

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

The Staff of the Missouri Public Service Commission,)	
)	
Complainant,)	
)	Case No. SC-2017-_____
v.)	
)	
Central Rivers Wastewater Utility, Inc.)	
Mark Geisinger)	
P.O. Box 528)	
Kearney, MO 64060)	
)	
Respondent.)	

COMPLAINT

COMES NOW the Staff of the Missouri Public Service Commission, through the undersigned counsel, and pursuant to Section 386.390 RSMo (2000)¹ and 4 CSR 240-2.070(1), files this Complaint with the Missouri Public Service Commission against Respondent, Central Rivers Wastewater Utility, Inc. (“Central Rivers” or “Company”), for violation of the Commission’s statutes and rules relating to the filing of annual reports. In support of its Complaint, Staff respectfully states the following:

Introduction

1. This matter concerns Respondents failure to timely file an annual report as required by Section 393.140(6), RSMo and Commission Rule 4 CSR 240-3.335.

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 Central Rivers Wastewater Utility, Inc. is a Missouri corporation in good standing. Respondent's official representative, as listed in EFIS, is Mark Geisinger, P.O. Box 528, Kearney, MO. This Commission granted Respondent a Certificate of Convenience and Necessity ("CCN") authorizing the Company to provide water service to the public for gain on May 25, 1999 in SA-98-530, and its most recent tariff sheet revisions became effective on September 6, 2015 in JS-2016-0045. Pursuant to that CCN, Respondent provides water service to approximately 237 customers in Cole County, Missouri.

General Allegations

4. Respondent 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.”

Respondent failed to submit Central Rivers’ 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 240-3.335(1) requires the annual report to be filed with the Commission on or before April 15 of each year.

9. Respondent was granted a 30-day extension to file its annual report no later than May 15, 2016 pursuant to 4 CSR 240-3.335(6). Respondent did not file Central Rivers’ 2015 annual report by May 15, 2016.

10. On May 31, 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 June 15, 2016.

11. As of the date of this filing, Respondent has failed, omitted, or neglected to file Central Rivers’ 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, Staff respectfully requests the Commission give notice to the Respondent as required by law and, after the opportunity for hearing, issue an order that finds the Respondent failed, omitted, or neglected to file an annual report for 2015 and authorizes the General Counsel’s Office to bring a penalty action against the Respondent in circuit court as provided in Sections 386.600 and 393.140(6), RSMo.

Respectfully submitted,

/s/ Marcella L. Mueth

Assistant Staff Counsel

Missouri Bar No. 66098

Attorney for the Staff of the

Missouri Public Service Commission

P. O. Box 360

Jefferson City, MO 65102

(573) 751-4140 (Telephone)

(573) 751-9265 (Fax)

Marcella.Mueth@psc.mo.gov