

# 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, and For Certificates of )  
Convenience and Necessity )

**File No. SM-2020-0283**

## ORDER DIRECTING NOTICE AND SETTING DEADLINES FOR INTERVENTION APPLICATIONS AND STAFF'S RECOMMENDATION

Issue Date: March 16, 2020

Effective Date: March 16, 2020

On March 11, 2020, Confluence Rivers Utility Operating Company, Inc., applied for authority to acquire sewer utility assets<sup>1</sup> operated and held by multiple entities in the following Missouri counties: Audrain, Madison, St. Francois, Taney and Washington. Confluence Rivers seeks approval for varied transactions, including transfer of assets and associated certificates of convenience and necessity in St. Francois, Taney and Washington counties, as well as the acquisition of non-certificated sewer utility assets and the approval of new certificates of convenience and necessity in Audrain and Madison counties. In addition, Confluence Rivers seeks to expand a certificated area in Franklin County. Finally, Confluence Rivers requests waiver of the Commission's 60-day notice requirement under 20 CSR 4240-4.017.

The Commission will direct notice be given and set a deadline for intervention applications. The Commission will also direct Staff to file a recommendation with regard to Confluence River's application.

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<sup>1</sup> Confluence Rivers' application proposes acquisition of water utility assets, sewer utility assets and assets held by entities that own both water and sewer assets. File No. WM-2020-0282 concerns Confluence Rivers' application as to water utility assets; File No. SM-2020-0283 concerns Confluence Rivers' application as to sewer utility assets.

**THE COMMISSION ORDERS THAT:**

1. The Commission's data center shall provide notice of this order and Confluence Rivers Utility Operating Company, Inc.'s, application to the Missouri Department of Natural Resources and the county clerks and county commissions for the following Missouri counties: Audrain, Franklin, Madison, St. Francois, Taney, and Washington.

2. The Commission's Public Policy and Outreach Department shall provide notice of Confluence River's application to members of the General Assembly representing residents of the following Missouri counties: Audrain, Franklin, Madison, St. Francois, Taney, and Washington.

3. The Commission's Public Policy and Outreach Department shall provide notice of Confluence River's application to news media serving residents of the following Missouri counties: Audrain, Franklin, Madison, St. Francois, Taney and Washington.

4. Applications for intervention shall be filed no later than April 16, 2020. Any such filing shall be submitted through the Commission's electronic filing and information system or delivered to:

Secretary  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

5. No later than April 30, 2020, the Commission's Staff shall file either a recommendation regarding Confluence River's application or a status report advising when it expects to file a recommendation.

6. This order shall be effective when issued.



**BY THE COMMISSION**

A handwritten signature in dark ink, reading "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Jana C. Jacobs, Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo (2016).

Dated at Jefferson City, Missouri,  
on this 16th day of March, 2020.

**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        )       File No. \_\_\_\_\_  
and Sewer Assets, and For Certificates        )  
of Convenience and Necessity                    )

**APPLICATION AND MOTION FOR WAIVER**

COMES NOW Confluence Rivers Utility Operating Company, Inc. (“Confluence Rivers” or “Applicant”) and, pursuant to 393.170 and 393.190, RSMo, and 20 CSR 4240-2.060, 3.305, 3.600, 10.105, and 4.017(1)(D), states the following to the Missouri Public Service Commission (“Commission”) as its *Application and Motion for Waiver*:

**I. Background Information**

1. Confluence Rivers is a Missouri corporation with its principal office and place of business at 500 Northwest Plaza Drive, Suite 500, St. Ann, MO, 63074. Confluence Rivers is a Missouri corporation, active and in good standing with the Missouri Secretary of State. Pursuant to Commission regulation 20 CSR 4240-2.060(1)(G), Confluence Rivers incorporates by reference the certified copies of its articles of incorporation and its certificate of good standing previously filed in in File No. WM-2018-0116.

