

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
October 12, 2000**

CASE NO: MC-2000-818

Office of the Public Counsel
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Michael J. Havicon
c/o Oakcreek Village of Bonne Terre
6967 Stormy Lane
Bonne Terre, MO 63628

Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,

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

**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 12th
day of October, 2000.

Director of the Division of Manufactured)
Homes, Recreational Vehicles and Modular)
Units of the Public Service Commission,)

Complainant,)

v.)

) Case No. MC-2000-818

Manufactured Housing Services of)
Bonne Terre d/b/a Oakcreek Village of)
Bonne Terre,)

Respondent.)

SECOND ORDER FINDING DEFAULT

On June 14, 2000, the Director of the Division of Manufactured Homes, Recreational Vehicles and Modular Units of the Missouri Public Service Commission (Complainant) filed a complaint with the Missouri Public Service Commission (Commission) against Manufactured Housing Services of Bonne Terre d/b/a Oakcreek Village of Bonne Terre (Respondent).

Notice of the complaint was mailed to the Respondent by certified mail on June 19, 2000. The official case file reflects a postal service receipt showing that Respondent accepted delivery on July 3, 2000. In that notice of complaint, the Respondent was given 30 days from the date of the notice of complaint (i.e., until July 19, 2000) to respond to the complaint by filing an answer, a notice that the complaint had been satisfied, or a written request that the complaint be referred to a neutral third-party mediator for voluntary mediation of the complaint.

The Respondent did not respond to the complaint. The Commission entered an order finding default on July 27, 2000, with an effective date of August 8, 2000.

On August 11, 2000, Respondent late-filed a motion for "rehearing and reconsideration." The Complainant did not respond to the Respondent's motion.

On September 13, 2000, the Commission entered its order setting aside the order finding default and ordering the Respondent to file no later than September 28, 2000, an answer, a notice that the complaint has been satisfied, or a written request that the complaint be referred to a neutral third-party mediator for voluntary mediation of the complaint.

Respondent did not comply with that order.

Commission Rule 4 CSR 240-2.070(9) states:

If the respondent in a complaint case fails to file a timely answer, the complainant's averments may be deemed admitted and an order granting default entered. The respondent has seven (7) days from the issue date of the order granting default to file a motion to set aside the order of default and extend the filing date of the answer. The commission may grant the motion to set aside the order of default and grant the respondent additional time to answer if it finds good cause.

The Respondent did not comply with Commission Rule 4 CSR 240-2.070(9) in that it failed to file a timely answer and is thus in default.

The Commission will enter its second order finding default.

IT IS THEREFORE ORDERED:

1. That the averments in the complaint filed on June 14, 2000, by the Director of the Division of Manufactured Homes, Recreational Vehicles and Modular Units of the Missouri Public Service Commission against Manufactured Housing Services of Bonne Terre d/b/a Oakcreek Village of Bonne Terre are deemed admitted.

2. That Manufactured Housing Services of Bonne Terre d/b/a Oakcreek Village of Bonne Terre is found in default.

3. That this order shall become effective on October 22, 2000.

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)

Lumpe, Ch., Drainer, Murray, Schemenauer,
and Simmons, CC., concur

Hopkins, Senior Regulatory Law Judge

Att/Sec'y:

Hopkins/Mills

Date Circulated

10-5

MC-2000-828
CASE NO.

JS
Lumpé, Chair

200
Drainer, Vice Chair

MS
Murray, Commissioner

KS
Schemenauer, Commissioner

KS
Simmons, Commissioner

Agenda Date

10-12

Action taken:

5-045

Must Vote Not Later Than

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 12th day of Oct. 2000.

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

