

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

The Office of the Public Counsel,)
An agency of the State of Missouri,)

Complainant)

v.)

Case No. WC-2015-0290

Ridge Creek Development, LLC,)
Ridge Creek Water Company, LLC,)
Mike Stoner, Denise Stoner,)

Respondents)

SEPARATE ANSWER OF RIDGE CREEK WATER COMPANY, LLC

Comes now Respondent, Ridge Creek Water Company, LLC, (RCWC) by and through counsel, and submits this separate answer and response to the Office of Public Counsel's Complaint paragraph by paragraph as follows:

1. RCWC admits that the Office of Public Counsel is an agency of the State of Missouri having an official mailing address and authority, duties, powers and responsibilities as set out by specific state statutes which speak for themselves. RCWC denies each and every other allegation of paragraph 1.

2. Denied, further answering, RCWC is currently applying for authority to become a "water corporation" and subject to the jurisdiction of this Commission. RCWC owns no utility assets and has no customer base. It has never offered or provided any water service, charged for any service or sent a bill for any service.

3. The allegations of paragraph 3 relate to separate respondent Ridge Creek Development Company, LLC and an answer or other response thereto is not required from RCWC. Refer to the separate answer of Ridge Creek Development Company, LLC.

4. Admitted.

5. RCWC admits that Mike Stoner and Denise Stoner are husband and wife and have a mailing address in Dixon, Missouri. Otherwise, RCWC denies each and every other allegation of paragraph 5.

6. RCWC admits that it is an applicant for certificate of service authority to provide regulated water service. Except as admitted herein, RCWC denies each and every other allegation of paragraph 6.

7. Complainant cites and quotes from statutes of the State of Missouri to which no answer or other response is required from RCWC. The statutes of the state speak for themselves. RCWC admits that the Commission has an official address and has powers, duties and authority as provided in state law. Otherwise, RCWC denies each and every other allegation of paragraph 7.

8. Complainant cites and quotes from state statutes rules of the Commission in paragraph 8 to which no answer or other response is required from RCWC. The statutes of the state and the rules of the Commission speak for themselves. RCWC admits that the Missouri Public Service Commission has authority to hear complaints filed by authorized parties but RCWC denies each and every other allegation of paragraph 8.

9. Complainant cites and quotes from statutes of the State of Missouri to which no answer or other response is required from RCWC. The statutes of the state speak for themselves. RCWC admits that the laws of the state of Missouri permit agencies to assess penalties as authorized or provided therein, but otherwise RCWC denies each and every other allegation of paragraph 9.

10. Paragraph 10 in part is a legal conclusion or interpretation of law concerning a statute of the State of Missouri to which no answer or other response is required from RCWC. To the extent complainant cites and quotes from statutes of the State of Missouri, no answer or other response is required from RCWC. The statutes of the state speak for themselves. RCWC admits that the laws of the State of Missouri permit agencies to assess penalties as authorized or provided therein, but otherwise RCWC denies each and every other allegation of paragraph 10

COUNT I

11. RCWC reasserts and adopts by reference as if fully set forth each and every answer, defense or other response set forth in paragraphs 1 through 10 of this separate answer.

12. The allegations of paragraph 12 relate to separate respondents Ridge Creek Development Company, LLC, Mike Stoner and Denise Stoner and an answer or other response thereto is not required from RCWC. If the Commission deems an answer is required to this paragraph then RCWC denies the same.

13. Complainant cites and quotes from statutes of the State of Missouri to which no answer or other response is required from RCWC. The statutes of the state speak for themselves. RCWC admits that “water system” and “water corporation” are statutorily defined but otherwise, RCWC denies each and every other allegation of paragraph 13; further answering and by way of defense, RCWC does not own or operate a “water system” and does not qualify as a “water corporation.”

14. Complainant cites and quotes from statutes of the State of Missouri to which no answer or other response is required from RCWC. The statutes of the state speak for themselves. RCWC admits that “water system” and “water corporation” are statutorily defined but otherwise, RCWC denies each and every other allegation of paragraph 14; further answering and by way of

defense, RCWC does not own or operate a “water system” and does not qualify as a “water corporation.”

