

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

In the Matter of the Application of)	
Osage Utility Operating Company, Inc.)	
to Acquire Certain Water and Sewer)	Case No.: WA-2019-0185 &
Assets and for a Certificate of)	SA-2019-0186
Convenience and Necessity)	

PUBLIC COUNSEL’S MOTION IN SUPPORT OF FILED MOTION TO DISMISS

The Office of the Public Counsel (OPC) responds in support of Reflections Condominium Owners Association, Inc. (Reflections Condo), Reflections Subdivision Master Association, Inc. (Master Association), and Great Southern Bank’s Motion to Dismiss as follows:

1. On September 6, 2019, Reflections Condo, Master Association, and Great Southern Bank filed a motion to dismiss the above captioned proceeding, or in the alternative dismiss the portion of Osage Utility Operating Company’s (OUOC) Application as it pertains to the water and sewer assets of the Master Association and Reflections Condo (Reflections System).

2. OUOC’s Application is predicated on the acquisition of both the Reflections System and Osage Water Company. Similarly, the Staff of the Public Service Commission’s (Staff) Recommendation premises its conclusions as to OUOC’s certificate and acquisition incentive request on acquiring both utility systems.

3. However, as indicated in the Motion to Dismiss, the Reflections System has been sold to third parties, and OUOC no longer has any interest or contractual right to purchase the System. OUOC’s parent company, Central States Water Resources (CSWR), has also taken no immediate action to seek enforcement of its previously valid contract to purchase the Reflections System since the Circuit Court of Camden County, Missouri denied CSWR’s temporary restraining order request.

4. OUOC being no longer able to acquire the Reflections System represents a material change to its application as one half of the requested number of water and sewer systems can no longer be acquired by OUOC.

5. OUOC being no longer able to acquire the Reflections System represents a material change to the underlying assumptions of Staff's Recommendation. Staff's Recommendation is currently in favor of approving a certificate of convenience and necessity, transferring an existing certificate from Osage Water Company to OUOC, and granting a debit acquisition incentive for acquiring both the Osage Water Company and the Reflections System.

6. Due to the material changes underlying OUOC's Application and Staff's Recommendation, OPC moves in support of the filed motion to dismiss.

WHEREFORE, OPC moves in support of the filed motion to dismiss, and incorporates all requested relief therein here. OPC alternatively requests a stay of the proceedings with directions from the Commission for Staff to file a new recommendation accounting for OUOC's inability to acquire the Reflections System.

Respectfully,

OFFICE OF THE PUBLIC COUNSEL

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served, either electronically or by hand delivery or by First Class United States Mail, postage prepaid, on this 9th day of September, 2019, with notice of the same being sent to all counsel of record.

/s/ Caleb Hall