

# 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 DIRECTING FILING

Issue Date: March 9, 2010

Effective Date: March 9, 2010

The Missouri Public Service Commission is directing its staff ("Staff") to supplement its Motion for Clarification ("motion") with citations to the record.

On March 8, 2010, the Commission's staff ("Staff") filed the motion, addressing the report and order that the Commission issued on March 3, 2010. In the motion, Staff raises issues as to three findings of fact and proposes language that, Staff alleges, more accurately reflect the record. But Staff includes no citations to the record in support of such proposed findings of fact.

Staff has the burden of proof,<sup>1</sup> and the Commission's "presiding officer shall have the duty to conduct [a] full, fair and impartial hearing[,]" so the regulatory law judge must not sift the record for evidence supporting Staff's proposed findings of fact. Therefore, the Commission will direct Staff to supplement the motion with citations to the record, either Staff's exhibits or the transcript. The transcript is—as of the date of this order—on order for filing as soon as possible. Also, the Commission will set a deadline for Staff's response to this order because Staff asks that the Commission's ruling on the motion take effect on the same date as the report and order. That date is March 13, 2010.

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<sup>1</sup> That is because Staff asks the Commission to take control of a sewer system from its owner. *Heidebur v. Parker*, 505 S.W.2d 440, 444 (Mo. App., St.L.D. 1974).

**THE COMMISSION ORDERS THAT:**

1. No later than noon on March 12, 2010, the Commission's staff shall file a response to this order.
2. The response shall cite the record in support of any change or modification to any matter determined in the report and order.
3. This order shall become effective immediately on issuance.

**BY THE COMMISSION**

( S E A L )



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 9<sup>th</sup> day of March 2010.