

**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 Assets and for a Certificate    )  
of Convenience and Necessity                                )

**File No. WA-2019-0299**

**ORDER SETTING PROCEDURAL SCHEDULE**

Issue Date: March 24, 2020

Effective Date: March 24, 2020

At its Agenda meeting on February 13, 2020, the Commission determined that it is necessary to assess the net book value of Port Perry Service Company, LLC. That determination is necessary as it is a “relevant and critical” issue as to whether the proposed acquisition is “detrimental to the public interest.” The Commission’s determination that net book value is a relevant and critical issue is separate from the discussion of an acquisition premium.

In response to the Agenda meeting, on March 4, Confluence Rivers Utility Operating Company (Confluence) filed its *Waiver Concerning Acquisition Premium (Waiver)*. The *Waiver* repeats Confluence’s prior commitments regarding the acquisition premium.

The Staff of the Commission (Staff), on March 17, filed a *Joint Proposed Procedural Schedule* on behalf of itself, the Office of the Public Counsel, and the Lake Perry Lot Owners’ Association. The schedule proposes three rounds of testimony (Direct, Rebuttal, and Surrebuttal).

Confluence objected to the proposed procedural schedule arguing it would delay a Commission decision on its application, and asked the Commission to find no need for an additional evidentiary hearing. As to the need for a hearing, Confluence's objection failed to raise any new point or issue not previously considered by the Commission. The Commission maintains its earlier decision that additional evidence is needed to resolve a necessary and critical issue relevant to a determination on whether or not the application is detrimental to the public interest.

As to Confluence's objection regarding the number of rounds of testimony required, the Commission agrees that two rounds of pre-filed written testimony is sufficient, with cross-examination during live testimony at the hearing.

The submitted proposed date for an evidentiary hearing is May 21-22, 2020. Due to the global pandemic, COVID-19, the Commission is still considering the best way to provide a hearing taking public health measures into account.

All parties have either jointly proposed a procedural schedule or responded to it. The Commission need not wait for further responses to issue its decision.

The Commission will set a procedural schedule with two rounds of testimony and no responses to staff report. The evidentiary hearing will be scheduled separately.

**THE COMMISSION ORDERS THAT:**

1. The following procedural schedule is established:

<b>Staff Report</b>	-	<b>March 24, 2020</b>
<b>Direct Testimony</b>	-	<b>April 14, 2020</b>
<b>Response time for Data Requests becomes 5 business days to respond, and 2 business days to object</b>	-	<b>April 14, 2020</b>

<b>Rebuttal Testimony</b>	-	<b>April 28, 2020</b>
<b>List of Issues, Order of: Witnesses, Cross-Examination, and Opening</b>	-	<b>May 14, 2020</b>
<b>Position Statements</b>	-	<b>May 18, 2020</b>

2. Data request responses will be due in **ten** calendar days, with **five** calendar days to object or provide notice of an inability to answer. After the filing of Direct Testimony on April 14, 2020, the response time for data requests shall be **five** business days to respond, and **two** business days to object. If a deadline falls on a weekend or a holiday, the due date will be the next business day thereafter.

3. The parties shall comply with the following procedural requirements:

(a) Testimony shall be pre-filed as defined in Commission Rule 20 CSR 4240-2.130, including the requirement that testimony be filed on line-numbered pages.

(b) Although not all parties may agree upon how each issue should be described or on whether a listed issue is in fact a proper issue in this case, the parties shall agree upon and file a list of the issues to be heard, the witnesses to appear on each day of the hearing, the order in which they will be called, and the order of cross-examination for each witness. The list of issues should be detailed enough to inform the Commission of each issue that must be resolved. The Commission will view any issue not contained in this list of issues as uncontested and not requiring resolution by the Commission.

(c) Each party shall file a simple and concise statement summarizing its position on each disputed issue. Position statements shall track the list of issues. Any position statement shall set forth any order requested, cite any law authorizing that relief, and allege facts relevant under the law with citations to any pre-filed testimony in support.

(d) All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 20 CSR 4240-2.080. Briefs shall follow the same list of issues as filed in the case and must set forth and cite the proper portions of the record concerning the remaining unresolved issues that are to be decided by the Commission.

(e) If testimony or documents are pre-filed and served upon the parties before a hearing, a party need only provide a copy of the testimony or document to the court reporter for marking as an exhibit. If not pre-filed and served upon the parties, then

a party who has a document marked for use at the hearing shall have sufficient copies of the document to provide a copy not only to the court reporter, but also to each of the Commissioners, the presiding officer, and counsel for each other party.

4. This order shall be effective when issued.



**BY THE COMMISSION**

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

Morris L. Woodruff  
Secretary

Charles Hatcher, Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,  
on this 24<sup>th</sup> day of March, 2020.