

**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 black ink 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**

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**Roy-L Utilities, Inc.**

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**Smithview H2O Company**

Legal Department  
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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.