2. Communications regarding this Application should be addressed to the undersigned counsel and to:

Josiah Cox, President  
Confluence Rivers Utility Operating Company, Inc.  
500 Northwest Plaza Drive, Suite 500  
St. Ann, MO 63074  
Phone: (314) 736-4743  
E-mail: [jcox@cswrgroup.com](mailto:jcox@cswrgroup.com)

3. Confluence Rivers provides water service to approximately 547 customers and sewer service to approximately 636 customers and 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. 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.

## **II. The Transactions**

4. Confluence Rivers proposes to purchase substantially all of the water and/or sewer assets of Terre Du Lac Utilities Corporation (“Terre Du Lac”) and Branson Cedars Resort Utility Company, LLC (“Branson Cedars”).

5. Terre Du Lac and Branson Cedars (the “Selling Utilities”), each

discussed in more detail below, are water and sewer corporations doing business in the State of Missouri, and, as such, are subject to the jurisdiction of the Commission as provided by law. Section 393.190.1, RSMo, states, in pertinent part, that “no . . . water corporation or sewer corporation shall hereafter sell, assign, lease, transfer, mortgage or otherwise dispose of or encumber the whole or any part of its franchise, works or system, necessary or useful in the performance of its duties to the public . . . without having first secured from the Commission an order authorizing it so to do.”

6. Confluence River also proposes to purchase all the water and/or sewer assets of the currently unregulated systems of Fawn Lake Water Corp. (“Fawn Lake”), Freeman Hills Subdivision Assoc. (“Freeman Hills”), P.A.G. LLC, d/b/a Prairie Heights Water Company (“Prairie Heights”), and a sewer system located in DeGuire Subdivision and owned by Mr. Mark Edgar (“DeGuire Subdivision”), and seeks Certificates of Convenience and Necessity (“CCN”) to operate the systems and provide service to the public.

### **III. Transfers**

#### **Terre Du Lac**

7. Terre Du Lac Utilities Corporation is a for profit corporation formed in 1967 and in good standing with the Missouri Secretary of State. Its mailing address is 1628 S. St. Francois Rd., Bonne Terre, Missouri 63628. Terre Du Lac is a “water corporation,” “sewer corporation,” and a “public

utility” as defined by Section 386.020, RSMo., and is subject to the jurisdiction and supervision of the Commission as provided by law. On December 3, 1973, the Commission granted Terre Du Lac a CCN to provide water and sewer services in Commission Case No. 17887. Pursuant to that CCN, Terre Du Lac provides water and sewer services to approximately 1,302 customers in Saint Francois and Washington Counties, Missouri.

8. Terre Du Lac is currently subject to an enforcement action filed by the Missouri Attorney General’s Office (AGO) on behalf of the Missouri Department of Natural Resources (MDNR) for violations of the Missouri Safe Drinking Water regulations and the Missouri Clean Water Law. On May 19, 2015, the Circuit Court of St. Francois County entered an *Agreed Partial Order of Preliminary Injunction*, whereby Terre Du Lac was ordered to undertake certain corrective actions, including actions to reduce the presence of radionuclides in the drinking water system to levels below the maximum contaminant level, and operation and maintenance repairs to the sewer systems to eliminate unauthorized bypasses and discharges of contaminated sludge from the facility.<sup>1</sup>

9. To date, Terre Du Lac has failed to take all the corrective operations and maintenance actions as ordered by the Court. A hearing on

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<sup>1</sup> See *State of Missouri ex. rel. Attorney General Chris Koster, et. al., v. Terre Du Lac Utilities Corp.*, 10SF-CC00186.

the AGO's *Motion to Enforce Agreed Partial Order of Preliminary Injunction* was scheduled for October 15, 2019. However, the AGO and Terre Du Lac requested a continuance to allow Terre Du Lac and Central States Water Resources, Inc. ("Central States") time to enter into a sale agreement for the sale of the water and sewer systems to Central States.

10. On November 27, 2019, Central States, which is under common ownership with Confluence Rivers, entered into a *Purchase and Sale Agreement* ("Terre Du Lac Agreement") with Terre Du Lac. A copy of the Terre Du Lac Agreement is attached as **Appendix A-C** and marked "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. Central States proposes to purchase substantially all the water and sewer utility assets of Terre Du Lac, as specifically described in, and under the terms and provisions of, the Terre Du Lac Agreement.

11. Pursuant to Section 7.04 of the Terre Du Lac Agreement, Central States plans to assign its rights to Confluence Rivers at closing. **Appendix B** verifies the authority of Josiah Cox, the President of Confluence Rivers, to enter into the Terre Du Lac Agreement and seek Commission approval of that transaction.



12. Terre Du Lac's CCN is among the assets that Confluence Rivers would acquire under the Agreement. Confluence Rivers therefore requests the Commission approve the transfer of that CCN as part of that transaction. Alternatively, should the Commission choose not to approve such a CCN transfer, Confluence Rivers requests a new water and sewer CCN be issued authorizing it to own, install, construct, operate, control, manage and maintain the systems it proposes to acquire from Terre Du Lac.

**Branson Cedars**

13. Branson Cedars Resort Utility Company, LLC is a limited liability company formed in 2013 and listed as "active" with the Missouri Secretary of State. Its mailing address is 769 State Highway 86, Ridgedale, MO 65739. Branson Cedars is a "water corporation," "sewer corporation," and a "public utility" as defined by Section 386.020, RSMo., and is subject to the jurisdiction and supervision of the Commission as provided by law. On September 5, 2015, the Commission granted Branson Cedars CCNs to provide water and sewer services in Case No. WA-2015-0049. Pursuant to the CCNs, Branson Cedars provides water and sewer services to approximately 64 and 50 customers, respectively, in Taney County, Missouri.

14. On October 29, 2019, Central States entered into an *Agreement for Sale of Utility System* ("Branson Cedars Agreement") with Branson

Cedars. A copy of the Branson Cedars Agreement for Sale is attached as **Appendix C-C** and marked “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. Central States proposes to purchase substantially all the water and sewer utility assets of Branson Cedars, as specifically described in, and under the terms and provisions of, the Branson Cedars Agreement.

15. Pursuant to Paragraph 19 of the Branson Cedars Agreement, Central States plans to assign its rights to Confluence Rivers at closing. **Appendix B** verifies the authority of Josiah Cox, the President of Confluence Rivers, to enter into the Branson Cedars Agreement and seek Commission approval of that transaction.

16. Branson Cedars’ CCNs are among the assets that Confluence Rivers would acquire under the Branson Cedars Agreement. Confluence Rivers therefore requests the Commission approve the transfer of the CCNs as part of that transaction. Alternatively, should the Commission choose not to approve such CCN transfer, Confluence Rivers requests the Commission issue new water and sewer CCNs authorizing Confluence Rivers to own, install, construct, operate, control, manage and maintain the systems it proposes to acquire from Branson Cedars.

#### **IV. Certificates of Convenience and Necessity**

##### **Fawn Lake**

17. Fawn Lake Water Corp. is a for profit corporation formed in 2015 and is in good standing with the Missouri Secretary of State. Its mailing address is 3910 Old Hwy 94 South, Suite 100, Saint Charles, Missouri 63304. Fawn Lake provides water service to approximately 29 customers in Lincoln and Warren Counties, Missouri.

18. On June 11, 2015, Staff of the Commission filed a *Complaint* against Fawn Lake, Case No. WC-2015-0330, alleging that Fawn Lake is providing potable water for gain without first having obtained the permission and approval of the Commission, is failing to provide safe and adequate service, and is failing to protect public health.

