

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 7th day of
June, 2023.

In the Matter of Confluence Rivers Utility)
Operating Company, Inc.'s Request for)
Authority to Implement a General Rate)
Increase for Water Service and Sewer)
Service Provided in Missouri Service)
Areas)

File No. WR-2023-0006
Tracking Nos. YW-2023-0113
and YS-2023-0114

**ORDER GRANTING, IN PART, AND DENYING, IN PART,
REQUEST TO COMPEL DISCOVERY ANSWERS**

Issue Date: June 7, 2023

Effective Date: June 7, 2023

On December 21, 2022, Confluence Rivers Utility Operating Company, Inc. (Confluence Rivers or “the Company”) filed a request for a general rate increase. On April 19, 2023, the Office of the Public Counsel (OPC) raised certain discovery disputes at a scheduled discovery conference, which discovery conference met the prerequisites for the Commission to receive written discovery motions.¹ On May 11, 2023, OPC filed its *Motion to Compel* (Motion). On May 22, 2023, Confluence Rivers filed its response to OPC’s Motion (Response). At issue are 21 data requests submitted by OPC.

The Commission’s rules of procedure provide that discovery before the Commission may be obtained by the same means and under the same conditions as in

¹ 20 CSR 4240-2.090(8).

civil actions in circuit court.² In addition, parties may use data requests as a means of discovery.³

Missouri Supreme Court Rule 56.01(b)(1), provides that parties may obtain discovery regarding any matter, not privileged, that is relevant to a pending action or reasonably calculated to lead to the discovery of admissible evidence.⁴ Missouri's courts have indicated that there are two aspects to relevance - logical relevance and legal relevance.⁵ Logical relevance simply means that the questioned evidence tends to make the existence of a material fact more or less probable.⁶ In determining legal relevance, the court, or administrative agency, must weigh "the probative value of the evidence against the dangers to the opposing party of unfair prejudice, confusion of the issues, undue delay, waste of time, cumulativeness, or violations of confidentiality. Evidence is legally relevant if its probative value outweighs its prejudicial effect."⁷ And Supreme Court Rule 56.01 also provides that the party seeking discovery has the burden of establishing relevance.

Disputed Data Requests

The following data requests (DRs) are the subject of OPC's Motion.

DR 2002

DR 2002 requested Confluence Rivers to provide a list of the 798 water and/wastewater systems referenced in direct testimony of Josiah Cox. The list was to

² Commission Rule 20 CSR 4240-2.090(1).

³ Commission Rule 20 CSR 4240-2.090(2).

⁴ Commission Rule 20 CSR 4240-2.090(1) provides that discovery in matters before the Commission may be obtained by the same means and under the same conditions as in civil actions in the circuit court.

⁵ *State v. Kennedy*, 107 SW 3d 306, 311 (Mo. App. W.D. 2003).

⁶ *State v. Kennedy*, 107 SW 3d 306, 311 (Mo. App. W.D. 2003).

⁷ *Jackson v. Mills*, 142 SW 3d 237, 240 (Mo. App. W.D. 2004).

include location, date of acquisition, service provided, and the number of customers for each system. Mr. Cox's prefiled testimony stated, "[s]ince its formation, [Central States Water Resources] CSWR has acquired, and currently is operating through various affiliates, 798 water and/or wastewater systems in Missouri, Kentucky, Louisiana, Texas, Arkansas, Tennessee, Mississippi, Arizona, North Carolina, and Florida."⁸

OPC argues that the information sought is relevant because Confluence Rivers' witness has made it relevant by offering the statement. OPC argues that the information sought would establish the veracity of the witness' statement and that veracity is always relevant. OPC also argues the information sought is not unduly burdensome as it should already be retained by Confluence Rivers or its affiliates, as evidenced by the fact that the information was available to Mr. Cox in preparing his testimony.

Confluence Rivers objected, but provided a list of total customer count per state for each state that CSWR operates in. Subsequently, Confluence Rivers also provided information related to the number of water and wastewater systems in each of the states. Nevertheless, Confluence Rivers objected to information sought by DR 2002 as being: not relevant; not proportional to the needs of the case, including that the information concerns entities not regulated by the Commission; unduly burdensome for Confluence Rivers to procure; immaterial; and available in EFIS (the Missouri information sought).

