

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

DERALD MORGAN, RICK AND CINDY	)	
GRAVER, WILLIAM AND GLORIA PHIPPS,	)	
and DAVID LOTT,	)	
	)	
Complainants,	)	
	)	
v.	)	File No. WC-2017-0037
	)	
CARL RICHARD MILLS,	)	
CARRIAGE OAKS ESTATES,	)	
DISTINCTIVE DESIGNS, and	)	
CARING AMERICANS TRUST	)	
FOUNDATION, INC. (f/k/a Caring	)	
Americans Foundation, Inc.)	)	
	)	
Respondents.	)	

**COMPLAINANTS' LIST OF ISSUES AND LIST OF WITNESSES**

COME NOW Complainants Derald Morgan, Rick and Cindy Graver, William and Gloria Phipps, and David Lott (“Complainants”) by and through counsel, Schenewerk & Finkenbinder, Attorneys at Law, LLC, and pursuant to the *Order Setting Procedural Schedule* issued August 30, 2017, state as follows:

On August 30, 2017, the Missouri Public Service Commission (“Commission”) ordered the parties to file a List of Issues and Witnesses by January 26, 2018.

**LIST OF ISSUES**

1. Whether Respondents were subject to the jurisdiction of the Commission prior to the transfer of the water and sewer system to Carriage Oaks Not-for-Profit Water and Sewer Corporation?

2. If Respondents' entities which owned and operated the water and sewer system were subject to the jurisdiction of the Commission, whether those entities sought and received Commission approval prior to transferring the water and sewer system to Carriage Oaks Not-for-Profit Corporation?
3. Whether the bylaws of Carriage Oaks Not-for-Profit comply with Chapter 393, RSMo.?
  - a. Are the Complainants lot owners that have "agree[d] to use services furnished by the company when such shall be available through its facilities" as required under Sections 393.921 and 393.839, RSMo.?
  - b. Are the Bylaws drafted in a manner that gives Respondents more than "one vote on each matter submitted to a vote at a meeting[,]" in violation of Sections 393.839.7 and 393.921.7, RSMo's "one member, one vote" requirement?
  - c. Do the Bylaws violate Sections 393.839.1 and 393.921.1, RSMo. by allowing *prospective* utility consumers to be members. Sections 393.839.1 and 393.921.1, RSMo.

### **ORDER OF WITNESSES**

Complainants will call the following witnesses at the hearing and reserve the maximum time allowed by the Commission for examination:

1. Derald J. Morgan
2. Carl Richard Mills

**WHEREFORE**, Complainants Derald Morgan, Rick and Cindy Graver, William and Gloria Phipps, and David Lott hereby submit their *List of Issues and Witnesses* pursuant to the *Order Setting Procedural Schedule* issued on August 30, 2017, for consideration by the Commission.

Respectfully Submitted,  
SCHENEWERK & FINKENBINDER,  
ATTORNEYS AT LAW, LLC

By: /s/ Karl Finkenbinder

Karl A. Finkenbinder, MOBAR #59425

Jacqueline Bryant, MOBAR #64755

100 Prairie Dunes Drive, Ste. 200

Branson MO 65616

Phone (417)334-7922

(417)336-7923 [Fax]

email: [Karl@sfalawfirm.com](mailto:Karl@sfalawfirm.com)

email: [Jacqueline@sfalawfirm.com](mailto:Jacqueline@sfalawfirm.com)

### **CERTIFICATE OF SERVICE**

The below signed counsel hereby certifies that a true and accurate copy of the foregoing was sent to all counsel of record via email on January 26<sup>th</sup>, 2018, to the following email addresses:

Bryan Wade [bryan.wade@huschblackwell.com]; Ryan Smith [ryan.smith@ded.mo.gov];

Whitney Smith [whitney.smith@huschblackwell.com]; and Jacob Westen

[Jacob.westen@psc.mo.gov]

/s/ Karl Finkenbinder

Karl Finkenbinder