

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

The Office of the Public Counsel,)	
Complainant,)	
v.)	<u>Case No. WC-2015-0291</u>
)	
TUK, LLC,)	<u>Case No. SC-2015-0292</u>
Louis Mountzoures, and)	
Jonathon Finkelstein,)	
Respondents.)	

MOTION TO SUSPEND SCHEDULE

COME NOW Respondents in the above-referenced proceeding and, as their Motion to Suspend Schedule, state as follows to the Missouri Public Service Commission (Commission):

1. On November 17, 2014, the Staff of the Commission (Staff) filed a complaint (Case No. WC-2015-0124) against the Respondents making very similar, if not identical, allegations to those contained in the Office of the Public Counsel's (OPC) complaints herein. TUK subsequently filed, on January 20, 2015, applications for certificates of convenience and necessity to provide water and sewer service (Case No. WA-2015-0169). Thereafter, in response to the Staff's motion, the Commission suspended the schedule in Case No. WC-2015-0124, by order issued on January 26, 2015.

2. TUK has worked with Staff and responded to discovery concerning the review of TUK's operations and rates. On May 22, 2015, Staff filed its recommendation in the certificate case.

3. OPC filed these applications on May 5, 2015. On May 19, 2015, the Staff filed its motion to consolidate these complaints with Staff's complaint (Case No. WC-2015-0124). OPC responded to that motion on May 21, 2015, and TUK responded to the motion on May 27, 2015.

4. As stated in TUK's earlier response, TUK's water system serves 22 homes as well as a single mobile home park and 3 duplex apartments. TUK's sewer system serves 18 homes as well as the single mobile home park and 3 duplex apartments. The mobile home park and duplexes are not metered and have similar ownership to TUK and are treated as a single customer.

5. TUK requests that until the Commission rules on Staff's motion to consolidate, it not be required to incur the expense and time necessary to prepare and file a formal answer to OPC's complaints. Such answer would necessarily involve legal issues in addition to factual responses, as two of the respondents are individuals and not providers of utility services. Moreover, the question of whether the State of Missouri can maintain multiple complaints (Staff and OPC) against the same respondents, based on the same set of facts, is one that will require additional research.

6. This multiple-case litigation is quite extraordinary for an entity that receives LESS THAN \$15,000 TOTAL, ON AN ANNUAL BASIS, from third parties.¹

7. Requiring a water and sewer company of TUK's size to actively participate in multiple cases simultaneously does not satisfy any reasonable goal of utility regulation. Accordingly, Respondents ask that the Commission suspend the date for the filing of an answer in this matter until ten days after the Commission has determined how it will rule on Staff's motion to consolidate.

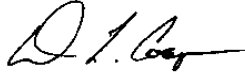
WHEREFORE, Respondents request that the Commission issue its order suspending date for the filing of an answer until ten days after such time as the issue of possible

¹ TUK would continue to receive less than \$15,000 from third parties under Staff's rate proposal recently filed in the application case.

consolidation has been resolved.

Respectfully submitted,

BRYDON, SWEARENGEN & ENGLAND P.C.

By: _____


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ATTORNEYS FOR RESPONDENTS

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been transmitted by electronic mail to the following on this 8th day of June, 2015:

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