

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

Michael Stark,)	
)	
Complainant,)	
)	
v.)	Case No. GC-2014-0202
)	
Summit Natural Gas of Missouri, Inc.,)	
)	
Respondent.)	

ANSWER

COMES NOW the Respondent, Summit Natural Gas of Missouri, Inc. (“SNG”), by and through counsel, and hereby submits its Answer to the Complaint filed herein by Michael Stark. SNG submits this Answer pursuant to the Rules of the Missouri Public Service Commission (“Commission”), without waiving the arguments and defenses set forth in SNG’s Motion to Dismiss filed herein on January 17, 2014.

1. SNG admits that Mr. Stark resides in Camdenton, Missouri, at the address stated in the Complaint.
2. With regard to paragraph 1 of the Complaint, SNG admits that it is a public utility under the jurisdiction of the Commission. SNG further states that it is a wholly owned subsidiary of Summit Utilities, Inc., and is a corporation duly incorporated under the laws of the State of Colorado with its principal offices located at 7810 Shaffer Parkway, Suite 120, Littleton, Colorado, 80127.
3. With regard to paragraph 2 of the Complaint:
 - a. SNG admits that it entered upon a portion of Mr. Stark’s property, believing it had the right and authority to do so, to install pipe;

- b. SNG denies that it ignored any protest from Mr. Stark and denies that any of its work was performed poorly;
 - c. SNG admits it ceased performing work on Mr. Stark's property upon being informed that SNG did not have an easement to install its pipe on said property, and SNG admits that it installed its pipe elsewhere as a result of being informed that it did not have an easement on Mr. Stark's property;
 - d. SNG denies abandoning its personal property;
 - e. SNG admits that Mr. Stark has had numerous communications with SNG's counsel, Diana Carter; and
 - f. SNG is otherwise without sufficient knowledge or information to admit or deny the allegations contained in paragraph 2 of the Complaint and must, therefore, deny the same.
4. With regard to paragraph 3 of the Complaint:
- a. SNG admits that it has negotiated, and continues to negotiate with Mr. Stark in good faith and in an attempt to settle this matter;
 - b. SNG admits that this matter has not been fully settled or resolved;
 - c. SNG admits that it has repeatedly requested permission to re-enter Mr. Stark's property to remove the mistakenly installed pipe and resurface the road;
 - d. SNG denies that removal of the mistakenly installed pipe would cause any permanent damage to Mr. Stark's property;
 - e. SNG denies that any of its work on Mr. Stark's property was performed poorly; and

- f. SNG is otherwise without sufficient knowledge or information to admit or deny the allegations contained in paragraph 3 of the Complaint and must, therefore, deny the same.
5. SNG denies all allegations of the Complaint not specifically admitted above.
6. Assuming the truth of all facts alleged in the Complaint, and according Mr. Stark all favorable inferences fairly deducible from those facts, the Complaint fails to state a claim upon which relief may be granted by this Commission, and, as such, the Complaint should be dismissed for failure to state a claim.
7. Providing an additional basis for dismissal of the Complaint, there is another action pending between these parties and for the same cause in this state, in that on or about November 4, 2013, Mr. Stark filed his petition for trespass against SNG in the Circuit Court for Camden County, Missouri (Case No. 13CM-CC00262).
8. Further answering, SNG states that any damages which may have been sustained by Mr. Stark were the direct and proximate result of the acts and/or omissions of Mr. Stark or others for which SNG is not responsible or of an intervening act, and SNG is entitled to the defenses of comparative fault, contributory negligence, and/or assumption of risk.
9. Further answering, SNG states that Mr. Stark has failed to mitigate any damages suffered by him, in that SNG has repeatedly offered to remove the pipe which was mistakenly installed on Mr. Stark's property and restore the roadway.

WHEREFORE, having fully answered, and pursuant to SNG's Motion to Dismiss filed herein on January 17, 2014, SNG requests an order of this Commission dismissing the Complaint

filed herein by Michael Stark. SNG requests such other and further relief as the Commission deems just and proper under the circumstances.

Respectfully submitted,

BRYDON, SWEARENGEN & ENGLAND P.C.

By: /s/ Diana C. Carter

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ATTORNEYS FOR SUMMIT NATURAL GAS
OF MISSOURI, INC.

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent via United States mail, postage prepaid, on this 27th day of January, 2014, to the Complainant, acting pro se. I further certify that a true and correct copy of the above and foregoing document was sent via electronic mail on said date to the Complainant, the General Counsel for the Staff of the Commission, and the Office of the Public Counsel.

/s/ Diana C. Carter