The Response argues that the detail requested (location, date of acquisition, service type, and number of customers) is not proportional to the needs of the case given the lack of importance of the particular information being sought. Confluence Rivers Response also argues that neither it nor CSWR maintains a list which includes the

⁸ Cox Direct, p. 3.

requested details of location, date of acquisition, service type, and number of customers. Nevertheless, Confluence Rivers' Response is able to identify that CSWR now has 844 systems in eleven states.

Confluence Rivers' prefiled direct testimony references the information of the number of systems operated by it or its affiliates. The Commission finds that relevance is established by the inclusion in direct testimony. The Commission is not persuaded by the argument of Confluence Rivers that production of a list of systems would be burdensome or disproportional, nor would such information be readily available otherwise. The subject matter of this general rate case includes Confluence Rivers' management and operation of water and sewer systems. Witness Cox testified to the number and systems operated by Confluence Rivers or its affiliates and the states where those systems are located. This is not requesting detailed information regarding affiliate and out-of-state systems. The minimal information OPC asks for is relevant to the subject matter of this case. OPC only asks for each systems location, its date of acquisition, the service type, and the number of customers. The Commission finds that Confluence Rivers must answer DR 2002.

DR 2003

Similar to DR 2002, this request is for a list of systems to be acquired by the Company that have pending applications, again as referenced in the direct prefiled testimony of Mr. Cox. Again, the request includes details of location, service provided, and number of customers. Mr. Cox's prefiled testimony stated, "[u]tilities within the CSWR affiliate group have additional applications pending in Texas, Tennessee, Louisiana, Florida, North Carolina, Missouri, South Carolina, Arizona, and Mississippi seeking

authorization from utility regulators in those states to acquire even more systems and customers.”⁹ Confluence Rivers objected, but did provide a list of five of its pending acquisition cases in Missouri. In its Motion, OPC acknowledges that it now only seeks the information for the non-Missouri pending acquisitions.

OPC again argues that the information sought is relevant due to being offered in testimony, and also relevant as it would establish the veracity of the witness’ statement. OPC’s Motion also states that the information is relevant to the extent the additions will affect the allocation of corporate resources at the CSWR level, which has a direct impact on Confluence Rivers’ revenue requirement. OPC also argues the information sought is not unduly burdensome as it should already be retained by Confluence Rivers or its affiliates, as evidenced by the fact that the information was available to Mr. Cox in preparing his testimony.

Confluence Rivers objected to information sought by DR 2003 as being: not relevant; not proportional to the needs of the case, including that the information concerns entities not regulated by the Commission; unduly burdensome; immaterial; and available in EFIS (the Missouri information sought). As noted in OPC’s Motion, the request regarding information on Missouri pending acquisitions has been provided, leaving the only issue regarding DR 2003 to be the non-Missouri pending acquisitions.

Confluence Rivers’ Response argues that pending applications for acquisitions in states other than Missouri by separate corporate entities have no relevance to the determination of any issue in this rate case and this data request is not reasonably calculated to lead to the discovery of evidence that would be admissible in the current

⁹ Cox Direct, p. 3.

rate case. The Commission already set the test year as the twelve month period ending June 30, 2022, with an updated/known and measurable period through January 31, 2023. Thus the Response argues that any acquisitions closed after January 31, 2023, would have no impact on this case, allocations, or Confluence Rivers' revenue requirement.

The Commission agrees that pending acquisitions in other states outside of the test year and updated period in this case are not relevant. Those pending applications may not result in acquisitions. Confluence Rivers has already provided a list of pending Missouri acquisitions. The Commission finds that out-of-state pending acquisitions by affiliates outside of the test year and update period are not relevant to the subject matter of this case. Confluence Rivers does not need to provide further information for DR 2003 as it already provided information on Missouri pending acquisitions.

