

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

DERALD MORGAN,	)	
	)	
Complainant,	)	
	)	
v.	)	File No. WC-2021-0223
	)	
CARL RICHARD MILLS,	)	
	)	
Respondent,	)	

**MOTION TO SHOW CAUSE  
OR STRIKE RESPONSES**

**COMES NOW** Complainant, J. Derald Morgan, by and through counsel, Karl Finkenbinder, and for its motion to make public responses filed by Carl Mills to its Complaint, and respectfully states the following:

1. 20 CSR 4240-2.135 provides that all items filed in case proceedings before the Commission shall be open to the public.
2. Items may be denoted confidential, either by protective order or pursuant to specific and limited circumstances detailed in 20 CSR 4240-2.135(2)(A).
3. On January 13, 2021, Complainant filed his complaint.
4. On January 14, 2021, the Commission ordered responses to be filed not later than February 16, 2021.
5. On February 16, 2021, Respondent Carl Mills apparently filed a response whose answer and exhibits were all marked confidential.
6. Respondent Carl Mills has no protective order issued by the Commission designating information as confidential.

7. 20 CSR 4240-2.135(2)(B) requires for any confidential designation asserted without a protective order under 20 CSR 4240-2.135(2)(A) to include a cover sheet explaining the basis for the designation.
8. Carl Mills' filings were made without such coversheets.
9. The Commission and Complainant are uninformed as to the basis of Respondent's designations, and the public remains uninformed as to its contents.
10. Consequently, Respondent's filings are invalid as they do not comport with the Commission's rules.
11. Complainant and the general public have an interest in the information and are entitled to Carl Mills responses to the complaint, as Carl Mills initiated a rate case proceeding and the public, and specifically ratepayers, are entitled to information concerning the operation of the utility system and the operator's capability to comply with Commission orders.
12. Moreover, the baseless assertion of confidentiality imposes burdens on the Staff of the Commission and Complainant with regard to how it must treat such information as confidential.
13. Based on the titles of the exhibits, there appears to be two e-mails between Carl Mills and employees of the Staff of the Commission, which would otherwise be a public record, and invoice from April 2019. As such, there appears no basis under 20 CSR 4240-2.135(2)(A) to assert the information is confidential.
14. The public is entitled to information filed with the Commission and the baseless assertion of confidentiality imposes undue burdens on counterparties and the

Commission must act to either demand Respondent's compliance with its rules, strip Respondent's filings of its designation, or strike Respondent's filings.

WHEREFORE, Complainant respectfully requests the Commission direct Respondent Carl Mills to show cause as to his basis for asserting his entire response as confidential, or otherwise make public the filings, or otherwise strike the Respondent's filings for failing to comply with the Commission's rules.

Respectfully submitted,

SCHENEWERK & FINKENBINDER,  
ATTORNEYS AT LAW, LLC

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COUNSEL FOR COMPLAINANT

### **CERTIFICATE OF SERVICE**

The below signed counsel hereby certifies that a true and accurate copy of the foregoing was submitted through the Missouri Public Service Commission's E-Filing System on February 18, 2021, which generates notices to interested parties.

/s/ Karl Finkenbinder  
Karl Finkenbinder