

In the Missouri Public Service Commission

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In the matter of

Janice Shands

Complainant )

V GC 2015-0045

LaClede Gas

Respondent

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Motion to set aside or amend order questioning Joinder/ Entry for LCTCA and Motion to intervene for good cause

Comes now Susan H Mello and for LCTCA and respectfully moves the order questioning the entry be amended where

1 It overlooks the Entry was to further address the contention as a unit owner and as such in turn liable for the billings with other unit owners, whether she would be able to raise issues about the bill in the name of LCTCA

The submission was in the form of a supplemental opposition to a Motion to Dismiss and was offered as evidence in the form of joinder and concurrence by the account holder.

2. The procedures and rules of PSC should also be such as to allow due process and allow members of the public to be heard. This is especially so wherewith all the emphasis on paying the amounts Ms. Shands personal share of any bill would be less than \$3000. ( As in the copies submitted and as recorded where official notice was requested of the lawsuit as available on casenet where the Declaration is an exhibit) her personal share would be one half of est 1/72nd of 47.58% of the monthly gas bill; one half of est 1/72nd of 29.13% of the monthly water bill; and about 1/2 of 2% of the Ameren bill, even if hers was somehow less than . Even if somehow actually \$4000/mo, her share is less than \$3000 such that formal rules should not apply.

3. Substantial compliance should be sufficient, This is especially so where the information in the CSR was in the filing, the record and /or the lawsuit on which official notice was sought. This is even more so where as a real property condo assn it would be known the members of the association are listed as property tax payers on the St Louis County website and could have been found by staff there or by going on casenet if there was an issue of the members who by definition per Ch 448 are the property owners.

This is especially so where:

A As recited it was physically impossible ble to have met a deadline to intervene within 30 days where as in the record LCTCA then had no officers and no one in the drivers seat. The receiver was not appointed until August 27, had to get a bond to get the records , and then notice and a hearing had to be given for the court to appoint the undersigned to represent LCTCA and realign it as plaintiff on September 18. The PSC filing was September 19, 2014.

B. The legal name was included Lewis and Clark Tower Condominium Association.

Its physical address was known:

9953 Lewis and Clark

Moline Acres, Mo 63136.

C. The attorney's contact information was in the signature block and entry

It had the phone number, email , and fax and is incorporated by reference

D Its members are listed in the Recorders of Deeds and the lawsuit (State ex rel Bennett v Lewis and Clakr 195 14 sl cc 2207) of which official notice was requested:

The owners are Barney Bennett, Janice Shands and George Goldman Hal Collier, Stephanie White , Canaan Properties LLC  
SNB Investing Inc MWG Contractors LLC. Worldwide Properties LLC. Chancellor Turner,.  
Free The People House Of Prayer, Andre White, Roy Coggins, Annie Coggins , Robert Weast,Nationwide Construction & Dev Group LLC, Loure Boling , ,Pamela G Milster, Terri D Taylor,. Donte P Lewis, .Fawn Perryman Trustee, Loure E Boling , Mary Love, Ayana R Sample,Tramere Johnson, Ima Jean Wuest aka Ima Weast, Charles Reid, Philip Mcintosh, Mary E Fox, Jerry W Davis , Charles Hawkins, Christoper A Pezzimenti,Philip M Meeks, Matt Hawkins,Olga Hanning, Jerry Ellis , Hardin Realty LLC Charles Reid and Devon Anderson, SNB Investing Inc, MWG Contractors LLC, by Worldwide Properties Llc;

As also set out this is also in the St Louis County Recorders of Deeds :

.... 1.Locater No 11F20576, 9953 Lewis and Clark 100 , last owned by Steve Purcell dba Canaan Properties LLC, which has an address out of Washington state but does not appear to be registered to do business in Missouri;