DR 2004

DR 2004 requested verification that CSWR is the single largest owner of individual domestic wastewater treatment plants in the United States and one of the largest owners of individual drinking water systems in the United States. Again, this claim was made in the direct prefiled testimony of Mr. Cox.¹⁰ Confluence Rivers objected that the requested information is immaterial, but did respond by citing National Pollutant Discharge Elimination System (NPDES) permit numbers in the federal Enforcement and History Online (ECHO) database.

OPC's Motion states that the response regarding the ECHO database does not offer useful information as there is no explanation of how searching unique NPDES permit numbers in the ECHO database would lead to the conclusion of Central States being the

¹⁰ Cox Direct, p. 10.

largest owner of individual domestic wastewater treatment plants in the United States. OPC's Motion requested the Commission order Confluence Rivers to provide an answer that demonstrates how it verified the claim. OPC argues the requested information is relevant as it seeks verification of statements by a witness, and veracity is always relevant.

Confluence Rivers' Response states that its answer was complete, but qualifies this statement by noting this method of searching the ECHO database is not how the witness arrived at his information. The Response offers that given the definition of verification in Black's Law Dictionary, it is unclear what further information it could offer in response to DR 2004.

The Commission finds that the specific question of DR 2004 has been addressed. Confluence Rivers does not need to provide further information for DR 2004. OPC may issue a separate data request asking how Confluence Rivers arrived at the conclusion that CSWR is the single largest owner of individual domestic wastewater treatment plants and one of the largest owners of individual drinking water systems in the United States.

DR 2005

DR 2005 requested a five-year breakdown by year and water/wastewater system of customer accounts that have been transferred to a collection agency. DR 2005 also requested a narrative explanation regarding the threshold for a collections referral. Confluence Rivers objected that the request was unduly burdensome, but indicated that it will provide a response.

OPC's Motion argues that the request should not be unduly burdensome because Confluence Rivers should keep track of customer accounts in collections as part of normal

operations. OPC requests the Commission order Confluence Rivers to provide whatever tracking information it possesses, and additionally order Confluence Rivers to directly address the narrative responses as they do not request specific data.

Confluence Rivers' Response stated that it provided, on May 18, 2023, a breakdown of customer accounts referred to a collection agency from March 2022 to year-to-date for 2023. The Response indicated that no accounts were referred to collections for approximately two years prior to March 2022. The Response also stated that it no longer has a relationship with the collection agency it used prior the COVID-19 pandemic. The Response concludes that additional information other than what it has provided would not be relevant and not be proportional to the needs of the case.

Confluence Rivers indicated that it would respond to the data request. It subsequently responded with the information regarding customer accounts referred to collections, but has not yet responded to the request for a narrative explanation. The Commission finds that Confluence Rivers must fully answer the request for a narrative explanation contained in DR 2005.

DR 2007

DR 2007 requested information regarding the rate cases of Central State's Water Resource utilities over the past three-years. OPC requested the information include system name and location by state, case number, the requested and ordered rate increase, and the requested and awarded Return on Equity.

Confluence Rivers objected to information sought by DR 2007 as being: not relevant; not proportional to the needs of the case, including that the information concerns entities not regulated by the Commission; unduly burdensome; immaterial; and available

to OPC in EFIS and its own research. Nevertheless, Confluence Rivers provided a list of six rate-filing cases.

OPC's Motion expresses dissatisfaction with the provided list as being incomplete. OPC offers to amend DR 2007 to only seek the system name, state, and case number.

OPC's Motion argues the information is relevant in that it demonstrates how other regulators have approached and addressed utilities that are similarly situated to Confluence Rivers. The Motion also argues the request is not unduly burdensome because CSWR should be keeping track of the rate cases for its own utilities. OPC states that as it does not know the names of all the affiliated entities, the information is not equally available to OPC through its own research.

The Response argues the request is irrelevant as it concerns separate corporate entities which operate outside of Missouri. Confluence Rivers' Response also states that the information was provided to OPC on April 24, 2023. Given OPC's revised request, the Response posits that it is unclear what further information it could provide in response to DR 2007.

The Commission accepts the limitation to DR 2007 proposed by OPC and accepts that DR 2007, now limited to name, state, and case number, has been answered by Confluence Rivers. If this is not correct, OPC is free to refile a second motion to compel.

