

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

In the Matter of the Application of Confluence Rivers )  
Utility Operating Company, Inc., for Certificates of )  
Convenience and Necessity to Provide Water and ) **File No. WA-2025-\_\_\_\_\_**  
Sewer Service in Lincoln County, Missouri, as an ) **SA-2025-\_\_\_\_\_**  
Expansion of its Existing Service Area (Creekside )  
Development). )

**APPLICATION AND MOTION FOR WAIVER**

**COMES NOW** Confluence Rivers Utility Operating Company, Inc. (“Confluence Rivers”) pursuant to Sections 393.170, RSMo., 20 CSR 4240-2.060, 20 CSR 4240-3.305, 20 CSR 4240-3.600, and 20 CSR 4240-4.017, and for its *Application and Motion for Waiver*, states as follows to the Missouri Public Service Commission (“Commission”):

**INTRODUCTION**

1. Confluence Rivers is a Missouri corporation with its principal office and place of business at 1630 Des Peres Rd., Suite 140, St. Louis, MO 63131. Confluence Rivers is a Missouri corporation in good standing. A certified copy of Confluence Rivers’ certificate of good standing was filed in File No. WM-2018-0116 and is incorporated herein by reference.

2. Confluence Rivers provides water service to approximately 5,800 connections and sewer service to approximately 5,900 connections in the State of Missouri, pursuant to certificates of convenience and necessity previously granted by the Commission. Confluence Rivers is a “water corporation,” a “sewer corporation,” and a “public utility,” as those terms are defined in Section 386.020, RSMo, and is subject to the jurisdiction and supervision of the Commission as provided by law.

3. Confluence Rivers has no overdue Commission annual reports or assessment fees. There is no pending action or final unsatisfied judgment or decision against Confluence Rivers

from any state or federal agency or court which involves customer service or rates, which action, judgment or decision has occurred within three years of the date of this Application.

4. Communications regarding this application should be addressed to the undersigned counsel and to:

Josiah Cox, President  
Confluence Rivers Utility Operating Company, Inc.  
1630 Des Peres Rd., Suite 140  
St. Louis, MO 63131  
Phone: (314) 380-8544  
E-mail: [jcox@cswrgroup.com](mailto:jcox@cswrgroup.com)

#### **REQUEST FOR SERVICE AREA CCNs**

5. The Commission may grant a water corporation and a sewer corporation a certificate of convenience and necessity (“CCN”) to operate after determining that the services to be provided are either necessary or convenient for the public service.

6. As an extension of its existing certificated territory, Confluence Rivers requests permission, approval, and a CCN to install, own, acquire, construct, operate, control, manage, and maintain a water system and a sewer system for the public in an area of Lincoln County, Missouri (the “Creekside Development”). A legal description of the area sought to be certificated is attached hereto as **Appendix A**. A map of the area sought to be certificated is attached as **Appendix B**.

7. The area in question is located adjacent to Confluence Rivers’ Glenmeadows service area. Vanderbilt Homes, Inc. (“Developer”) has acquired the area identified in Appendices A and B and intends to develop this area over a 4-5 year period as a residential subdivision containing approximately 85 residential lots. The Developer has requested that Confluence Rivers extend its water and sewer service to this area. Attached hereto and marked as **Appendix C-C** is a Utility Services Agreement that includes construction standards for the water distribution and wastewater collection systems and terms related to the expansion. **Appendix C-C** has been

identified as Confidential in accordance with Commission Rule 20 CSR 4240-2.135(2)(A)(3) and (6), as it contains market specific information and information representing strategies employed in contract negotiations. Pursuant to the Utility Services Agreement, the Developer will construct the distribution and collection systems and then contribute them to Confluence Rivers. Further, the Developer will make a per lot contribution related to the facilities to be used to provide water and sewer service to this area. Such contributions will ensure that the new development will contribute to the cost of bringing the existing plants into compliance and ensuring that there is sufficient capacity to serve the new development.

8. No utility or other entity, regulated or unregulated, currently provides water or sewer services in this area.

9. Attached hereto and marked as **Appendix D-C** is the sole owner of the area for which a CCN is sought. **Appendix D-C** has been identified as “Confidential” in accordance with Commission Rule 20 CSR 4240-2.135(2)(A)1., as it contains customer-specific information.

