

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

The Staff of the Missouri Public Service Commission,	)	
	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. SC-2016-0348
	)	
TUK LLC ,	)	
	)	
Respondent.	)	

ANSWER AND MOTION TO DISMISS

COMES NOW the Respondent, TUK LLC (“TUK”), and for its Answer and Motion to Dismiss, respectfully states as follows to the Missouri Public Service Commission (“Commission”):

ANSWER

For its Answer to the Complaint filed with the Commission on June 20, 2016 (the “Complaint”), TUK states as follows:

1. TUK admits that it has not filed an annual report for the period concerning January 1, 2015, through December 31, 2015. TUK denies the remaining allegations contained in paragraph 1.
2. TUK admits the allegations contained in paragraphs 2 and 3.
3. TUK admits that he Commission issued an *Order Approving Stipulation and Agreement and Granting Certificate of Convenience and Necessity* effective November 21, 2015, in File No. WA-2015-0169, and that as of this date, TUK provides service to approximately 24 sewer customers pursuant to a certificate of convenience and necessity. TUK otherwise denies

the allegations of paragraph 4 of the Complaint. TUK further states that the Order cited above required TUK to “submit a new complete tariff for sewer service, as a 30 day filing, within 20 days after the effective date of an order approving the CCN” (Stipulation, para 3d) as a condition of that certificate. TUK submitted that proposed tariff on December 2, 2015. The Commission issued its *Order Approving Tariff Filings* effective January 1, 2016. Prior to January 1, 2016, TUK had no approved tariff.

4. TUK admits the allegations contained in paragraph 5 of the Complaint.

5. TUK states that paragraphs 6 and 7 do not allege facts which TUK must admit or deny and further states that the statutes speak for themselves.

6. In response to paragraph 8, TUK adopts by reference its responses to paragraphs 1-7 of the Complaint.

7. TUK states that paragraph 9 does not allege facts which TUK must admit or deny and further states that the statute speaks for itself.

8. TUK admits it did not file a 2015 Annual Report and further states that it was not a public utility during the period covered by the 2015 Annual Report.

9. TUK does not have sufficient information to respond to the allegations in paragraph 11 of the Complaint and therefore denies the same. TUK further states that neither the below-signed counsel nor Mr. Montzoures recall receiving the described letter or any reference to that letter prior to the filing of this Complaint.¹

10. TUK admits that as of this date, it has not filed a 2015 Annual Report. TUK denies the remaining allegations contained in paragraph 12.

¹ Now that TUK is aware of the position taken by the Staff, it is working on an Annual Report filing that would provide basic information requested by the report.

11. TUK states that paragraph 13 does not allege facts which TUK must admit or deny and further states that the statute speaks for itself.

12. TUK denies all allegations of the Complaint not specifically admitted herein.

13. In further response to the Complaint, TUK states that the Complaint fails to state a claim upon which relief may be granted and should be dismissed, in that TUK was not a public utility during the period of time addressed by the subject Annual Report.

MOTION TO DISMISS

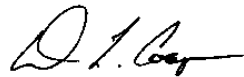
TUK had no approved tariff under which to operate until January 1, 2016. The Annual Report of which Staff complains covers the period January 1, 2015 through December 31, 2015. TUK was not a public utility authorized by the Commission to provide service until January 1, 2016. Therefore, TUK has no requirement to file a 2015 Annual Report and this complaint should be dismissed.

WHEREFORE, having fully answered, TUK requests that Staff's be dismissed and requests such other and further relief as is just and proper under the circumstances.

Respectfully submitted,

BRYDON, SWEARENGEN & ENGLAND P.C.

By:



Dean L. Cooper MBE#36592
312 E. Capitol Avenue
P. O. Box 456
Jefferson City, MO 65102
Phone: (573) 635-7166
Fax: (573) 635-3847
E-mail: DCooper@BrydonLaw.com

ATTORNEYS FOR TUK LLC

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been sent by electronic mail or U.S. Mail, postage prepaid, this 30th day of June, 2016, to:

Marcella Mueth
Missouri Public Service Commission
Governor's Office Building
Jefferson City, Missouri 65102
staffcounsel@psc.mo.gov
Marcella.mueth@psc.mo.gov

Office of the Public Counsel
Governor's Office Building
Jefferson City, Missouri 65102
opcservice@ded.mo.gov