19. On November 1, 2017, the Commission granted a default determination against Fawn Lake, finding: 1) Fawn Lake is a water corporation and public utility as defined in Chapter 386 of the Missouri statutes, and has violated Section 393.170, RSMo, by providing water service without a CCN; 2) Fawn Lake has violated Section 393.130.1, RSMo, by failing to furnish safe and adequate service to its customers; and 3) Fawn

Lake has failed to promote and safeguard the public health.<sup>2</sup>

20. On June 3, 2019, Elm Hills Utility Operating Company, Inc. (Elm Hills), entered into an *Agreement For Sale of Utility System* (“Fawn Lake Agreement”) with Fawn Lake. A copy of the Fawn Lake Agreement is attached as **Appendix D-C** and marked “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. Elm Hills proposes to purchase substantially all the water utility assets of Fawn Lake, as specifically described in, and under the terms and provisions of, the Fawn Lake Agreement.

21. Pursuant to Paragraph 18 of the Fawn Lake Agreement, Elm Hills plans to assign its rights under the Agreement to Confluence Rivers at closing. **Appendix B** verifies the authority of Josiah Cox, the President of Confluence Rivers, to enter into the Fawn Lake Agreement and seek Commission approval of that transaction.

22. Confluence Rivers requests permission, approval and a CCN to construct, install, own, operate, maintain, control and manage a water system for the public in an area of Lincoln and Warren Counties, Missouri, as an addition to Confluence Rivers’ existing service territories. A legal

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<sup>2</sup> See *Order Granting Staff’s Renewed Motion For Default Determination*, Case No. WC-2015-0330, p. 3.

description of the area sought to be certificated is attached hereto as **Appendix E**. A map of the area sought to be certificated is attached to this Application as **Appendix F**.

23. Attached hereto and marked as **Appendix G-C** is a list of ten residents or landowners within the proposed service area. **Appendix G-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.

#### **Freeman Hills**

24. Freeman Hills Subdivision Assoc. is a nonprofit corporation formed in 2005 and is in good standing with the Missouri Secretary of State. Its mailing address is 19850 Audrain Road 375, Mexico, Missouri 65265.

25. Freeman Hills was formed to provide wastewater treatment and disposal services to homeowners in the Freeman Hills Subdivision. Freeman Hills currently provides sewer service to approximately 16 customers in Audrain County, Missouri.

26. On October 22, 2019, Central States entered into an *Agreement For Sale of Utility System* (“Freeman Hills Agreement”) with Freeman Hills. A copy of the Freeman Hills Agreement is attached as **Appendix H-C** and marked “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. Central States proposes to purchase substantially all the sewer utility assets of Freeman Hills, as specifically described in, and under the terms and provisions of, the Freeman Hills Agreement.

27. Pursuant to Paragraph 17 of the Freeman Hills Agreement, Central States plans to assign its rights to Confluence Rivers at closing. **Appendix B** verifies the authority of Josiah Cox, the President of Confluence Rivers, to enter into the Freeman Hills Agreement and seek Commission approval of that transaction.

28. Confluence Rivers requests permission, approval and a CCN to construct, install, own, operate, maintain, control and manage a sewer system for the public in an area of Audrain County, Missouri, as an addition to Confluence Rivers' existing service territories. A legal description of the area sought to be certificated is attached hereto as **Appendix I**. A map of the area sought to be certificated is attached to this Application as **Appendix J**.

29. Attached hereto and marked as **Appendix K-C** is a list of ten residents or landowners within the proposed service area. **Appendix K-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.

### **Prairie Heights**

30. Prairie Heights operates through a limited liability company (P.A.G., LLC) formed in 2008 and listed as active with the Missouri Secretary of State. Its mailing address is 4612 South 115<sup>th</sup> Road, Bolivar, Missouri 65613. Prairie Heights currently provides water service to approximately 54 customers in the Prairie Heights Subdivision, Polk County, Missouri.

