

The Staff of the Missouri Public Service Commission,
Complainant,
v.
Taney County Utilities Corporation
Richard E. Scott
P.O. Box 18
116 Laughing Lane
Rockaway Beach, MO 65740,
Respondent.

¹ All statutory references are to RSMo 2000, as currently supplemented.

PARTIES

2. Complainant is the Staff of the Missouri Public Service Commission, acting through the Staff Counsel's Office as authorized by Commission Rule 4 CSR 240-2.070(1).

3. Respondent Taney County Utilities Corporation is a Missouri corporation in good standing. Respondent's official representative, as listed in EFIS, is Richard E. Scott, P.O. Box 18, 116 Laughing Lane, Rockaway Beach, MO 65740. This Commission granted Respondent a Certificate of Convenience and Necessity ("CCN") authorizing the Company to provide sewer service to the public for gain on August 30, 1993 in SA-94-65, and its most recent tariff sheet revisions became effective on April 1, 1994, pursuant to that CCN. Respondent provides sewer service to approximately 63 residential customers in Taney County, Missouri.

GENERAL ALLEGATIONS

4. Respondent, Taney County Utilities Corporation, owns, controls and manages sewer systems, plants or property for the collection, carriage, treatment and disposal of sewage for the public for gain and is therefore a "sewer corporation" as defined by § 386.020(50), RSMo and a "public utility" as defined by § 386.020(43), RSMo, and thus is subject to the jurisdiction of this Commission pursuant to § 386.250(3), RSMo.

5. Section 386.390.1, RSMo authorizes the Commission to entertain a complaint "setting forth any act or thing done or omitted to be done by any...public utility...in violation, or claimed to be in violation, of any provision of law, or of any rule, or order or decision of the commission."

6. Section 386.600, RSMo provides, “an action to recover a penalty...under this chapter or to enforce the powers of the commission under this or any other law may be brought in any circuit court in this state in the name of the state of Missouri and shall be commenced and prosecuted to final judgment by the general counsel to the commission.”

COUNT ONE

Respondent failed to submit Taney County’s 2015 annual report

7. Complainant hereby adopts by reference and re-alleges the allegations set out in Paragraphs 1 through 6, above.

8. Section 393.140(6), RSMo requires every sewer corporation to file with the Commission an annual report, and Rule 4 CSR 240-3.640(1) requires the annual report to be filed with the Commission on or before April 15 of each year.

9. Respondents did not file Taney County’s 2015 annual report by April 15, 2016.

10. On April 27, 2016, Staff mailed a letter to the Company notifying Respondent that the Commission had not received the Company’s 2015 annual report and that the Respondent would be subject to legal action if the Company did not file its 2015 annual report by May 15, 2016.

11. As of the date of this filing, Respondent has failed, omitted, or neglected to file Taney County’s calendar year 2015 annual report.

12. Section 393.140(6), RSMo states, “[a]ny such person or corporation which shall neglect to make any such report or which shall fail to correct any such report within the time prescribed by the commission shall be liable to a penalty of one hundred

dollars and an additional penalty of one hundred dollars for each day after the prescribed time for which it shall neglect to file or correct the same...”

WHEREFORE, the Staff respectfully requests the Commission give notice to the Respondent as required by law and, after the opportunity for hearing, issue an order for Count Two that finds the Respondent has failed to pay the fiscal year 2015 assessment and authorizes the General Counsel's Office to bring a penalty action against the Respondent in circuit court as provided in §§ 386.600, 386.370, and 386.570, RSMo., for the collection of the assessment, penalties, and interest on the assessment amount.

Respectfully submitted,

/s/ Marcella L Mueth

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CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing were mailed, electronically mailed, or hand-delivered to all counsel of record this 20th day of June, 2016.

/s/ Marcella L. Mueth