

*Missouri Public Service Commission*  
Data Center  
P.O. Box 360  
Jefferson City, Missouri 65102-0360

MO 419-2651 (9-10)



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Missouri Public  
Service Commission

Smithview H2O Company  
Legal Department  
802 E. County Line  
Clark, MO 65243

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RETURN TO SENDER  
: SMITHVIEW H2O COMPANY  
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UNABLE TO FORWARD  
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**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Application of Confluence Rivers     )  
Utility Operating Company, Inc. to Acquire Certain     )  
Water and Sewer Assets, For a Certificate of             ) **File No. WM-2018-0116**<sup>1</sup>  
Convenience and Necessity, and, in Connection         )  
Therewith, To Issue Indebtedness and Encumber         )  
Assets   )

**AMENDMENT TO ORDER REQUIRING LAKE PERRY TO REPLY AND  
STAFF TO FILE RECOMMENDATION**

Issue Date: December 5, 2018

Effective Date: December 5, 2018

On November 21, 2018, Lake Perry Lot Owners' Association ("Intervenor") filed a Motion to Compel Answers to Certain Data Requests ("Discovery Motion"). On November 30, 2018, Confluence Rivers Utility Operating Company, Inc., (the "Company") filed a Response to Motion to Compel ("Response"). On December 3, 2018, the Commission ordered Intervenor to reply to the Response and the Staff of the Commission ("Staff") to file a recommendation concerning the Discovery Motion. The Commission also ordered the Intervenor and Staff to list with exact specificity every ultimate material issue involved in the Motion. The Commission will amend its order.

The Commission notes that the discovery dispute turns largely on the question of "relevance" and whether the data requests call for information which is relevant or reasonably calculated to lead to the discovery of admissible evidence. To be admissible, evidence must be relevant. To be relevant, evidence must tend to prove or disprove a material fact at issue.<sup>2</sup> The Commission will order the Intervenor to reply to the Company's

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<sup>1</sup> Consolidated with File No. SM-2018-0117. EFIS Item No. 73.

<sup>2</sup> *Olinger v. General Heating & Cooling Co.*, 896 S.W.2d 43, 48 (Mo. App. W.D. 1994) states:

Response and, as a part of its reply, identify the material facts at issue which the sought data will tend to prove or disprove.

**THE COMMISSION ORDERS THAT:**

1. Lake Perry Lot Owners' Association ("Intervenor") is ordered to file a Reply to the Response mentioned in the body of this Order no later than December 10, 2018.
2. The Staff of the Missouri Public Service Commission ("Staff"), the Office of Public Counsel ("OPC") and any other party may, at their option, file a recommendation or reply concerning the Motion mentioned in the body of this Order ("Motion"). If Staff, OPC or any other party chooses to file such a recommendation or reply, they shall do so no later than December 10, 2018.
3. Intervenor's Reply shall list the relevant and material facts which Intervenor contends its data requests tend to prove or disprove.
4. This order will be effective when issued.

**BY THE COMMISSION**



A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Paul T. Graham, Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,  
on this 5<sup>th</sup> day of December, 2018.

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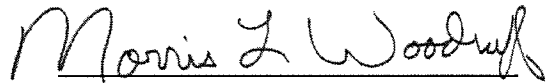
"Evidence is relevant when the offered fact tends to prove or disprove a fact in issue or corroborates other relevant evidence." (Internal quotes and citations omitted).

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

**WITNESS** my hand and seal of the Public Service Commission,  
at Jefferson City, Missouri, this 5<sup>th</sup> day of December 2018.

  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**December 5, 2018**

**File/Case No. WM-2018-0116**

**Missouri Public Service Commission**  
Staff Counsel Department  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
staffcounsel@psc.mo.gov

**Office of the Public Counsel**  
Marc Poston  
200 Madison Street, Suite 650  
P.O. Box 2230  
Jefferson City, MO 65102  
opcservice@ded.mo.gov

**Confluence Rivers Utility Operating Company, Inc.**  
Diana C Carter  
312 E. Capitol Avenue  
P.O. Box 456  
Jefferson City, MO 65102  
DCarter@brydonlaw.com

**Confluence Rivers Utility Operating Company, Inc.**  
Dean L Cooper  
312 East Capitol  
P.O. Box 456  
Jefferson City, MO 65102  
dcooper@brydonlaw.com

**Evergreen Lake Water Company**  
Legal Department  
7080 Ficken Road  
P.O. Box 138  
Cedar Hill, MO 63016

**Gladlo Water & Sewer Company, Inc.**  
Legal Department  
P.O. Box 200595  
7581 E. Academy Blvd. Ste 229  
Denver, CO 80220  
heartlandutilities@gmail.com

**Lake Perry Lot Owners' Association**  
David C Linton  
314 Romaine Spring View  
Fenton, MO 63026  
Jdlinton@reagan.com

**M.P.B., Inc.**  
Legal Department  
505 Brick Church Rd.  
Labadie, MO 63055

**Mill Creek Sewers, Inc.**  
Legal Department  
7581 E. Academy Blvd. Ste. 229  
P.O. Box 200595  
Denver, CO 80220  
heartlandutilities@gmail.com

**Missouri Public Service Commission**  
Whitney Payne  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
whitney.payne@psc.mo.gov

**Port Perry Service Company**  
Legal Department  
728 PCR 724  
PO Box 43  
Perryville, MO 63775  
perryville@mfaoil.com

**Roy-L Utilities, Inc.**  
Legal Department  
366 Hwy. F  
High Hill, MO 63350

**Smithview H2O Company**  
Legal Department  
802 E. County Line  
Clark, MO 65243

**Willows Utility Company, The**  
Legal Department  
P.O. Box 140099  
Dallas, TX 75214

*Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).*

*Sincerely,*

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive style with a large, prominent "M" and "W".

**Morris L. Woodruff**  
**Secretary**

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.