

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

In the Matter of Confluence Rivers Utility)
Operating Company, Inc.’s Request for Authority)
to Implement a General Rate Increase for Water) **File No. WR-2023-0006**
Service and Sewer Service Provided in Missouri)
Service Areas.)

RESPONSE TO STAFF’S MOTION FOR ORDER

COMES NOW Confluence Rivers Utility Operating Company, Inc. ("Confluence Rivers") and for its response to Staff’s *Motion for an Order Requiring Immediate Compliance with the Commission’s Discovery Order and Motion for Expedited Consideration* (“*Motion for Order*”), respectfully states as follows to the Missouri Public Service Commission ("Commission"):

1. On July 25, 2023, the Staff of the Commission (“Staff”) filed its *Motion for Order*. Subsequently, on July 27, 2023, the Commission issued its *Order Shortening Time for Responses to Staff’s Motion*, wherein the Commission, among other things, directed that Confluence Rivers respond to Staff’s *Motion for Order* by July 31, 2023.

2. As summarized by the *Motion for Order*, this matter concerns Staff data request 0231.1. That data request has been the subject of a prior *Motion to Compel* that was ruled on July 12, 2023. Subsequent to the Commission’s order, on July 18, 2023, Confluence Rivers provided those materials it could gather concerning the November 2, 2021 meeting referenced by that *Motion to Compel* and the resulting Order. On July 26, 2023, Confluence Rivers delivered to counsel for Staff copies of dated presentations it had made to U.S. Water System Board of Directors meetings between April of 2019, and April of 2023.

3. Staff’s *Motion for Order* requests the Commission:

. . . issue its peremptory order to Confluence to fully respond to Staff's DR 231.1. Staff also requests that the Commission order Confluence to provide a list of all US Water/CSWR, Inc.¹ board meeting dates between October 1, 2019, and April 30, 2023, and identify who was present at each of these meetings.²

4. There is no "willful disregard of the Commission's order" as alleged by Staff.³

Confluence Rivers has no further documents that are responsive to this data request.

5. Moreover, this Commission has previously recognized that the power and control in a corporate structure flows down, and not up, the corporate chain:

As to Staff's suggestion that Missouri-American should be required to attempt to obtain the information Staff seeks on the theory that, as an affiliate or subsidiary, Missouri-American enjoys superior access to the information in question, such superior access is an assumption and has not been demonstrated. Certainly, Missouri-American has no legal authority to obtain information and documents from its corporate parent and affiliates. An order requiring Missouri-American to attempt to acquire the information and documents from its parent and affiliates is likely to be unworkable in practice.

In the Matter of Missouri-American Water Company's Tariff, et al., Case No. WR-2003- 0500, 2003 Mo. PSC LEXIS 1552, *19 (Mo. P.S.C. December 2, 2003) (emphasis added).

6. Confluence Rivers has provided all the documents related to Staff data request 0231.1 that it is able to provide.

WHEREFORE, Confluence Rivers Utility Operating Company, Inc. respectfully requests

¹ Staff uses "CSWR, Inc." to refer to Central States Water Resources, Inc. "CSWR, Inc." should not be confused with CSWR, LLC, which is a separate and distinct business entity.

² *Motion for Order*, p. 6.

³ *Motion for Order*, p. 5.

the Commission issue such orders as it shall find to be reasonable and just.

Respectfully submitted,



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**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 27th day of July 2023, to all counsel of record.