31. On March 13, 2019, Central States entered into an *Agreement For Sale Of Utility System* (“Prairie Heights Agreement”) with Prairie Heights and Patricia Gardner. A copy of the Prairie Heights Agreement is attached as **Appendix L-C** and marked “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. Central States proposes to purchase substantially all the water utility assets of Prairie Heights, as specifically described in, and under the terms and provisions of, the Prairie Heights Agreement.

32. Pursuant to Paragraph 18 of the Prairie Heights Agreement, Central States plans to assign its rights to Confluence Rivers at closing. **Appendix B** verifies the authority of Josiah Cox, the President of Confluence Rivers, to enter into the Prairie Heights Agreement and seek Commission approval of that transaction.

33. Confluence Rivers requests permission, approval and a CCN to construct, install, own, operate, maintain, control and manage a water system for the public in an area of Polk County, Missouri, as an addition to Confluence Rivers' existing service territories. A legal description of the area sought to be certificated is attached hereto as **Appendix M**. A map of the area sought to be certificated is attached to this Application as **Appendix N**.

34. Attached hereto and marked as **Appendix O-C** is a list of ten residents or landowners within the proposed service area. **Appendix O-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.

#### **DeGuire Subdivision**

35. DeGuire Subdivision is a subdivision located in Fredericktown, Madison County, Missouri. Mr. Mark Edgar is the owner of the sewer system and currently provides sewer service to approximately 24 residential customers and 4 commercial customers in the DeGuire Subdivision. The address of the sewer system is Hwy 67 South Cherokee Pass, Fredericktown, Missouri, 63645.

36. On November 12, 2019, Central States entered into an *Agreement For Sale Of Utility System* ("DeGuire Agreement") with DeGuire Subdivision.



A copy of the DeGuire Agreement is attached as **Appendix P-C** and marked “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. Central States proposes to purchase substantially all the sewer utility assets of DeGuire Subdivision, as specifically described in, and under the terms and provisions of, the DeGuire Agreement.

37. Pursuant to Paragraph 18 of the DeGuire Agreement, Central States plans to assign its rights under the Agreement to Confluence Rivers at closing. **Appendix B** verifies the authority of Josiah Cox, the President of Confluence Rivers, to enter into the DeGuire Agreement and seek Commission approval of that transaction.

38. Confluence Rivers requests permission, approval and a CCN to construct, install, own, operate, maintain, control and manage a sewer system for the public in an area of Madison County, Missouri, as an addition to Confluence Rivers’ existing service territories. A legal description of the area sought to be certificated is attached hereto as **Appendix Q**. A map of the area sought to be certificated is attached to this Application as **Appendix R**.

39. Attached hereto and marked as **Appendix S-C** is a list of ten residents or landowners within the proposed service area. **Appendix S-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.

### **Villa Ridge**

40. Villa Ridge refers to a subdivision in Franklin County, Missouri, within which Confluence Rivers currently provides sewer service to approximately 195 customers. The Villa Ridge sewer system was formerly owned and operated by M.P.B., Inc. (“MPB”). MPB obtained a CCN from the Commission in 1987 for the Villa Ridge sewer system in Case No. SM-87-52. After Staff determined that the owners of MPB had effectively abandoned the systems, the Commission appointed a receiver for MPB in Commission Case No. SO-2014-0052.

41. In Commission Case No. WM-2018-0116, the Commission granted Confluence Rivers approval to obtain the MPB assets then providing service to Villa Ridge, to include the MPB certificate associated with Villa Ridge. Since having acquired the Villa Ridge system, it has come to the attention of Confluence Rivers that MPB was providing service to three customers in Villa Ridge that were located beyond the area described in the 1987 CCN.

