

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

In the Matter of the Application of)	
Confluence Rivers Utility Operating)	File No. WM-2020-0403
Company, Inc., to Acquire Certain Water)	& SM-2020-0404
and Sewer Assets.)	

**PUBLIC COUNSEL’S REPLY TO CONFLUENCE RIVERS’ RESPONSE TO ORDER DIRECTING
RESPONSES FOR NOTICE AND REQUEST FOR PUBLIC HEARING**

The Office of the Public Counsel (OPC) replies to Confluence River Utility Operating Company, Inc.’s (Confluence Rivers) Response to Order Directing Responses to Request for Notice and Request for Public Hearing as follows:

1. On September 18, 2020, the Staff of the Public Service Commission (Staff) recommended that the Public Service Commission (Commission) approve the acquisition of the Terre Du Lac Utilities Corporation (TDL) by Confluence Rivers. Staff’s Memorandum attached to its Recommendation states that TDL’s customers have not been notified of the pending acquisition.
2. OPC responded by asking the Commission to suspend the current procedural schedule, require a customer notice, and host a local public hearing on September 21, 2020.
3. Thereafter the Commission ordered parties to respond to OPC’s customer notice, public hearing, and procedural suspension request by September 29, 2020.
4. Confluence Rivers responded that it did not object to a virtual public hearing, and offered a copy of its notice to TDL customers that Confluence Rivers maintains it sent to customers on August 12, 2020.
5. The Commission then ordered Staff and OPC to respond to Confluence Rivers’ latest response by October 7, 2020.

6. OPC appreciates that Confluence Rivers generated some kind of customer notice. However, since filing its request for a local public hearing, OPC has received at least four different inquiries from TDL customers who did not receive Confluence Rivers' notice and who want a local public hearing to express their concerns.

7. The public comments entered into the electronic filing information system for this case likewise demonstrate a public desire for a hearing of some kind to speak to the Commission. Scott H writes, "I think the TDL Property Owners have been 'left in the dark' and have waited for TDL Association or the State to provide a public opportunity to be informed or speak."

8. Another member of the public, David Ruble, expresses concerns about Confluence Rivers' August notice, claiming, "August 12, 2020 letter to customers must be erroneous. Many properties without sewer; yet letter from Confluence states an equal number of water & sewer customers. Either statement is false or buyer has not done good due diligence; neither is good."

9. Based on this conflicting information and public input, OPC reaffirms its belief as to the necessity of a public hearing, virtual or otherwise. Based on customer input, OPC believes that the Commission should use the TDL Property Owners Association Board to reach all affected TDL customers. The Board should have the most immediate means to contact all customers about an upcoming virtual public hearing.

WHEREFORE, the OPC replies to Confluence Rivers' notice per Commission Order.

Respectfully,

OFFICE OF THE PUBLIC COUNSEL

/s/ Caleb Hall

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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 7th Day of October, 2020, with notice of the same being sent to all counsel of record.

/s/ Caleb Hall