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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held at its office
in Jefferson City on the 19th
day of November, 1998.

In the Matter of Summerhaven Condominium)
Owners Association, Complainant, v. Waterserv,) Case No. WC-99-34
Inc., and Summerhaven Development Corporation)
and Dale Baumgardner, Respondents.)

STAY ORDER

On July 21, 1998, the Complainants filed a formal complaint on behalf of Summerhaven Condominium Association against Waterserv, Inc., Summerhaven Development Corporation and Dale Baumgardner, (Respondents). On July 24, 1998, the Commission issued a Notice of Complaint to the Respondents by certified mail that they received on July 27, 1998. The Respondents failed to answer the complaint within the time standard and on September 17, 1998, the Commission issued an Order Regarding Default and Directing Staff Investigation. On September 25, the Respondents filed an Answer and a Motion to Set Aside Default. The Complainants responded to the Motion to Set Aside Default on October 7, 1998. The Respondents replied to the Complainant's response on October 8, 1998. On October 15, 1998 the Staff filed its report with the Commission.

The Complainants pray that the Respondents be compelled to file for and obtain a Certificate of Convenience and Necessity to provide them with water and sewer service, as Respondent is currently unregulated. The Respondents are attempting to sell their water system to Ozark Shores

Water Company (OSWC). OSWC, a regulated company, has agreed to the purchase and applied for certification in Case No. WA-99-99. In addition, the Complainants have applied to intervene in Case No. WA-99-99.

The Commission finds that the proceedings in the instant matter should be stayed and all action suspended pending resolution of Case No. WA-99-99. The pending case, if approved, may cause the instant case to be a nullity. Therefore, in the interest of judicial economy, the Commission will not rule on the Respondent's pending Motion to Set Aside or take any other action pending the resolution of Case No. WA-99-99.

IT IS THEREFORE ORDERED:

1. That the proceedings in the instant case are stayed pending the resolution of Case No. WA-99-99.
2. That this order shall become effective on December 1, 1998.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Crumpton, Drainer
and Murray, CC., concur.
Schemenauer, C.,

Gandhi, Regulatory Law Judge