DR 3002-3005

DR 3002 requested correspondence between CoBank and Confluence Rivers. DR 3003 sought correspondence between CoBank and CSWR, LLC. DR 3004 requested correspondence between CoBank and Missouri CSWR, LLC. DR 3005 requested correspondence between CoBank and Confluence Rivers Utility Holding Company, LLC.

All four DRs (DRs 3002-3005) at issue limit the requested time frame to correspondence occurring since June 1, 2022.

Confluence Rivers objected to the DRs 3002-3005 as not relevant, and not proportional to the needs of the case to the extent several entities are not regulated by the Commission. Nevertheless, Confluence Rivers provided documents responsive to the request. However, OPC's Motion states its belief that some emails are missing for Confluence Rivers' reply given a comparison to emails produced by a similar data request in File No. WF-2023-0023. OPC additionally objected that many of the materials provided include unjustified redactions. OPC requested that the Commission order Confluence Rivers to provide a complete reply to DRs 3002-3005, and also to provide un-redacted versions of the information previously provided.

OPC's Motion argues that the DRs are relevant as CoBank, the entity with whom correspondence is being requested, is the only entity currently providing long-term debt financing to Confluence Rivers. OPC states it is seeking, among other things, to assess and understand the main factors CoBank and Confluence Rivers discussed and analyzed in determining the amount, cost (*i.e.* interest rate and fees), and specific covenants included in the debt financing agreement. OPC believes this correspondence would likely provide insight regarding CoBanks' overall evaluation of Confluence Rivers' business and financial risk, which may also include comparisons to loan terms assigned to Confluence's affiliates.

Confluence Rivers' Response argues the request has no relevance as none of the three non-Commission-regulated entities have third-party debt with CoBank, or with any

institution. Confluence Rivers argues the information sought is also not relevant because the final loan agreement between CoBank and Confluence Rivers is in place.

OPC argues that relevance is established as all three non-Commission-regulated entities either exert control over Confluence Rivers or share common control through some ultimate parent company. OPC also argues that the information is available to individual persons who serve in more than one capacity across the various corporate entities.¹¹

Confluence Rivers' Response offers no explanation for the missing email pages; only that it does not see any deficiency in its response because it referenced File No. WF-2023-0023 in its objection, and OPC has access to both the DR in File No. WF-2023-0023 and correspondence sent pursuant to DR 3002.

Confluence Rivers argues that its redactions concern other entities and would not be responsive to these DRs or relevant to this case. Lastly, the Response offers that data requests, by rule, may only be served on parties – and CSWR, LLC, Missouri CSWR, LLC, and Confluence Rivers Utility Holding Company, LLC are not parties.

Correspondence with third-parties like CoBank regarding Confluence Rivers' financing is relevant to the subject matter of this rate case. The request is probative of how Confluence Rivers is financed and is appropriate for discovery. OPC's request is not for information in the possession, custody, or control of third-parties, but only for correspondence that would be in Confluence Rivers' possession, custody, or control. Commission finds that Confluence Rivers must answer DR 3002 through DR 3005.

¹¹ The specific identities were filed as confidential, and will not be named here.

DR 3006-3009

DRs 3006-3009 seek correspondence between potential lenders/debt investors and Confluence Rivers (DR 3006), CSWR, LLC (DR 3007), Missouri CSWR, LLC (DR 3008), and Confluence Rivers Utility Holding Company, LLC (DR 3009). All four limit the time frame sought to correspondence occurring since June 1, 2022.

Confluence Rivers objected to DRs 3006-3009 as not relevant, and not proportional to the needs of the case to the extent several entities are not regulated by the Commission.

OPC's Motion cites its arguments under DR 3002-3005 as applicable here. OPC argues that the potential lenders/debt investors' correspondence is relevant because it provides insight into what other long-term debt financing options may have been available. OPC opines that it would be directly relevant to the case if the evidence shows deliberate under-leveraging of its capital structure.