42. Accordingly, Confluence Rivers requests permission, approval and a CCN to construct, install, own, operate, maintain, control and manage a sewer system for the public in an area of Franklin County, Missouri, as an addition to Confluence Rivers' existing service territories, for the purpose of providing service to the three described customers. A legal description of the area sought to be certificated after a grant of a CCN for the three referenced customers is attached hereto as **Appendix T**. A map of the area sought to be certificated after a grant of a CCN for the three referenced customers is attached to this Application as **Appendix U**. The three customers in question are located in the northern portion of the map at the end of Bridgewater Hill Dr.

43. Attached hereto and marked as **Appendix V-C** is a list of the customers described above. **Appendix V-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.

44. Because service is currently being provided to the subject customers and was being provided to these customers at the time Confluence Rivers acquired the Villa Ridge system from MPB, Applicant seeks a waiver such that it is not required to file a feasibility study related to these three existing customers.

## **V. Additional Information**

45. A balance sheet and income statement with adjustments showing the results of the acquisition of the properties for Confluence Rivers is attached as **Appendix W-C**. **Appendix WT-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.

46. Attached hereto and marked as **Appendix X-C** are feasibility studies for the water and sewer systems for which Confluence Rivers seeks CCNs, including estimates of the number of customers, expenses and revenues during the first three years of operation by Confluence Rivers. **Appendix X-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.

47. No external financing is anticipated. To provide service to the proposed areas, Applicant will purchase existing water and sewer systems and will not construct systems. Thus, Confluence Rivers asks for a waiver of any requirement to provide plans and specifications related to the

construction of the distribution and collection systems.

48. Confluence Rivers will not require any franchises or permits from municipalities, counties, or other authorities in connection with the proposed systems.

49. The sale and purchase of the referenced assets should have no impact on the tax revenues of relevant political subdivisions, as Confluence Rivers and the Selling Utilities are private entities and their status as taxing entities will not change as a result of these transactions.

## **VI. Tariffs/Rates**

50. Confluence Rivers proposes to adopt the existing tariffs and rates of Terre Du Lac and Branson Cedars for those service areas. For the other currently unregulated systems, Confluence Rivers will use its existing Commission-approved tariff and will adopt the existing rates for those systems.

51. The current water rates for Terre Du Lac are as follows:

5/8" & 3/4" Meters	\$14.85 per month
1" Meter	\$37.14 per month
2" Meter	\$118.85 per month
Usage Charge	\$1.80 per 1,000 gallons of water used per month

52. The current sewer rates for Terre Du Lac are as follows:

Residential and Commercial

(5/8" & 3/4" meters)      \$19.72    per month

Commercial, Multi-Family & Residential

(1" meter)                      \$49.29    per month

(2" meter)                      \$157.74   per month

53. The current water rates for Branson Cedar are as follows:

Residential – Metered rate                      \$61.99

Commercial – Metered rate

Class 1.0    \$61.99

Class 1.5    \$123.97

Class 4.0    \$247.95

Specific Commercial Customer Classifications as of the  
effective date of this tariff:

Model Homes (two)                              1.00

Branson Cedars  
Landscape    1.00

Store    1.00

Branson Cedars Shop  
Building    1.00

Outpost    1.00

Branson Cedars Sales  
Office    1.00

Pool/bath	2.00
Pond fill by gravity	4.00
Commodity Charge	\$3.04 per 1,000 gallons

54. The current sewer rates for Branson Cedar are as follows:

Residential – monthly flat rate	\$61.97
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Commercial – monthly flat rates

Class 1.0	\$61.97
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Class 1.5	\$92.96
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Specific Commercial Customer Classifications as of the effective date of this tariff:

Model Homes (two)	1.00
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Store	1.00
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Outpost	1.00
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Branson Cedars Sales Office	1.00
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Pool/bath	1.50
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55. The current water rates for Fawn Lake are as follows: \$50 per month for the first 3,000 gallons plus \$3.00 for each 1,000 gallons thereafter.

56. The current sewer rates for Freeman Hills are as follows: \$200 annually per household or \$16.67 per month per household.

