

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Transfer of Assets of)
Hillcrest Utilities Company from Blomeyer)
Investments, Inc. to Brandco Investments, LLC) **Case No. SM-2007-0262**

NOTICE OF DEFICIENCY

Issue Date: January 22, 2007

On January 5, 2007, Blomeyer Investments, Inc. (f/k/a M & W Development Co.) filed a set of documents with the Missouri Public Service Commission, along with a cover letter identifying the documents and seeking authority to transfer the sewer utility assets of Hillcrest Utilities Company from Blomeyer to Brandco Investments LLC.

Blomeyer's submission, as presently filed, lacks the information required by Commission Rules 4 CSR 240-2.060(1)(H), (K), (L), and (M), with which all applications to the Commission must comply. Likewise, the submission does not comply with Commission Rules 4 CSR 240-3.310(1)(A), (D), and (F), which specify various mandatory filing requirements for applications in which a sewer utility seeks authority to sell, assign, lease, or transfer its assets.¹ Indeed, in its current form, Blomeyer's submission is not a proper

¹ Blomeyer's submission is in partial compliance with 4 CSR 240-2.060(1) and 4 CSR 240-3.310(1). Cf. 4 CSR 240-2.060(2) (which states that if any of the items required under 4 CSR 240-2.060 "are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought"); 4 CSR 240-3.310(3) (same rule as to the omission of any of the items required under 4 CSR 240-3.310). However, Blomeyer does not aver that any of the missing information was unavailable at the time of the submission. Nor does Blomeyer state that such information will be filed once it becomes available.

application or opening pleading at all, since it is essentially only a stack of documents with a cover letter identifying the documents.

Furthermore, all pleadings filed with the Commission must also comply with Commission Rule 4 CSR 240-2.080, which prescribes the content and procedure for filing pleadings before the Commission and for service thereof. Commission Rule 4 CSR 240-2.080(18) states that “the party filing a pleading or brief shall serve [on] every other party, including the general counsel and the public counsel, a copy of the pleading or brief and cover letter.” Commission Rule 4 CSR 240-2.080(19) further states that “[e]very pleading or brief shall include a certificate of service,” which “shall be adequate proof of service.” Blomeyer’s submission does not comply with either of these rules, because it does not include a certificate of service and does not otherwise affirmatively indicate that it was served on the General Counsel of the Commission and the Office of the Public Counsel.

These deficiencies must all be corrected before the Commission will take any further action on or give any further consideration to Blomeyer’s request for authority to transfer the sewer utility assets of Hillcrest from Blomeyer to Brandco.

(S E A L)

BY THE COMMISSION



Colleen M. Dale
Secretary

Dated at Jefferson City, Missouri,
on this 22nd day of January, 2007.

Lane, Regulatory Law Judge