Confluence Rivers' Response notes that it has struggled to obtain third-party financing. The Response argues the information on potential lenders is not relevant as it was successful in obtaining financing from CoBank, as addressed in File No. WF-2023-0023. The Response concedes that the potential lender information may be relevant in a future financing case. The Response also cites its arguments under DR 3002-3005 as applicable here.

Similar to DR 3002-3005, the Commission finds that the information requested is relevant to how Confluence Rivers is financed, and that the requested information is in the possession, custody, or control of Confluence Rivers. Commission finds that Confluence Rivers must answer DR 3006 through DR 3009.

DR 3010 & 3011

DR 3010 requested information detailing all outstanding loans/debt for all of out-of-state affiliates of Confluence Rivers. DR 3011 requested the current ratemaking capital structure allowed for out-of-state affiliates of Confluence Rivers.

Confluence Rivers objected that the information sought is not relevant and not proportional to the needs of the case due to the entities not being regulated by the Commission. Confluence Rivers also stated that the information sought is available in public records. Nevertheless, Confluence Rivers provided a response that identified docket numbers for rate cases brought by Confluence Rivers' affiliate utilities operating in other states.

OPC's Motion argues that docket numbers are not sufficient and Confluence Rivers should be ordered to provide complete answers, including the current ratemaking capital structure. OPC's Motion notes that the ratemaking capital structure is redacted in the publicly available version of the provided docket numbers.

OPC argues the information is relevant as it provides evidence regarding what other regulatory commissions have decided, and suggests that these entities are similarly situated which could be used for determining the fairness and reasonableness of an authorized rate of return. Again, OPC's Motion cites its arguments under DR 3002-3005 as applicable here.

Confluence Rivers' Response argues that debt held by out of state affiliates and the ratemaking capital structure of those out of state affiliates has no relevance to the determination of any issue in this rate case and this DR is not reasonably calculated to lead to the discovery of evidence that would be admissible in the current rate case.

Nevertheless, Confluence Rivers responded to DR 3010 on April 10, 2023, with case numbers and utility names. Similarly, Confluence Rivers filed a further response to DR 3011 on April 10, 2023, which also identified the utilities and docket numbers. Confluence Rivers argues that this response is sufficient for OPC's stated purposes.

Most rate cases address capital structure. Confluence Rivers' capital structure may be a disputed issue in this case. However, in DR 3010, OPC has asked for information detailing all outstanding loans/debt for all of out-of-state affiliates of Confluence Rivers. OPC's request is vague. "Detailing" is a broad term with indefinite definition. Information regarding affiliate financing has limited relevance in this case. The Commission finds that providing the system or affiliate, the date of the loan, the amount of the loan, and the interest rate are sufficient for the needs of this case. Confluence Rivers must provide that information to OPC. Further, the Commission finds limited relevance for the capital structure of affiliates. The Commission finds that revealing the redacted capital structures in the docket numbers provided are sufficient for the needs of this case. Confluence Rivers must provide the redacted capital structures in the docket numbers provided to OPC in response to DR 3011.

DR 3012

DR 3012 sought the documents Marty Moore provided to Bryan Ervin (of CoBank) as it relates to an email exchange starting on June 28, 2021. Confluence Rivers objected that the requested information is not relevant, and that most if not all of the information sought was provided in File No. WR-2023-0023.

OPC argues the information is relevant because it concerns the due-diligence that CoBank performed on Confluence and its affiliates. OPC opines that said information

would represent an objective opinion of a third-party debt investor regarding Confluence Rivers. OPC's Motion states that the documents were not provided in File No. WR-2023-0023.

Confluence Rivers' Response argues that the information is not relevant because the final loan agreement between CoBank and Confluence Rivers is the only evidence of the terms of Confluence Rivers' debt. Confluence Rivers further argues the information is not relevant as the documents requested were provided by Confluence Rivers.

The Commission agrees with Confluence Rivers' position – the documents would not be an objective opinion of a third-party as the documents were provided by Confluence Rivers. The Commission finds that the information requested by DR 3012 is not relevant.

