

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

In the Matter of the Joint Application of )  
Confluence Rivers Utility Operating )  
Company, Inc., and Missouri-American )  
Water Company for Authority for ) **File No. SM-2025-0067**  
Confluence Rivers Utility Operating )  
Company, Inc., to Acquire Certain Sewer )  
Assets of Missouri-American Water )  
Company in Callaway and Morgan )  
Counties, Missouri )

**STAFF STATEMENT OF POSITIONS**

**COMES NOW** the Staff of the Missouri Public Service Commission (“Staff”),  
by and through counsel, and for its *Staff Statement of Positions* states as follows:

**1. What legal standard must the Commission apply in deciding  
this case?**

The Commission cannot withhold its approval of the transfer of assets unless it  
can be shown that the transfer is detrimental to the public interest.<sup>1</sup>

**2. Would the sale of the subject Missouri-American Water Company  
(“MAWC”) wastewater systems to Confluence Rivers Utility Operating Company,  
Inc., (‘Confluence’) be detrimental to the public interest?**

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<sup>1</sup> *State ex rel. City of St. Louis v. Public Service Commission of Missouri*, 335 Mo. 448, 73 S.W.2d 393, 400 (Mo. banc 1934); *State ex rel. Fee Fee Trunk Sewer, Inc. v. Litz*, 596 S.W.2d 466, 468 (Mo. App., E.D. 1980); *State ex rel. AG Processing, Inc. v. Pub. Serv. Comm’n of State*, 120 S.W.3d 732, 735 (Mo. 2003); *Env’t Utilities, LLC v. Pub. Serv. Comm’n*, 219 S.W.3d 256, 265 (Mo. Ct. App. 2007); *State ex rel. Praxair, Inc. v. Missouri Pub. Serv. Comm’n*, 344 S.W.3d 178, 184 (Mo. 2011); *Osage Util. Operating Co., Inc. v. Missouri Pub. Serv. Comm’n*, 637 S.W.3d 78, 92 (Mo. Ct. App. 2021); Commission File No. SM-2025-0067, Item No. 11, Staff’s Report and Recommendation, page 2, paragraph 3.

No. Staff reviewed a variety of factors, such as the Tartan Criteria<sup>2</sup> as well as Confluence’s technical, managerial, and financial capacity (“TMF”).<sup>3</sup> Both are commonly used in Missouri Public Service Commission (“Commission”) cases involving asset transfers and CCNs for existing regulated water and/or sewer systems.<sup>4</sup> Staff – cognizant of the fact that there is no exhaustive list of considerations influencing whether or not a sale is detrimental to the public – performed a thorough analysis using the abovementioned criteria as a guide, considered all relevant factors, and found that the proposed sale is not detrimental to the public interest.<sup>5</sup>

**WHEREFORE**, Staff respectfully submits this *Staff Statement of Positions* for the Commission’s information and consideration.

Respectfully submitted,

/s/ Andrea B. Hansen

**Andrea B. Hansen**

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<sup>2</sup> In re Tartan Energy Co., 3 Mo. P.S.C. 173, 177 (1994). The Tartan Criteria or Factors are as follows: 1. Need for Service, 2. Applicant’s Qualifications, 3. Applicant’s Financial Ability, 4. Feasibility of the Proposal, and 5. Promotion of the Public interest.

<sup>3</sup> The Missouri Court of Appeals, Western District not only included Osage Utility’s technical, managerial, and financial capability in its analysis, but it also determined that Osage Utility’s “technical, managerial, and financial ability to provide safe and adequate service” was a “substantial benefit.” *Osage Util. Operating Co., Inc. v. Missouri Pub. Serv. Comm’n*, 637 S.W.3d 78, 97 (Mo. Ct. App. 2021).

<sup>4</sup> Commission File No. SM-2025-0067, Item No. 11, Staff’s Report and Recommendation, page 2, paragraph 4.

<sup>5</sup> Commission File No. SM-2025-0067, Item No. 11, Staff Memo, page 16; *Osage Util. Operating Co., Inc. v. Missouri Pub. Serv. Comm’n*, 637 S.W.3d 78, 93 (Mo. Ct. App. 2021).

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been transmitted by electronic mail to counsel of record this 5<sup>th</sup> day of June, 2025.

**/s/ Andrea B. Hansen**