rivers. The Commission also declines to find the two conditions are implied from the rule as suggested by Confluence Rivers.

**THE COMMISSION ORDERS THAT:**

1. The motion to quash filed by Confluence Rivers on April 24, 2020, is denied.
2. This order shall be effective when issued.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Silvey, Chm., Rupp, Coleman, and  
Holsman CC., concur.  
Kenney, C., absent

Hatcher, Regulatory Law Judge