10. Attached hereto and marked as **Appendix E-C** is a feasibility study associated with providing water and sewer service to the subject residential lots, including estimates of the number of customers, expenses and revenues during the first three years of operation by Confluence Rivers. **Appendix E-C** has been identified as Confidential in accordance with Commission Rule 20 CSR 4240-2.135(2)(A)(1) as it contains customer-specific information.

11. No external financing is anticipated.

12. Confluence Rivers will not require any franchises or permits from municipalities, counties, or other authorities in connection with the requested CCNs.

### **TARIFF/RATES**

13. Confluence Rivers proposes to utilize the water and sewer rates, rules, and terms of service currently applicable to the Glenmeadows service area (water – District 2; sewer – District 2). Confluence Rivers would further plan to submit tariff sheets, to be effective before closing on the assets, to include a service area map, service area written description, and rates and charges applicable to the Creekside Development, to be included in its EFIS tariff P.S.C. MO No. 30 (applicable to water service) and EFIS tariff P.S.C. MO No. 31 (applicable to sewer service).

### **PUBLIC INTEREST**

14. The grant of the requested CCNs is in the public interest and will result in regulated water and sewer service being provided to the future residents of the Creekside Development. Confluence Rivers has demonstrated to the Commission it is fully qualified, in all respects, to own and operate the water and sewer systems for which the certificates are sought and to provide safe and reliable service to customers and to comply with the Commission’s rules, regulations, and decisions governing the ownership and operation of such system. Confluence Rivers also has the financial strength and resources necessary to make expenditures and investments required to maintain the systems.

### **MOTION FOR WAIVER**

15. Commission Rule 20 CSR 4240-4.017(1) requires “[a]ny person that intends to file a case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such case.” Because it did not file such a notice within the time period prescribed by that rule, Confluence Rivers seeks a waiver of the 60-day pre-filing notice requirement.

16. Under Rule 20 CSR 4240-4.017(1)(D), a waiver of the pre-filing notice requirement may be granted for good cause. In this regard, Confluence Rivers declares, as verified below, that it has had no communication with the Office of the Commission (as defined in 20 CSR 4240-4.015(10)) within the prior 150 days regarding any substantive issue likely to be in this case. Good cause for the requested waiver exists in accordance with Commission Rule 20 CSR 4240-4.017(1)(D) (“Good cause for waiver may include, among other things, a verified declaration from the filing party that it has had no communication with the office of the commission within the prior one hundred fifty (150) days regarding any substantive issue likely to be in the case...”).

17. Therefore, as authorized by Rule 20 CSR 4240-4.017(1)(D), Confluence Rivers moves for a waiver of the 60-day notice requirement and acceptance of this application at this time.

**WHEREFORE**, for the reasons previously stated, Confluence Rivers respectfully requests the Commission issue an order:

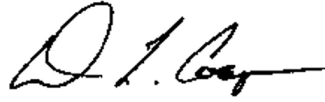
(A) Waiving the 60-day notice requirement of Rule 20 CSR 4240-4.017(1) for good cause shown;

(B) Granting Confluence Rivers CCNs authorizing it to install, acquire, build, construct, own, operate, control, manage, and maintain a water and sewer system for the public within the area identified herein; and

(C) Granting such other relief as may be deemed necessary and appropriate to

accomplish the purposes of this Application.

Respectfully submitted,



Dean L. Cooper MBE #36592  
**BRYDON, SWEARENGEN & ENGLAND P.C.**  
312 E. Capitol Avenue  
P.O. Box 456  
Jefferson City, MO 65102  
(573) 635-7166 telephone  
[dcooper@brydonlaw.com](mailto:dcooper@brydonlaw.com)

David L. Woodsmall MBE #40747  
CSWR, LLC  
1630 Des Peres Rd., Suite 140  
Des Peres, MO 63131  
[dwoodsmall@cswrgroup.com](mailto:dwoodsmall@cswrgroup.com)

