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

Staff of the Missouri Public Service Commission,)	
)	
)	
Complainant,)	
)	
v.)	<u>Case No. SC-99-134</u>
)	
Imperial Utility Corporation,)	
)	
Respondent.)	

**ORDER SETTING EARLY PREHEARING CONFERENCE
AND DIRECTING FILING OF PROCEDURAL SCHEDULE**

On October 2, 1998, the Staff of the Missouri Public Service Commission (Staff) filed a complaint against Imperial Utility Corporation (Respondent). On October 6, a Notice of Complaint was issued to Respondent. On November 19, Respondent fell into receivership and Patricia A. Fribis was appointed receiver (Receiver). On November 25, Receiver filed an Entry of Appearance and Request for Additional Time to Respond to Complaint. On December 1, 1998 the Commission extended the time for response to December 16. On December 16, Receiver filed an Answer.

The Complaint alleges that Respondent has violated Section 386.370.3, RSMo, by failing to pay its total annual assessment to the Director of Revenue for fiscal years 1997 and 1998 and has not made the required installment on the assessment due for fiscal year 1999. Staff requests that the Commission authorize the General Counsel

to seek the maximum penalties authorized pursuant to Section 386.570, et seq., RSMo.

Receiver answered that she has insufficient information to admit or deny the allegations in the complaint. Receiver answers further that she is negotiating an Asset Sale and Purchase Agreement with Rock Creek Sewer District to sell a substantial portion of Respondent's assets. After such sale, if approved, Receiver states that the aggregate balance of the assessments will be paid.

An early prehearing conference should be scheduled to afford the parties the opportunity to discuss, define, and possibly resolve the issues presented in this case, or at least to agree on a procedural schedule. The Commission will also set a date for the filing of a proposed procedural schedule in order to ensure that this case progresses.

IT IS THEREFORE ORDERED:

1. That a prehearing conference will be held on January 26, 1999 at 10:00 a.m. at the Commission's offices on the fifth floor of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri.

2. That the parties shall file a proposed procedural schedule no later than February 2, 1999. The procedural schedule shall include either dates for the filing of testimony and for a hearing, or a date for the filing of a Stipulation and Agreement.

3. That this order shall become effective on December 23,
1998.

BY THE COMMISSION

A handwritten signature in black ink, reading "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Anji Gandhi, Regulatory Law
Judge, by delegation of authority
pursuant to 4 CSR 240-2.120(1)
(November 30, 1995) and
Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 23rd day of December, 1998.

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION