

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Petition for an )  
Interim Receiver and for an )  
Order Directing the General Counsel to )  
Petition the Circuit Court for the Appointment )  
of a Receiver for Mill Creek Sewers, Inc. )

**File No. SO-2010-0237**

## ORDER GRANTING MOTION FOR CLARIFICATION

Issue Date: March 12, 2010

Effective Date: March 12, 2010

The Missouri Public Service Commission is granting the Motion for Clarification ("motion") of the Commission's staff ("Staff") as set forth below.

The Commission issued the report and order on March 3, 2010. Staff filed the motion on March 8, 2010. On March 9, 2010, the reporter filed the transcript. Staff filed a supplement to the motion with citations to the record on March 12, 2010. In the motion and supplement, Staff asks to amend three findings of fact, arguing that such amendments will better reflect the transcript.

The transcript supports the amendments not precisely, but substantially, as Staff propounded them. Therefore, the Commission will grant the motion as follows, with bold material replacing bracketed material.

5. Since *[March 2008—a year before Stroud bought Mill Creek—]* **December 2008**, Staff has been discussing the system's needs with Stroud. Staff has offered advice on billing and guidance on providing safe and adequate service. In March **of 2009, during a Staff visit, Staff requested records but Stroud failed to produce them until two weeks after the visit. In** June, July and August **of 2009**, Stroud **entirely** failed to produce records as requested by Staff. On July 31, 2009, Stroud stated that receivership was the appropriate disposition for Mill Creek.

\* \* \*

12. Mill Creek's communication with the Staff has again ceased. Staff's *[recent]* **October 23, 2009** certified correspondence to Mill Creek *[was returned unclaimed]* **went unanswered until December 31, 2009**. Mill Creek has also ceased communication with customers.

\* \* \*

17. Mill Creek has *[closed its]* **no customer service** office and its customer service number is disconnected. Without such contacts, customers cannot notify Mill Creek of service issues like sewage back-ups. Sewage back-ups require attention within a few hours to prevent property damage and pollution to the waters of the state.

None of those amendments affects the Commission's determination as to any element of Staff's claim, so the Commission will issue this order by delegation.

**THE COMMISSION ORDERS THAT:**

1. The Motion for Clarification is granted.
2. The report and order is amended as set forth in the body of this order.
3. This order shall become effective immediately on issuance.

( S E A L )

**BY THE COMMISSION**



Steven C. Reed  
Secretary

Daniel Jordan, Regulatory Law Judge,  
by delegation of authority pursuant  
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 12<sup>th</sup> day of March 2010.