2. Locater No 11F240585 , 9953 Lewis and Clark 101 ,last owned by Chancellor Turner, , a adult
3. Locater No 11F204595, 9953 Lewis and Clark 104 , last owned by Steve Purcell dba Canaan Properties LLC ;
- 4 Locater No 11F240604, 9953 Lewis And Clark Blvd 104, last owned by Free The People 6 House Of Prayer, an association for which there appears to be registration with the Secretary of State where the mailing address for the tax bill is 9953 Lewis and Clark Moline Acres Mo:
5. Locater No 11F240613 9953 Lewis And Clark Blvd 105, last owned by Snb Investing Llc, a Mo LLC :
6. Locater No 11F240622,9953 Lewis And Clark Blvd 106, last owned by Steve Purcell dba Canaan Properties Llc:
7. Locater No 11F240549 9953 Lewis And Clark Blvd 2 last owned by Lewis & Clark Tower Condominiums:
8. Locater No 11F240640 9953 Lewis And Clark Blvd 301, last owned by Steve Purcell dba Canaan Properties Llc:
- 9 Locater No 11F240558 9953 Lewis And Clark Blvd 3, last owned by Lewis & Clark Tower Condominiums:
- 10 Locater No 11F240659 9953 Lewis And Clark Blvd 401 ,last owned by Andre and Stephanie White adult residents of Missouri who are believed to be husband and wife;
11. Locater No 11F240668 9953 Lewis And Clark Blvd 402 ,last owned by Roy and Annie Coggins H/W, adult residents of Missouri:
- 12 Locater No 11F240677 9953 Lewis And Clark Blvd 403, last owned by Robert Weast Et Al, who is believed to be an adult resident of Missouri :
- 13 Locater No 11F240686 9953 Lewis And Clark Blvd 404 last owned by Nationwide Construction & Dev Group Llc a Missouri LLC whose registered agent s Mardell McGee-Smith 6045 Horton Pl st. Louis, MO 63112;
- 14 Locater No 11F240695 9953 Lewis And Clark Blvd 405 Nationwide Construction & Dev Group LLC;
- 15 Locater No 11F240705 9953 Lewis And Clark Blvd 406, last owned by Loure E Boling, an adult resident of Missouri;
- 16 Locater No 11F240714 9953 Lewis And Clark Blvd 407, last owned by Loure E Boling;
- 17 Locater No 11F240723 9953 Lewis And Clark Blvd 408, last owned by Ginger Cab for heirs of Pamela G Milster, believe to be deceased but for whom no probate estate has been opened in St Louis County, Mo and whose address for the tax bills is still shown as 9953 Lewis and Clark Unit 408 Moline Acres Mo;
- 18 Locater No 11F240732 9953 Lewis And Clark Blvd 409, last owned by Terri D Taylor, an adult resident of Missouri ;
- 19 Locater No 11F240741 9953 Lewis And Clark Blvd 410, last owned by Donte P Lewis Etal ;
- 20 Locater No 11F240750 9953 Lewis And Clark Blvd 411, last owned by Snb Investing Llc,a Missouri LLC;
- 21 Locater No 11F240769 9953 Lewis And Clark Blvd 412, last owned by Snb Investing LLC;
22. Locater No 11F240567 9953 Lewis And Clark Blvd 4, last owned by Thurlester Robinson;

23. Locater No 11F240778 9953 Lewis And Clark Blvd 501, last owned by Fawn Perryman Trustee;  
an adult resident whose address for the tax bills is still shown as 9953 Lewis and Clark Unit501 Moline Acres Mo;

24 Locater No 11F240787 9953 Lewis And Clark Blvd 502, last owned by Loure E Boling;

25 Locater No 11F240796 9953 Lewis And Clark Blvd 503, last owned by Loure E Boling;

26. Locater No 11F240806 9953 Lewis And Clark Blvd 504, last owned by Mary Love,an adult resident whose address for the tax bills is still shown as 9953 Lewis and Clark Unit 504 Moline Acres Mo;