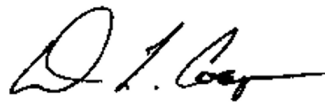
**ATTORNEYS FOR CONFLUENCE RIVERS  
UTILITY OPERATING COMPANY, INC.**

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic mail this 5<sup>th</sup> day of July 2024, to the following:

Staff Counsel Division  
[staffcounsel@psc.mo.gov](mailto:staffcounsel@psc.mo.gov)

Office of the Public Counsel  
[opcservice@opc.mo.gov](mailto:opcservice@opc.mo.gov)



**AFFIDAVIT**

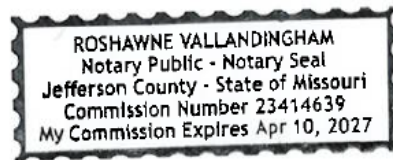
State of Missouri     )  
                                  )  
County of St. Louis    )        ss

I, Josiah Cox, having been duly sworn upon my oath, state that I am the President of Confluence Rivers Utility Operating Company, Inc. ("Confluence Rivers"), that I am duly authorized to make this affidavit on behalf of Confluence Rivers, that I have knowledge of the matters stated herein, and that said matters are true and correct to the best of my information, knowledge, and belief. Additionally, no representative of Confluence Rivers has had any communication with the Office of the Missouri Public Service Commission as defined in Commission Rule 20 CSR 4240-4.015(10) within the one hundred fifty (150) days immediately preceding the filing of the Application regarding any substantive issue likely to be addressed in this case.

Subscribed and sworn before me this 14<sup>th</sup> day of June, 2024.

Roshawne Vallandingham  
Notary Public

My Commission Expires 04-10-2027



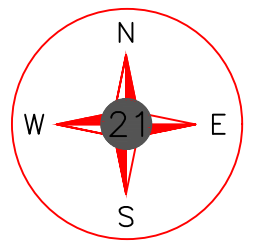
**APPENDIX A – Legal Description**

Glen Meadows MO Developer Agreement Service Area Description:

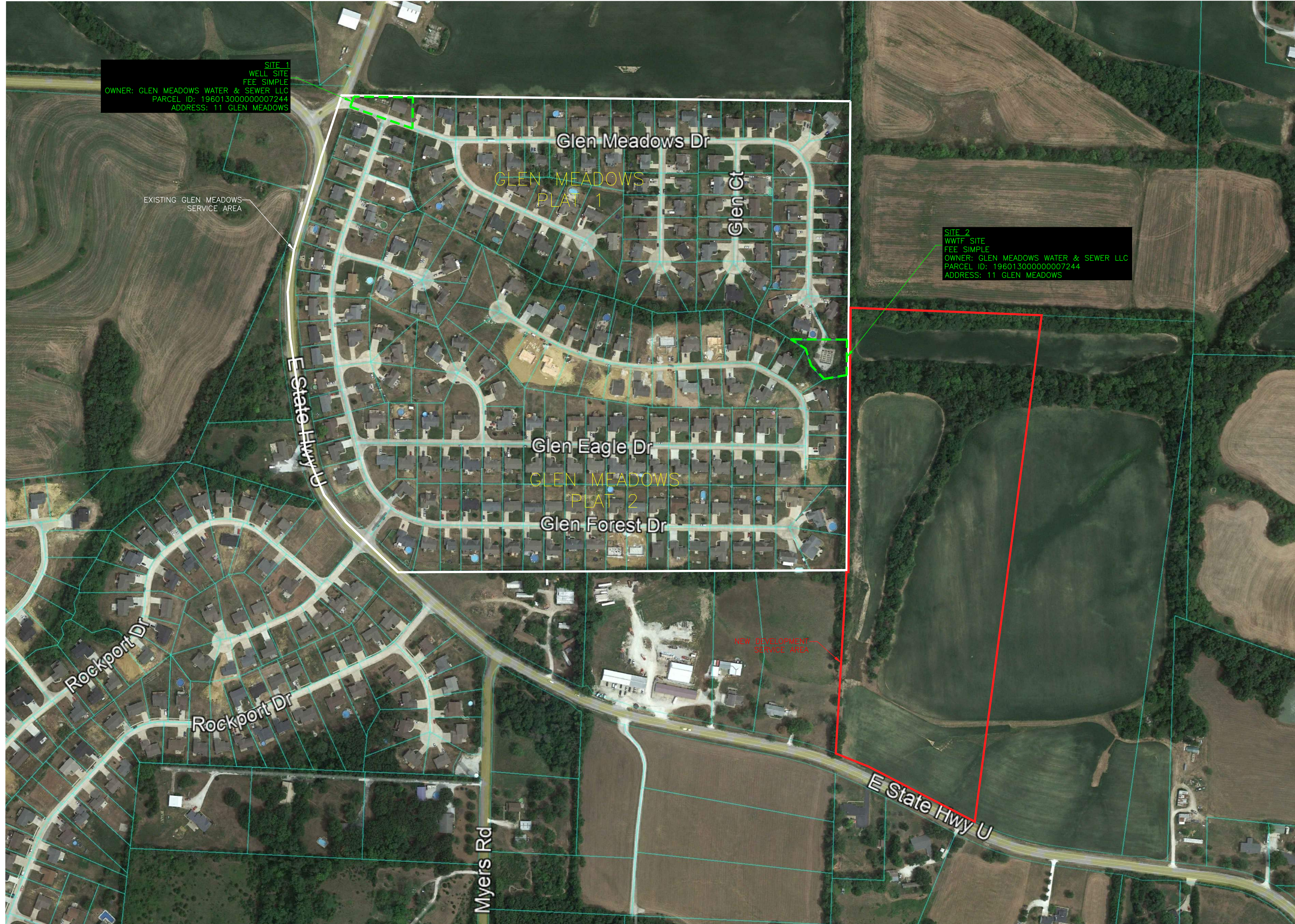
The area served is part of Lincoln County, Missouri and is more particularly described as follows:

Commencing from the northeast corner of the East Half of the Southeast Quarter of Section 13, Township 48 North, Range 1 West; thence along the north line of said East Half of the Southeast Quarter of Section 13, Westerly 549.46 feet, more or less to the point of beginning; thence leaving the north line of said East Half of the Southeast Quarter, S8°21'45"W 1840.00 feet, more or less to the north right-of-way line of Missouri State Highway "U"; thence along said north right-of-way line, Northwesterly 522 feet, more or less to the west line of said East Half of the Southeast Quarter; thence along the west line of said East Half of the Southeast Quarter, Northerly 1620 feet, more or less to the northwest corner of said East Half of the Southeast Quarter; thence along the north line of said East Half of the Southeast Quarter, Easterly 699 feet, more or less to the point of beginning, containing 23.43 acres more or less. Subject to survey.





# ROUGH SERVICE AREA MAP DEVELOPER AGREEMENT - GLEN MEADOWS - CREEKSIDE (WATER & WASTEWATER) LINCOLN, MO



**Utility Note Disclaimer:**

The service area shown hereon are depicted based on a service area map provided by the system manager. 21 Design Group, Inc performed no field verification of the layout and are unable to determine the exact location at this time. The location represents approximate location only and should not be construed as being 100% accurate. It is shown to provide general service area of the system to assist with ordering title work and preparation of scope for a License Land Surveyor. This sketch should not be used to interpret encroachments.

DATE:	03/11/2024
PROJECT NO:	0596-24
DRAWN BY:	AMD
SCALE:	
SHEET NAME:	SERVICE AREA MAP



**APPENDIX C-C**

**HAS BEEN  
IDENTIFIED AS**

**CONFIDENTIAL**

**IN ITS ENTIRETY PURSUANT TO  
20 CSR 4240-2.135(2)(A)3. and 6.**

**APPENDIX D-C**

**HAS BEEN  
IDENTIFIED AS**

**CONFIDENTIAL**

**IN ITS ENTIRETY PURSUANT TO  
20 CSR 4240-2.135(2)(A)1**

**APPENDIX E-C**

**HAS BEEN  
IDENTIFIED AS**

**CONFIDENTIAL**

**IN ITS ENTIRETY PURSUANT TO  
20 CSR 4240-2.135(2)(A)3. and 6.**