57. The current sewer rates for DeGuire Subdivision are as follows: \$20 per month for residential customers and \$30 per month for commercial customers.

58. The current rates for the Selling Utilities and the unregulated systems do not reflect the current cost of providing service. Additionally, these systems will require investment after the purchase by Confluence Rivers that will necessarily result in a request for a rate increase of some amount after those additions have been completed.

## **VII. Public Interest**

59. For the following reasons, the proposed acquisition of the specified assets of the Selling Utilities are not detrimental to the public interest of the State of Missouri and in fact will be consistent with and will promote the public interest as the assets of Selling Utilities would be acquired by Confluence Rivers and remain subject to the jurisdiction of the Commission; and Confluence Rivers is fully and uniquely qualified, in all respects, to own and operate the systems currently being operated by the Selling Utilities and to otherwise provide safe and reliable service.

60. The grant of the requested CCNs (and approval of the underlying transactions) for Fawn Lake, Freeman Hills, Prairie Heights, and DeGuire Subdivision is in the public interest and will result in regulated water and



sewer services provided to the current and future residents of these service areas. The systems would be acquired by Confluence Rivers, a Missouri public utility, and be subject to the jurisdiction of the Commission. Confluence Rivers has considerable expertise and experience in providing water and sewer utility services to residents of the State of Missouri and is fully qualified, in all respects, to own and operate the water and sewer systems for which the certificates are sought.

### **VIII. Motion for Waiver**

61. Commission Rule 20 CSR 4240-4.017(1) provides that “(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.” A notice was not filed 60 days prior to the filing of this Application. As such, to the extent required, Confluence Rivers seeks a waiver of the 60-day notice requirement.

62. Commission Rule 20 CSR 4240-4.017(1)(D) provides that a waiver 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 Commission Rule 20 CSR 4240-4.015(10)) within the prior 150 days regarding any substantive issue likely to be in this case. Further, Confluence Rivers notes that there are health and safety

issues involved with these small companies. It would serve no purpose to further delay the filing of this Application.

63. For the good cause shown, Confluence Rivers moves for a waiver of the 60-day notice requirement of Rule 20 CSR 4240-4.017(1) and acceptance of this Application at this time.

**WHEREFORE**, Confluence Rivers respectfully requests that the Commission issue its order:

(A) Authorizing Terre Du Lac and Branson Cedars to sell and Confluence Rivers to acquire the assets identified herein; to include the CCNs held by Terre Du Lac and Branson Cedars or, in the alternative, grant Confluence Rivers new CCNs to provide water and sewer service in the areas now served by Terre Du Lac and Branson Cedars;

(B) Authorizing Confluence Rivers and Terre Du Lac and Branson Cedars to enter into, execute, and perform, in accordance with the terms described in the agreements attached to this Application, and to take any and all other actions which may be reasonably necessary and incidental to the performance of the acquisitions;

(C) Granting Confluence Rivers a CCN authorizing it to install, acquire, build, construct, own, operate, control, manage, and maintain a water system for the public within the areas currently served by Fawn Lake

and Prairie Heights;

(D) Granting Confluence Rivers a CCN authorizing it to install, acquire, build, construct, own, operate, control, manage, and maintain a sewer system for the public within the areas currently served by Freeman Hills and the sewer system located in DeGuire Subdivision and owned by Mr. Mark Edgar;

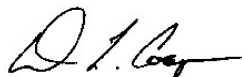
(E) Granting Confluence Rivers permission to acquire the assets identified herein of Fawn Lake, Freeman Hills, Prairie Heights, and a sewer system located in DeGuire Subdivision and owned by Mr. Mark Edgar;

(F) Granting Confluence Rivers a CCN authorizing it to install, acquire, build, construct, own, operate, control, manage, and maintain a sewer system for the public within the area of Villa Ridge identified herein; and,

(G) Granting such other relief as may be deemed necessary and appropriate to accomplish the purposes of the agreements and the Application and to consummate related transactions in accordance with the

agreements.