DR 3018-3020

DRs 3018-3020 involve the following companies:

US Water Systems, LLC;

CSWR LLC;

Missouri Central States Water Resources, LLC;

Hillcrest Utility Operating Company (Hillcrest);

Raccoon Creek Utility Operating Company (Raccoon Creek);

Elm Hills Utility Operating Company (Elm Hills);

Indian Hills Utility Operating Company (Indian Hills);

Osage Utility Operating Company (Osage); and

Confluence Rivers.

DR 3018 requested quarterly financial statements for the time period of March 31, 2020, through December 31, 2022.

DR 3019 requested annual financial statements for the time period of December 31, 2020, through December 31, 2022.

And DR 3020 requested annual audited financial statements and notes to financial statements for the time period of December 31, 2020, through December 31, 2022.

Confluence Rivers objected that the information sought was not relevant and not proportional to the needs of the case due to several of the entities (US Water Systems, LLC; CSWR, LLC; and Missouri CSWR, LLC) not being regulated by the Commission. Additionally, Confluence Rivers objected that information regarding US Water Systems is not within the possession, custody, or control of Confluence Rivers. Nevertheless, Confluence Rivers stated it would seek to provide the information as to the other entities.

OPC's Motion states that a response was received, but that it was a reference to Staff DRs that were not relevant to OPC's request.

Confluence Rivers' Response states that Hillcrest, Raccoon Creek, Elm Hills, Indian Hills, and Osage were merged into Confluence Rivers as of December 31, 2021, and no longer exist as separate corporate entities. This effectively answers the request for the period covering 2022 regarding these entities.

Confluence Rivers' Response further states that, except for US Water Systems, none of the entities had quarterly financial statements prepared. As to US Water Systems, Confluence Rivers responded to DR 3018 and 3019 that it does not have copies of financial statements for US Water Systems. The Response further indicated that

whatever financial statements exist for the other companies were addressed in Confluence Rivers' response to Staff DRs 0155 and 0005.

Confluence Rivers' Response indicated that it responded to OPC DR 3020 on April 17, 2023, stating it does not have copies of audited financial statements for US Water Systems. Confluence Rivers further stated that only CSWR, LLC has audited financial statements. Confluence Rivers stated that it provided the audited financial statement of CSWR, LLC.

OPC's Motion argues that the information for the entities that were merged into Confluence Rivers is relevant as it is essential to assessing the business risk of system investments, and thus relevant to establishing a corresponding fair and reasonable rate of return on these investments. OPC's Motion incorporates by reference its response regarding affiliates raised in DRs 3002-3005.

OPC's Motion also argues that Confluence Rivers has access to the financial statements of US Water Systems as two witnesses for Confluence Rivers are members of US Water Systems. OPC argues that because the witnesses have access to the information, it is then sufficiently within the possession, custody, or control of Confluence Rivers. Confluence Rivers' Response argues that any information possessed by the individuals is in their capacity as individuals and not in a capacity as Confluence Rivers' officers or employees.

As previously discussed, Confluence Rivers' financing is relevant to the subject matter of this rate case. Likewise, the financing of Confluence Rivers' individual systems is relevant. Confluence Rivers argues that some of the information requested is not in its possession, custody, or control – specifically information related to US Water Systems.

Nevertheless, Confluence Rivers controls the systems it manages and is therefore able to obtain that information.

The Commission finds that the financial statements OPC requests are relevant to how Confluence Rivers and the systems it operates are financed and managed. The Commission also finds that OPC's request is reasonably calculated to lead to the discovery of admissible information. The Commission will not order Confluence Rivers to manufacture or create financial statements that do not exist, but the Commission will order Confluence Rivers to provide the existing financial statements for the systems it operates as requested by OPC.

Confluence Rivers has stated that it does not have possession, custody, or control of any of the requested documents as related to US Water Systems. OPC argues that because witnesses of Confluence Rivers have access to the documents in their personal capacity, that the Commission should ascribe that individual's possession, custody, or control of the documents (if such exists) to Confluence Rivers. The Commission refuses the invitation to designate personal papers within the possession, custody, or control of an individual in that individual's personal capacity as also within the possession, custody, or control of Confluence Rivers. The Commission finds that Confluence Rivers must answer DRs 3018-3020 except as they request information from Confluence Rivers concerning US Water Systems.

