

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 28th day of
August, 2013.

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 M.P.B., Inc. and P.C.B., Inc.)

Case No. SO-2014-0052

**ORDER APPOINTING INTERIM RECEIVER AND
ORDER AUTHORIZING CIRCUIT COURT ACTION**

Issue Date: August 28, 2013

Effective Date: September 7, 2013

On August 23, 2013, the Staff of the Commission filed the above-styled petition. Staff claims that M.P.B, Inc., and P.C.B., Inc. (hereafter “the Companies”) have effectively abandoned their sewer systems. Therefore, Staff asks for expedited treatment of its petition for an order appointing an interim receiver and directing the Commission’s General Counsel to petition the Circuit Court for the appointment of a receiver.

Included with Staff’s petition is a letter from the Companies’ owners. The letter states that the owners can no longer operate the Companies with their time and economic resources.

Also included with the petition is an Agreement signed by Staff, the Office of the Public Counsel (“OPC”), Johansen Consulting Services, LLC (“JCS”), and the Missouri Department of Natural Resources (“DNR”). That agreement states that Staff will ask the Commission to appoint JCS as interim receiver, and will request the Commission to allow its General Counsel to ask the circuit court to appoint JCS as receiver for the Companies.

JCS further agrees to file rate cases one working day after the effective date of the Commission order appointing it as interim receiver. That rate increase request will include a request for emergency rates. Staff agrees to organize a public meeting and discuss the rate increases and other concerns with the Companies' ratepayers.

The Commission is authorized to petition the circuit court for an order of receivership against a sewer corporation that regularly provides service to eight thousand or fewer customers upon finding the utility is unable or unwilling to provide safe and adequate service, or has been actually or effectively abandoned by its owners.¹ The Commission may also appoint an interim receiver to serve until the circuit court appoints a receiver.²

Those statutes state that the Commission shall hold a hearing before such determinations. However, such a hearing is not required if no party objects to the petition, and requests a hearing.³

Based upon the Companies' owners informing Staff that they are unable to operate the Companies, and the agreement among the other parties, the Commission finds no party objects to the petition and, thus, no hearing is required. Further, based upon the petition and exhibits, the Commission determines that the Companies regularly provide service to eight thousand or fewer customer connections, the Companies are unable or unwilling to provide safe and adequate service, and the Companies have been actually or effectively abandoned by their owners. Thus, the Commission will appoint JCS as interim receiver for the Companies, and will authorize its General Counsel to petition the circuit court for appointment of a receiver for the Companies.

¹ Section 393.145.1 RSMo (2012).

² Section 393.145.2 RSMo (2012).

³ *State ex rel. Rex Deffenderfer Ent., Inc. v. Public Serv. Com'n*, 776 S.W.2d 494 (Mo. App. 1989).

The Commission further notes that its orders are effective in thirty days, except as otherwise provided.⁴ The Commission finds exigent circumstances exist that could endanger the health, safety, and welfare of the Companies' ratepayers unless the Commission acts expeditiously. Thus, the Commission will make its order effective in ten days.

THE COMMISSION ORDERS THAT:

1. Johansen Consulting Services, LLC is appointed interim receiver for M.P.B., Inc., and P.C.B., Inc.
2. The General Counsel of the Commission is authorized and ordered to file a petition for the appointment of a receiver in circuit court against M.P.B., Inc., and P.C.B., Inc.
3. The Data Center will send a copy of this order to the registered agent of M.P.B., Inc., and P.C.B., Inc., Nicole Pfeffer, 505 Brick Church Road, Labadie, MO 63055.
4. This order shall become effective on September 7, 2013.
5. This case shall close on September 8, 2013.

BY THE COMMISSION



A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

R. Kenney, Chm., Jarrett, Stoll, and
W. Kenney, CC., concur.

Pridgin, Senior Regulatory Law Judge

⁴ Section 386.490.3 RSMo (2012).