Respectfully submitted,



Dean L. Cooper MBE #36592

Jennifer L. Hernandez MBE #59814

**BRYDON, SWEARENGEN &  
ENGLAND P.C.**

312 E. Capitol Avenue

P.O. Box 456

Jefferson City, MO 65012

(573) 635-7166 telephone

(573) 635-0427 facsimile

[dcooper@brydonlaw.com](mailto:dcooper@brydonlaw.com)

[jhernandez@brydonlaw.com](mailto:jhernandez@brydonlaw.com)

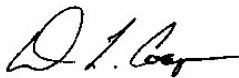
**ATTORNEYS FOR CONFLUENCE  
RIVERS UTILITY OPERATING  
COMPANY, INC.**

### **CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic mail on March 11, 2020, to the following:

Office of the General Counsel  
[staffcounsel@psc.mo.gov](mailto:staffcounsel@psc.mo.gov)

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



Dean L. Cooper


VERIFICATION

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

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, and that to the best of my information, knowledge and belief the matters and things stated in the foregoing Application are true and correct, and that no one representing Confluence Rivers has had any communication with the Office of the Commission (as defined in Rule 20 CSR 4240-4.015(10)) within the one hundred fifty (150) days prior to the filing of the Application regarding any substantive issue likely to be addressed in this case.

  
\_\_\_\_\_

Subscribed and sworn before me this 20<sup>th</sup> day of February 2020.

  
\_\_\_\_\_  
Notary Public

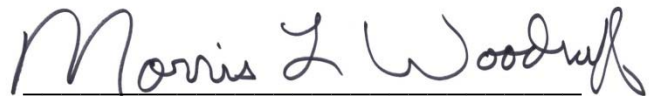
**STATE OF MISSOURI**

**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 16<sup>th</sup> day of March 2020.**



  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**March 16, 2020**

**File/Case No. SM-2020-0283**

**Missouri Public Service  
Commission**

Staff Counsel Department  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
staffcounsel@psc.mo.gov

**Office of the Public Counsel**

Marc Poston  
200 Madison Street, Suite 650  
P.O. Box 2230  
Jefferson City, MO 65102  
opcservice@opc.mo.gov

**Confluence Rivers Utility  
Operating Company, Inc.**

Dean L Cooper  
312 East Capitol  
P.O. Box 456  
Jefferson City, MO 65102  
dcooper@brydonlaw.com

**Confluence Rivers Utility  
Operating Company, Inc.**

Jennifer L Hernandez  
312 E. Capitol Avenue  
PO Box 456  
Jefferson City, MO 65102  
jhernandez@brydonlaw.com

**County of Audrain, Missouri**

County Commission Clerk  
101 N. Jefferson, Room 101  
Audrain County Courthouse  
Mexico, MO 65265

**County of Franklin, Missouri**

County Commission Clerk  
400 E Locust, Room 206  
Franklin County Courthouse  
Union, MO 63084

**County of Madison, Missouri**

County Commission Clerk  
1 Courthouse Sq.  
Madison County Courthouse  
Fredericktown, MO 63645

**County of St. Francois, Missouri**

County Commission Clerk  
1 N. Washington, Ste 206  
St. Francois County Courthouse  
Farmington, MO 63640

**County of Taney, Missouri**

County Commission Clerk  
PO Box 156  
Forsyth, MO 65653

**County of Washington, Missouri**

County Commission Clerk  
102 N Missouri St.  
Washington County Courthouse  
Potosi, MO 63664

**Missouri Department of Natural  
Resources**

Legal Department  
1101 Riverside Drive, 2nd Floor  
P.O. Box 176  
Jefferson City, MO 65102-0176

**Missouri Public Service  
Commission**

Mark Johnson  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
mark.johnson@psc.mo.gov

***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, flowing style.

***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.