

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

In the Matter of the Application Carl Richard	)	
Mills d/b/a Carl R. Mills Water Service	)	File No. WM-2020-0387
for a Transfer of Assets to the Carriage Oaks	)	
Estates Homeowners Association	)	

**MOTION TO STRIKE APPLICATION**

COMES NOW, Derald Morgan, Rick and Cindy Graver, William and Gloria Phipps, and David Lott (“Intervenors”), and moves the Commission STRIKE the application filed by Carl Richard Mills, a natural person, on behalf of a water corporation, and in support thereof states the following:

1. In WA-2018-0370, the Commission granted a certificate of convenience and necessity for the Carl Mills to operate a water utility.
2. In its *Report and Order*, the Commission found, as a conclusion of law, that Carl Mills owns a “water corporation” as defined by Sections 386.020(59).
3. Pursuant to such findings, Mr. Mills is not solely a “natural person” for the purposes of an application, but also a regulated entity before the Commission.
4. On May 12, 2020, Carl Mills filed a document with the Commission seeking to transfer a water system controlled by the water corporation.
5. Carl Mills is not an attorney.
6. The counterparty to the Application, Carriage Oaks Estates Homeowners

Association<sup>1</sup>, by admission, is a Missouri non-profit corporation and is not a party in this matter, nor represented by counsel.

7. In the absence of any representation, or even a notarized signature verifying that the homeowners association intends to take part in the transfer, Carl Mills presumably seeks to represent the homeowners association before the Commission.

8. As Commission rules require attorneys to represent the interests of entities, and expressly prohibit natural person from representing entities or persons other than themselves, the application is invalid and should be stricken. *See* 20 CSR 4240-2.040(5).

9. As striking the application would render the case file without an active petition, the Commission should dismiss the case and close the case file.

WHEREFORE, the Intervenors request the Commission STRIKE the application filed by Carl Mills, and for all other relief the Commission deems just and reasonable.

Respectfully submitted,

SCHENEWERK & FINKENBINDER,  
ATTORNEYS AT LAW, LLC

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COUNSEL FOR INTERVENORS

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<sup>1</sup> While the application identifies the receiving entity as Carriage Oaks Estates HOA, Inc., no such entity is registered under that name. The Intervenors presume the intended recipient is the Carriage Oaks Estates Homeowners Association, Charter No. N00062567.

### **CERTIFICATE OF SERVICE**

The below signed counsel hereby certifies that a true and accurate copy of the foregoing was sent to all counsel of record via email on June 12, 2020, to the following email addresses:

Mark Johnson [Mark.Johnson@psc.mo.gov];  
Jamie Myers [Jamie.Myers@psc.mo.gov];  
Missouri Public Service Commission [staffcounsel@psc.mo.gov];  
Office of the Public Counsel [opc@opc.mo.gov];  
Carl Richard Mills [mrrsykes@aol.com].

The above was also served via U.S. Mail, postage prepaid to the following interested parties on June 12, 2020:

Carriage Oaks Estates Homeowners Association  
Legal Department  
209 Falling Leaf Court  
Reeds Spring, MO 65737

Missouri Department of Natural Resources  
Legal Department  
PO Box 176  
Jefferson City, MO 65102-0176

/s/ Hampton Williams

Hampton Williams