

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

In the Matter of the Application of Confluence)
Rivers Utility Operating Company, Inc., for)
Certificates of Convenience and Necessity to)
Provide Water and Sewer Service in an Area of)
Lincoln County, Missouri)

Case No. WA-2023-0026

**RESPONSE TO STAFF’S RECOMMENDATION
AND REQUEST FOR SHORTENED EFFECTIVE DATE**

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

RESPONSE TO STAFF’S RECOMMENDATION

1. On July 25, 2022, Confluence Rivers filed an *Application and Motion for Waiver* (“*Application*”) for Certificates of Convenience and Necessity (“CCN”) authorizing it to install, own, acquire, construct, operate, control, manage, and maintain the water and sewer systems of Glenmeadows Water and Sewer LLC (“Glenmeadows”).

2. On November 10, 2022, Staff of the Commission (“Staff”) filed its *Staff’s Recommendation* and supporting *Memorandum* recommending that the Commission approve Confluence Rivers’ *Application* and grant Confluence Rivers CCNs to operate the water and sewer system assets subject to the conditions described in Staff’s *Memorandum*.

3. Confluence Rivers has reviewed the proposed conditions listed on pages 10-11 of Staff’s *Memorandum* and states that it has no objection to the proposed conditions.

REQUEST FOR SHORTENED EFFECTIVE DATE

4. 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.

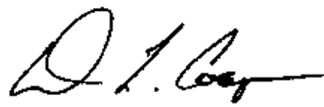
5. Section 386.490.2, RSMo, states in part that “Every order or decision of the commission shall of its own force take effect and become operative thirty days after the service thereof, except as otherwise provided. . . .” Case law indicates that the Commission has the authority to set an effective date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

6. We are nearing the end of the calendar year. Closing transactions prior to the end of the year 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.

7. 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,



Dean L. Cooper, Mo. Bar #36592
BRYDON, SWEARENGEN & ENGLAND P.C.
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102-0456
Telephone: (573) 635-7166
Facsimile: (573) 635-0427
dcooper@brydonlaw.com

David L. Woodsmall MBE #40747
Central States Water Resources
1630 Des Peres Rd., Suite 140

Des Peres, MO 63131
dwoodsmall@cswrgroup.com

**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 18th day of November 2022 to all counsel of record.

