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October 2, 1998

FILED

OCT - 2 1998

Missouri Public
Service Commission

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

**RE: Case No. SC-99-135 - Staff of the Missouri Public Service Commission v. House
Springs Sewer Company**

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and fourteen (14) conformed copies of a **Complaint**.

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

R. Blair Hosford
Deputy General Counsel
(573)751-8702
573-751-9285 (Fax)

RBH:sw
Enclosure

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

FILED

OCT - 2 1998

Missouri Public
Service Commission

Staff of the Missouri Public Service)
Commission,)

Complainant,)

vs.)

House Springs Sewer Company,)

Respondent.)

Case No. SC-99- 135

COMPLAINT

Count I

Comes now the Staff of the Missouri Public Service Commission ("Staff") by and through the Office of General Counsel, pursuant to Sections 386.390 and 386.360, RSMo 1994, and 4 CSR 240-2.070(3), and for its Complaint states as follows:

1. House Springs Sewer Company ("Respondent" or "House Springs") is a Missouri corporation operating within the state of Missouri. House Springs has its principal business office at 3800 Jeffco Boulevard, Arnold, Missouri 63080. Respondent is a "public utility" operating a "sewer system" in Arnold, Jefferson County, Missouri, and is therefore under the jurisdiction of the Missouri Public Service Commission ("Commission"). Sections 386.020(42), (49) and 386.250 (4) RSMo Cumulative Supp. 1997.

2. Epco, Incorporated ("Epco"), a Missouri corporation duly organized and existing under the laws of the state of Missouri holds sole control over House Springs. Eugene A. Fribis is both the sole shareholder of Epco and the president of House Springs.

3. The Commission is vested with the general power and authority to estimate the expenses to be incurred by it during each fiscal year reasonably attributable to the regulation of public utilities. In addition, the Commission is vested with the specific power and authority to separately estimate and allocate the amount of expenses directly attributable to the regulation of sewer corporations and any other public utility. Section 386.370.1 RSMo Cumulative Supp. 1997.

4. The Commission has an obligation to render a statement of assessment to each public utility on or before July 1 of each year and House Springs must pay such assessment to the Director of Revenue in full on or before July 15 next following the rendition of said assessment, or at its election, may pay the assessment in four equal installments. Section 386.370.3 RSMo Cumulative Supp. 1997.

5. For fiscal year 1997 the assessment for House Springs was set at \$11,632.13

6. To date, House Springs has only paid a total of \$5,816.07 on its FY 1997 assessment leaving an unpaid balance of \$5,816.06.

7. The failure of any corporation, person or public utility to observe or comply with any statute of the state of Missouri or any order, decision, decree, rule, direction, demand or requirement of the Commission is subject to penalty for each offense. In the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense. Section 386.570 RSMo 1994.

8. The Commission has authority to direct the Office of the General Counsel to seek penalties and enforcement of Commission powers in Circuit Court for violations of Chapter 386 under Section 386.600 RSMo 1994.

WHEREFORE, Staff, by and through the Office of General Counsel, respectively requests the Commission to:

- a. Find that House Springs has violated and continues to violate its obligation to pay the assessments required by Section 386.370 RSMo Cumulative Supp. 1997;
- b. Order House Springs to make immediate payment of its fiscal year 1997 assessments to the Director of Revenue without further delay;
- c. Authorize the General Counsel to seek the maximum penalties authorized pursuant to Sections 386.570, et seq., RSMo Cumulative Supp. 1997; and
- d. Issue such other findings and orders that the Commission deems appropriate.

Count II

9. Count II incorporates by reference paragraphs 1 through 4, of Count I.
10. For fiscal year 1998 the assessment for House Springs was set at \$12,490.69.
11. The Commission served written notice upon House Springs of its fiscal year 1998 assessments on at least three occasions:

June 27, 1997
February 10, 1998
March 26, 1998

In addition, a telephone call was made on June 5, 1998 with a facsimile transmission sent on June 5, 1998.

12. To date, House Springs has made no payment to the Director of Revenue on the fiscal year 1998 assessment, and the unpaid balance stands at \$12,409.69.

13. The failure of any corporation, person or public utility to observe or comply with any statute of the state of Missouri or any order, decision, decree, rule, direction, demand or requirement of the Commission is subject to penalty for each offense. In the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense. Section 386.570 RSMo 1994.

14. The Commission has authority to direct the Office of the General Counsel to seek penalties and enforcement of Commission powers in Circuit Court for violations of Chapter 386 under Section 386.600 RSMo 1994.

WHEREFORE, Staff, by and through the Office of General Counsel, respectively requests the Commission to:

- a. Find that House Springs has violated and continues to violate its obligation to pay the assessments required by Section 386.370 RSMo Cumulative Supp. 1997;
- b. Order House Springs to make immediate payment of its fiscal year 1998 assessments to the Director of Revenue without further delay;
- c. Authorize the General Counsel to seek the maximum penalties authorized pursuant to Sections 386.570, et seq., RSMo Cumulative Supp. 1997; and
- d. Issue such other findings and orders that the Commission deems appropriate.

COUNT III

15. Count III incorporates by reference paragraphs 1 through 4, of Count I.

16. For fiscal year 1999 the assessment for House Springs was set at \$27,468.51.

17. No payment has been received to date. If payments are made in four equal installments, the minimum amount due for the first quarterly installment due on July 15, 1998 is \$6,867.13.

18. The Commission served written notice of the assessment for fiscal year 1999 on June 30, 1998.

19. The failure of any corporation, person or public utility to observe or comply with any statute of the state of Missouri or any order, decision, decree, rule, direction, demand or requirement of the Commission is subject to penalty for each offense. In the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense. Section 386.570 RSMo 1994.

20. The Commission has authority to direct the Office of the General Counsel to seek penalties and enforcement of Commission powers in Circuit Court for violations of Chapter 386 under Section 386.600 RSMo 1994.

WHEREFORE, Staff, by and through the Office of General Counsel, respectfully requests the Commission to:

a. Find that House Springs has violated and continues to violate its obligation to pay the assessments required by Section 386.370 RSMo Cumulative Supp. 1997;

b. Order House Springs to make immediate payment of the first quarterly installment due July 15, 1998, of its fiscal year 1998 assessments to the Director of Revenue without further delay;

c. Authorize the General Counsel to seek the maximum penalties authorized pursuant to Sections 386.570, et seq., RSMo Cumulative Supp. 1997; and

d. Issue such other findings and orders that the Commission deems appropriate.

Respectfully submitted,



R. Blair Hosford
Deputy General Counsel
Missouri Bar No. 21775

Attorney for the Staff of the
Missouri Public Service Commission
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 22 day of October, 1998.

