

**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. )

**RESPONDENTS' SUPPLEMENT TO AMENDED MOTION TO DISMISS**

Respondents filed their Amended Motion to Dismiss before the Public Service Commission on February 14, 2017. Attached to the Amended Motion and marked as Exhibit B is the Carriage Oaks Not-For-Profit Water and Sewer Corporation's ("Non Profit") Application to the Missouri Department of Natural Resources to Transfer the Operating Permit associated with the Carriage Oaks' water and wastewater facilities.

Since the filing of the Amended Motion, the Non Profit received the attached correspondence from the Missouri Department of Natural Resources acknowledging transfer of ownership of the Operating Permit to the Non Profit (Exhibit B-1).

WHEREFORE, based on the Respondents' Amended Motion to Dismiss and the supplement here, Respondents request the Public Service Commission dismiss the Complaint for

lack of jurisdiction and for such other and further relief as the Public Service Commission deems just.

**HUSCH BLACKWELL LLP**

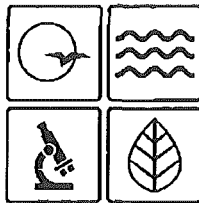
By: /s/ Bryan Wade  
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Whitney S. Smith #68405  
Husch Blackwell LLP  
901 St. Louis St., Suite 1800  
Springfield, MO 65806  
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Attorneys for Respondent

**Certificate of Service**

The below signed counsel hereby certifies that a true and accurate copy of the foregoing was filed via PSC's electronic filing system which sent a copy to all parties of interest on this 25th day of April, 2017.

/s/ Bryan Wade  
Bryan Wade, Counsel for Respondents



Missouri Department of dnr.mo.gov

# NATURAL RESOURCES

Eric R. Greitens, Governor

Carol S. Comer, Director

MAR 17 2017

Mr. Carl Mills, Director  
Carriage Oaks Not For Profit Water and Sewer Corporation  
209 Falling Leaf Court  
Branson West, MO 65737

Dear Mr. Mills:

Missouri State Operating Permit number MO-0126098 which became effective August 1, 2013, and later modified on September 29, 2016, is hereby modified as per the enclosed. The modification is to transfer ownership of the operating permit from Caring American Trust Foundation INC to Carriage Oaks Not For Profit Water and Sewer Company. There are no other changes to the permit. The enclosed permit is for your official record.

Please read your permit and enclosed Standard Conditions. They contain important information on monitoring requirements, effluent limitations, sampling frequencies and reporting requirements. The transfer of this operating permit is not to be construed as a permit or authorization to provide sewer services under Chapter 393, RSMo. The Missouri Department of Natural Resources did not receive information required by section 393.825.3., namely articles of incorporation in conjunction with company bylaws, to ascertain their compliance with the statutory requirements outlined in sections 393.825 to 393.861, RSMo.

This permit may include requirements with which you may not be familiar. If you would like the department to meet with you to discuss how to satisfy the permit requirements, an appointment can be set up by contacting your local regional office at 417-891-7300. These visits are called Compliance Assistance Visits and focus on explaining the requirements to the permit holder.

This permit is both your federal discharge permit and your new state operating permit and replaces all previous state operating permits for this facility. In all future correspondence regarding this facility, please refer to your state operating permit number and facility name as shown on page one of the permit.

If you were adversely affected by this decision, you may be entitled to an appeal before the Administrative Hearing Commission (AHC) pursuant to 10 CSR 20-1.020 and Section 621.250, RSMo. To appeal, you must file a petition with the AHC within thirty days after the date this decision was mailed or the date it was delivered, whichever date was earlier. If any such petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the AHC. Contact information for the AHC is: Administrative Hearing



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EXHIBIT B-1

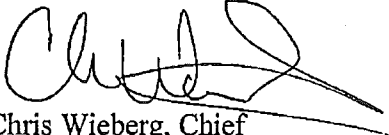
Mr. Carl Mills, Director  
Page Two

Commission, United States Post Office Building, 3<sup>rd</sup> Floor, 131 West High Street,  
P.O. Box 1557, Jefferson City, Missouri 65102, Phone: 573-751-2422, Fax: 573-751-5018, and  
Website: [www.oe.mo.gov/ahc](http://www.oe.mo.gov/ahc).

If you have any questions concerning this permit, please do not hesitate to contact  
Ms. Samantha Ostmann at Department of Natural Resources, Water Protection Program,  
P.O. Box 176, Jefferson City, MO 65102-0176 or by phone at 573-526-2445.

Sincerely,

WATER PROTECTION PROGRAM

A handwritten signature in black ink, appearing to read "Chris Wieberg", with a long horizontal stroke extending to the right.

Chris Wieberg, Chief  
Operating Permits Section

CW/sov

Enclosure

EXHIBIT B-1