

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

The Staff of the Missouri Public Service Commission,)	
)	
)	
Complainant,)	
)	Case No. WC-2017-0318
v.)	
)	
Highway H Utilities, Inc.,)	Case No. SC-2017-0319
)	
Respondent.)	

MOTION TO STAY PROCEEDINGS

COMES NOW Highway H Utilities, Inc., (“Highway H”) by and through the undersigned counsel, and for its motion to stay proceedings in this case, states the following to the Missouri Public Service Commission (“Commission”):

1. On September 19, 2017, the Commission issued an ***Order Granting Motion for Default Determination*** (the “Order”) in the referenced case. Among other things, the Order authorized its staff (“Staff”) to file an action in circuit court seeking penalties as allowed by law based on the Commission’s finding that Highway H has failed to file its 2016 annual report by May 20, 2017.
2. On October 9, 2017, Highway H caused to be filed an Application and Request for Waiver for both its water and sewer utility operations (“Applications”) seeking authority of the Commission to perform in accordance with an Agreement for Sale of Water and Wastewater Systems (the “Agreement”). Those two Applications have been docketed as File Nos. WM-

2017-0094 and SM-2017-0095, respectively.¹ The Agreement contemplates that Highway H will sell to its water and wastewater systems to the City of Waynesville and to Pulaski County Sewer District Number 1.

3. In the event the Commission approves the Application, Highway H also has requested that it be authorized to cease providing water and sewer service and that its tariff sheets be cancelled at which time it will no longer be a public utility as that term is defined in §386.020(43) RSMo.

4. The resources of Highway H and Staff would be better served by staying further proceedings in this case and addressing instead the Application pending before the Commission in File Nos. WM-2017-0094 and SM-2017-0095, particularly in light of the fact that if the Applications are granted, Highway H will no longer be regulated by the Commission.

5. The Commission previously has granted motions to stay proceedings in similar situations. Highway H refers the Commission to its File Nos. WC-2016-0252, WC-2017-0007 and SC-2017-0008.

WHEREFORE, Highway H requests that the Commission stay the proceedings in this complaint pending its consideration of the company's Application in File Nos. WM-2017-0094 and SM-2017-0095.

[This space intentionally left blank]

¹ Highway H has filed a motion to consolidate the two filings inasmuch as they address the same basic facts and circumstances. At the time of the filing of this motion, the Commission had not yet granted the motion to consolidate.

Respectfully submitted,

Paul A. Boudreau

Paul A. Boudreau MBE# 33155
Dean L. Cooper MBE# 36592
BRYDON, SWEARENGEN & ENGLAND P.C.
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102-0456
Telephone: (573) 635-7166
Facsimile: (573) 635-0427
paulb@brydonlaw.com
dcooper@brydonlaw.com

Attorneys for Highway H Utilities, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was electronically transmitted, on this 17th day of October, 2017, to:

Office of the General Counsel
Missouri Public Service Commission
Governor State Office Building
Jefferson City, Missouri 65101
staffcounsel@psc.mo.gov

Office of the Public Counsel
Governor State Office Building
Jefferson City, Missouri 65101
opc@ded.mo.gov

Paul A. Boudreau