27 Locater No 11F240815 9953 Lewis And Clark Blvd 505, last owned by Ayana R Sample;

28 Locater No 11F240824 9953 Lewis And Clark Blvd 506, last owned by Stephanie S White, an adult resident of Missouri

29 Locater No 11F240833 9953 Lewis And Clark Blvd 507, last owned by Tramere Johnson, an adult resident whose address for the tax bills is still shown as 9953 Lewis and Clark Unit 507 Moline Acres Mo;

30. Locater No 11F240842 9953 Lewis And Clark Blvd 508, last owned by Snb Investing Llc;

31 Locater No 11F240851 9953 Lewis And Clark Blvd 509, last owned by Snb Investing Llc:

32 Locater No 11F240860 9953 Lewis And Clark Blvd 510,last owned by Snb Investing Llc

35 Locater No 11F240879 9953 Lewis And Clark Blvd 511, last owned by Ginger Cab for the heirs of Pamela Milster;

36 . Locater No 11F240888 9953 Lewis And Clark Blvd 512, last owned by Lewis & Clark Condominium Association;

35 Locater No 11F240897 9953 Lewis And Clark Blvd 601, last owned by Roy and Annie Coggins H/W:

36 Locater No 11F240907 9953 Lewis And Clark Blvd 602, last owned by Robert F Weast Robert & Ima Jean Wuest

37 Locater No 11F240916 9953 Lewis And Clark Blvd 603, last owned by Charles Reid, an adult resident whose address for the tax bills is still shown as 9953 Lewis and Clark Unit 603 Moline Acres Mo:

38 Locater No 11F240925 9953 Lewis And Clark Blvd 604, last owned by Worldwide Properties Llc,a Mo LLC:

39 Locater No 11F240934 9953 Lewis And Clark Blvd 605, last owned by Roy and Annie Coggins H/W:

40 Locater No 11F240943 9953 Lewis And Clark Blvd 606, last owned by Roy and Annie Coggins H/W:

41 Locater No 11F240952 9953 Lewis And Clark Blvd 607, last owned by Worldwide Properties Llc;

42 Locater No 11F240961 9953 Lewis And Clark Blvd 608, last owned by Snb Investing Llc;

43 Locater No 11F240970 9953 Lewis And Clark Blvd 609, last owned by Snb Investing Llc;

44 Locater No 11F240989 9953 Lewis And Clark Blvd 610, last owned by Snb Investing Llc

45. Locater No 11F240998 9953 Lewis And Clark Blvd 611, last owned by Philip McIntosh an adult resident whose address for the tax bills is still shown as 9953 Lewis and Clark Unit 611 Moline Acres Mo
- 46 Locater No 11F241007 9953 Lewis And Clark Blvd 612,last owned by Snb Investing Llc;
- 47 Locater No 11F241016 9953 Lewis And Clark Blvd 701,last owned by Mary E Fox Etal J/T,  
an adult resident whose address for the tax bills is still shown as 9953 Lewis and Clark Unit 701 Moline Acres Mo
- 48 Locater No 11F241025 9953 Lewis And Clark Blvd 702, last owned by Charles Reid;
- 49 Locater No 11F241034 9953 Lewis And Clark Blvd 703, last owned by Kelly Honrbaster for heirs of Jerry W Davis ,;
50. Locater No 11F241043 9953 Lewis And Clark Blvd 704, last owned by Charles Hawkins, whose address for the tax bills is still shown as 9953 Lewis and Clark Unit 704 Moline Acres Mo;
51. Locater No 11F241052 9953 Lewis And Clark Blvd 705,last owned by Snb Investing Llc:
- 52 Locater No 11F241061 9953 Lewis And Clark Blvd 706, last owned by Kelly Hornbaster for heirs of Jerry W Davis :
53. Locater No 11F241070 9953 Lewis And Clark Blvd 707, last owned by Christopher A Pezzimenti an adult resident
54. Locater No 11F241081 9953 Lewis And Clark Blvd 708,last owned by Snb Investing Llc;
- 55 Locater No 11F241092 9953 Lewis And Clark Blvd 709, last owned by Snb Investing Llc;
- 56 Locater No 11F241108 9953 Lewis And Clark Blvd 710, last owned by Snb Investing Llc;
- 57 Locater No 11F241117 9953 Lewis And Clark Blvd 711,last owned by Snb Investing Llc;
58. Locater No 11F241126 9953 Lewis And Clark Blvd 712,last owned by Snb Investing Llc:
59. Locater No 11F241135 9953 Lewis And Clark Blvd 801, last owned by Plaintiff Janice Hands and Barney Bennett:
- 60 Locater No 11F241144 9953 Lewis And Clark Blvd 802, last owned by Kelly Hornbaster for heirs of Jerry W Davis;
61. Locater No 11F241171 9953 Lewis And Clark Blvd 805, last owned by Kelly Hornbaster for heirs of Jerry Davis;
- 62 Locater No 11F241180 9953 Lewis And Clark Blvd 806, last owned by Snb Investing:
63. Locater No 11F241191 9953 Lewis And Clark Blvd 807,last owned by Philip M Meeks,an adult resident whose address for the tax bills is still shown as 9953 Lewis and Clark Unit 807 Moline Acres Mo:
64. Locater No 11F241209 9953 Lewis And Clark Blvd 808,t owned by Plaintiff George A Goldman;
- 65 Locater No 11F241218 9953 Lewis And Clark Blvd 809 now shown since July 2, 2014 as owned by Devon Anderson III; :
66. Locater No 11F241227 9953 Lewis And Clark Blvd 901, last owned by Hardin Realty Llc
- 67 Locater No 11F241236 9953 Lewis And Clark Blvd 902, last owned by Matt Hawkins,;
- 68 . Locater No 11F241245 9953 Lewis And Clark Blvd 903, last owned by Dan Hanning for

heirs of Olga Hanning Etal;  
69 Locater No 11F241254 9953 Lewis And Clark Blvd 904, last owned by Snb Investing Llc;  
70. Locater No 11F241263 9953 Lewis And Clark Blvd 905,last owned by Snb Investing Llc;  
71 Locater No 11F241272 9953 Lewis And Clark Blvd 906,last owned by Roy and Annie Coggins H/W;  
72 Locater No 11F241281 9953 Lewis And Clark Blvd 907, last owned by Snb Investing Llc;  
73 Locater No 11F241290 9953 Lewis And Clark Blvd 908,last owned by Snb Investing Llc;  
74 Locater No 11F241319 9953 Lewis And Clark Blvd A, last owned by Hal Collier;  
75. Locater No 11F240631 9953 Lewis And Clark Blvd # 201, last owned by MWG Contractors Llc, a Missouri LLC;  
76 Locater No 11F240594 9953 Lewis And Clark Blvd Apt 103,last owned by Hardin Realty Llc;  
77 Locater No 11F240530 9953 Lewis And Clark Blvd Apt 1, last owned by Free The People House Of Prayer:  
78 Locater No 11F240631 9953 Lewis And Clark Blvd Apt 202, last owned by MWG Contractors Llc Etal;  
79. Locater No 11F240631 9953 Lewis And Clark Blvd Apt 203,last owned by MWG Contractors Llc Etal;  
80 Locater No 11F240631 9953 Lewis And Clark Blvd Apt 204, last owned by MWG Contractors Llc Etal;  
81 Locater No . 11F240631 9953 Lewis And Clark Blvd Apt 205,last owned by MWG Contractors Llc Etal;  
82 Locater No 11F240631 9953 Lewis And Clark Blvd Apt 206, last owned by Mwg Contractors Llc Etal;  
83 Locater No 11F240631 9953 Lewis And Clark Blvd Apt 207, last owned by MWG Contractors Llc Etal;  
84 Locater No 11F240631 9953 Lewis And Clark Blvd Apt 208,last owned by MWG. Contractors Llc Etal;  
85 Locater No 11F240640 9953 Lewis And Clark Blvd Apt 302,last owned by Steve Purcell dba Canaan Properties Llc;  
86 Locater No 11F240640 9953 Lewis And Clark Blvd Apt 303,last owned by Steve Purcell dba Canaan Properties Llc;  
87 Locater No 11F240640 9953 Lewis And Clark Blvd Apt 304, last owned by Steve Purcell dba Canaan Properties Llc;  
88. Locater No 11F240640 9953 Lewis And Clark Blvd Apt 305,last owned by Steve Purcell dba Canaan Properties Llc;  
89 Locater No 11F240640 9953 Lewis And Clark Blvd Apt 306, last owned by Steve Purcell dba Canaan Properties Llc;  
90 Locater No 11F240640 9953 Lewis And Clark Blvd Apt 307,last owned by Steve Purcell dba Canaan Properties Llc;  
91 Locater No 11F240640 9953 Lewis And Clark Blvd Apt 307C, last owned by Steve