15. Paragraph 15 is a legal conclusion based upon complainant’s interpretation of a statute of the State of Missouri to which no answer or other response is required from RCWC. To the extent the Commission deems an answer is required, RCWC admits that the Commission has jurisdiction over public utilities but otherwise denies each and every allegation of paragraph 15; further answering and by way of defense, RCWC does not qualify as a “public utility.”

16. Complainant describes the holding or rulings of Missouri courts, the same being conclusions of law to which no answer or other response is required from RCWC. To the extent the Commission deems a response or answer is required to this paragraph, RCWC denies the same.

17. Complainant cites and quotes from statutes of the State of Missouri to which no answer or other response is required from RCWC. The statutes of the state speak for themselves. RCWC admits that state law forbids collection of unjust charges or rates for service but otherwise denies each and every allegation of paragraph 17; further answering and by way of defense RCWC owns no utility assets and has no customer base. It has never offered or provided any water service, charged for any service or sent a bill for any service.

18. Complainant cites and quotes from statutes of the State of Missouri to which no answer or other response is required from RCWC. The statutes of the state speak for themselves. RCWC admits that state law forbids collection of unjust charges or rates for service but otherwise denies each and every allegation of paragraph 18; further answering and by way of defense RCWC owns no utility assets and has no customer base. It has never offered or provided any water service, charged for any service or sent a bill for any service.

19. Complainant describes the holdings or rulings of Missouri courts, the same being conclusions of law to which no answer or other response is required from RCWC. To the extent the Commission deems a response or answer is required to this paragraph, RCWC denies the same.

20. Complainant cites and quotes from a rules of the Commission to which no answer or other response is required from RCWC. The rules of the Commission speak for themselves. RCWC admits that the Commission rules define “tariff” but otherwise denies each and every allegation of paragraph 20.

21. Paragraph 21 is a conclusion of law to which no answer is required from RCWC. To the extent the Commission deems an answer is required to this paragraph, RCWC denies the same.

22. Admitted. Further answering and by way of defense RCWC owns no utility assets and has no customer base. It has never offered or provided any water service, charged for any service or sent a bill for any service. Until its application for certificate of service authority is approved, RCWC is not required by law to have approved tariffs on file with the Commission.

23. Denied.

24. RCWC denies all other allegations, statements, and declarations contained in all paragraphs of Office of Public Counsel’s complaint including all allegations, statements and declarations contained in any prayer for relief, not specifically admitted herein.

AFFIRMATIVE DEFENSE(S)

RCWC is an applicant before this Commission for a certificate of public convenience and necessity to offer and provide regulated water service pursuant to provisions of law and the rules and regulations of this Commission. See, File Number WA-2015-0182. It does not own or

operate any utility assets. It has never offered or provided utility service of any kind. It has no customers. It has never charged or billed for a utility service.

WHEREFORE, having fully answered and otherwise responded to Office of Public Counsel's complaint, and setting out its affirmative defenses, Ridge Creek Water Company, LLC respectfully requests that Office of Public Counsel's complaint be dismissed and respondent discharged together with such other relief the Commission deems just under the circumstances.

Respectfully submitted,

/s/ Mark W. Comley

Mark W. Comley Mo. Bar 28847
Newman, Comley & Ruth P.C.
601 Monroe Street, Suite 301
P.O. Box 537
Jefferson City, MO 65102-0537
(573) 634-2266 (voice)
(573) 636-3306 (facsimile)
comleym@ncrpc.com

Attorneys for Ridge Creek Water Company, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was sent via email, on this 19th day of May, 2015, to Kevin Thompson at kevin.thompson@psc.mo.gov; General Counsel's Office at staffcounsel@psc.mo.gov; Christina L. Baker at christina.baker@ded.mo.gov; and Office of Public Counsel at opcservice@ded.mo.gov.

/s/ Mark W. Comley