DR 3023

DR 3023 requested all materials/minutes from member meetings pursuant to the US Water Systems LLC Agreement. Confluence Rivers objected that the information sought is not relevant and is not proportional to the needs of the case because the

information sought concerns an entity not regulated by the Commission. Confluence Rivers also objected that the request is overly broad and unduly burdensome in that it requests “all materials/minutes,” and is not limited in timeframe. It further objected that the information is beyond Confluence Rivers’ possession, custody, or control.

OPC’s Motion argues that US Water Systems appears to be the ultimate parent company of Confluence Rivers. OPC argues the request is not overly broad or unduly burdensome because US Water Systems is only five years old, thus the volume of material is expected to be low. OPC’s Motion again argues that the information is within the control of Confluence Rivers because two US Water System members are also witnesses for Confluence Rivers.

Confluence Rivers’ Response argued the information is not relevant, nor reasonably calculated to lead to the discovery of evidence that would be admissible. Confluence Rivers stated that US Water Systems is four levels of corporate ownership above Confluence Rivers. Lastly, Confluence Rivers again states that any pertinent material, to the extent it exists, is not in the possession, custody, or control of any Confluence Rivers’ officers or employees in their capacity as officer or employees.

Again, the Commission will refuse the invitation to designate personal papers within the possession, custody, or control of an individual in that individual’s personal capacity as also within the possession, custody, or control of Confluence Rivers. The Commission finds that the information requested by DR 3023 is beyond Confluence Rivers’ possession, custody, or control.

DR 3025

DR 3025 requested all investor presentations CSWR LLC's management has made to U.S. Water Systems LLC investors (to include, but not be limited to Sciens Capital Management LLC and affiliates' representatives). Confluence Rivers objected that the information sought is not relevant and is not proportional to the needs of the case because the information sought concerns an entity not regulated by the Commission. Confluence Rivers also objected that the information is beyond its possession, custody, and control.

OPC's Motion argues that the requested information is relevant because US Water Systems LLC appears to be the ultimate parent Company of Confluence Rivers and these materials thus represent the ultimate investment and capitalization decisions and policies for Confluence Rivers. OPC's Motion again argues that the information is within the control of Confluence Rivers because two US Water System members are also witnesses for Confluence Rivers.

Confluence Rivers again states that any pertinent material, to the extent it exists, is not in the possession, custody, or control of any Confluence Rivers' officers or employees in their capacity as officer or employees.

The Commission will refuse the invitation to designate personal papers within the possession, custody, or control of an individual in that individual's personal capacity as also within the possession, custody, or control of Confluence Rivers. The Commission finds that the information requested by DR 3025 is beyond Confluence Rivers' possession, custody, or control.

THE COMMISSION ORDERS THAT:

1. The request to compel answers to discovery is granted, in part, and denied, in part.
2. No later than June 17, 2023, Confluence Rivers shall respond to the following DRs:
 - a. 2002;
 - b. 2005's narrative explanation;
 - c. 3002-3005;
 - d. 3006-3009;
 - e. 3010 and 3011 as described in the body of this order; and
 - f. 3018-3020 except as they request information from Confluence Rivers concerning US Water Systems.
3. OPC's request to compel answers to DRs 2003, 2004, 2007, 3012, 3023, and 3025 is denied.
4. This order shall be effective when issued.



BY THE COMMISSION

Nancy Dippell

Nancy Dippell
Secretary

Rupp, Chm., Coleman, Holsman and Kolkmeier CC., concur.
Hahn, C., abstains.

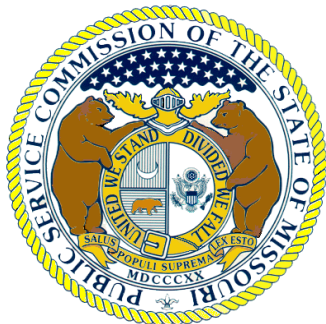
Hatcher, Senior Regulatory Law Judge

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 7th day of June, 2023.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

June 7, 2023

File/Case No. WR-2023-0006

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

Sincerely,



**Nancy Dippell
Secretary**

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