

**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) File No. WA-2019-0299
Assets and for a Certificate of Convenience and)
Necessity)

**CONFLUENCE RIVERS’ SUPPLEMENT TO REPLY TO LOT OWNERS’ RESPONSE
CONCERNING MOTION TO QUASH AND REQUEST FOR HEARING**

COMES NOW Confluence Rivers Utility Operating Company, Inc. (“Confluence Rivers” or “Company”), and as a supplement to its *Reply to Lot Owners’ Response Concerning Motion to Quash and Request for Hearing* states as follows to the Missouri Public Service Commission (“Commission”):

1. In accordance with the prescribed procedural schedule, any party wishing to file rebuttal testimony in this case was to do so on or before April 28, 2020.

2. On that date, the Port Perry Lot Owners’ Association (“PPLOA”) filed rebuttal testimony of two witnesses: Glenn Justis and Richard DeWilde. But neither Dennis Ruhnert nor Kenneth Anderson – the two individuals whose April 23, 2020, non-disclosure agreements are the subject of Confluence Rivers’ *Motion to Quash* (“*Motion*”) – filed rebuttal testimony, and neither of the witnesses who filed rebuttal testimony on behalf of the PPLOA either referenced Mr. Ruhnert or Mr. Anderson or any studies or analysis they performed.

3. The fact neither Mr. Ruhnert nor Mr. Anderson filed rebuttal testimony or performed any studies or analysis used in rebuttal testimony filed by PPLOA raises at least two additional, and more troubling, questions relevant to the Company’s *Motion*: For what purpose did PPLOA and Mssrs. Ruhnert and Anderson seek access to Confluence Rivers’ confidential

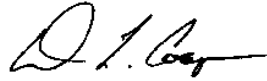
information in this case? and How will the confidential information those individuals obtained be used in the future?

4. As the Company noted in its *Motion*, the relevant Commission rule – 4 CSR 4240-2.135(6) – grants access to confidential information only to persons who intend to file testimony or who are designated by a party as an outside expert. As previously noted by Confluence Rivers, it is far from obvious what, if any, level of expertise Messrs. Ruhnert and Anderson could lend to the sole issue the Commission requested the parties to present additional evidence on — the net book value of the assets that Confluence Rivers proposes to acquire in this case. And because neither of those individuals filed rebuttal testimony or performed studies or analyses used in filed testimony, it is also far from obvious how either Mr. Ruhnert or Mr. Anderson functioned as outside experts for the PPLOA.

5. For reasons previously stated in its *Reply to Lot Owners' Response Concerning Motion to Quash and Request for Hearing* and because of the additional questions noted in this supplemental pleading, Confluence Rivers renews its request for a hearing on its *Motion*. During that hearing, counsel for the PPLOA should be compelled to explain how Mr. Ruhnert or Mr. Anderson qualify for access to the Company's confidential information under 4 CSR 4240-2.135(6) and how each of those individuals plans to use whatever confidential information he obtained.

WHEREFORE, Confluence Rivers respectfully requests that the Commission accept this supplement to its *Reply to Lot Owners' Response Concerning Motion to Quash and Request for Hearing* and quash the NDAs described herein.

Respectfully submitted,



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**ATTORNEYS FOR CONFLUENCE RIVERS
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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic mail on April 29, 2020, to the following:

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