Purcell dba Canaan Properties Llc;  
92 Locater No 11F240640 9953 Lewis And Clark Blvd Apt 307D, last owned by Steve Purcell dba Canaan Properties Llc;  
93 Locater No 11F240640 9953 Lewis And Clark Blvd Apt 309, last owned by Steve Purcell dba Canaan Properties Llc;  
94 Locater No 11F241355 9953 Lewis And Clark Blvd Apt 803, last owned by Worldwide Properties Llc;  
95 Locater No 11F241355 9953 Lewis And Clark Blvd Apt 804, last owned by Worldwide Properties Llc  
96 Locater No 11F240530 9953 Lewis And Clark Blvd last owned by Free The People House Of Prayer:  
97 Locater No 11F241300, , 9953 Lewis and Clark Blvd 1000, last owned by Steve Purcell dba Canaan Properties. Inc.

E The interest as stated is the same as the complainant

This is especially so where what was filed on 9/19/ 14 was:

...Supplemental Opposition to Motion to Dismiss

Supplemental Motion

Comes Janice Shands and LCTCA and

Where on September 18, 2104 , Judge Jamieson of the Circuit court in St Louis in State ex rel Bennett v Lewis and Clark 195 LLC, 14 SL Cc 2207 <sup>1</sup>the court realigned the Lewis and Clark Tower Condo Assn ( as now managed by the receiver) as a plaintiff, and appointed the undersigned to represent LCTCA

And without objection from the receiver or others, was granted leave to amend the circuit court action to include claims against MSD and Union Electric dba Ameren as well as MSD along with amending the count involving MAWC, on which these PSC complaints were submitted to meet and contended need to first file with PSC,

The undersigned on behalf of LCTCA joins in and/or supports the Shands complaint and the

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<sup>1</sup>On which official notice is requested per casenet.

Shands prayer for relief that PSC find that conditions precedent have been met and that it is proper especially where there are common issues of law and fact with the circuit claims including against the shopping center and MSD that it is proper PSC defer to the courts and decline any jurisdiction especially where no administrative records or expertise is needed on the issues of the ultra vires actions under which LCTCA and its unit owners came to be viewed as responsible for the costs of utilities for the shopping center and /or portions of same.

Wherefore for these reasons move for the above.

By

/s/ Susan H. Mello #31158

7751 Carondelet #403

Clayton, MO 63105

(314) 721-7521

(314) 863-7779 fax

[SusanMello@Gmail.com](mailto:SusanMello@Gmail.com)

Attorney for Complainants

Certificate of service

A copy was sent by email to P.C. Office of General Counsel at staff [counsel@psc.mo.gov](mailto:counsel@psc.mo.gov), to Dustin Allen ( Public Counsel) at [opscervice@ded.mo.gov](mailto:opscervice@ded.mo.gov), and counsel for the utilities on



September 23 2014

\_/s/ Susan H Mello