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**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 2nd
day of December, 1997.

Denny and Shannon Putnam,)	
Complainants,)	
)	
v.)	<u>Case No. SC-97-365</u>
)	
Stoddard County Sewer Company,)	
Respondent.)	

ORDER DISMISSING COMPLAINT AND CLOSING CASE

On March 4, 1997, Denny and Shannon Putnam (Complainants or Putnams) filed a complaint against Stoddard County Sewer Company (Respondent or Company). The Putnams alleged that they were tenants of JoEllen Bell for eight years and that they were not notified of any sewer charge over the past eight years. The Putnams further alleged that they should not be required to pay eight years of back payments as requested by Respondent because all dealings have been between the landlord and the sewer company.

On March 7 the Commission issued a Notice of Complaint. The Notice of Complaint was issued pursuant to 4 CSR 240-2.070 and advised the Company that it had 30 days in which to file an answer stating legal and factual defenses or to describe the measures taken to satisfy the complaint. The Respondent did not file an answer before thirty days passed.

On May 2 the Commission issued its Order Regarding Default. The Commission found that pursuant to 4 CSR 240-2.070(9) the Respondent was in default and that the allegations set out in the complaint were deemed

to be admitted absent a finding of good cause to the contrary. The Commission directed the Water and Sewer Department Staff (Staff), along with the Office of General Counsel of the Missouri Public Service Commission, to investigate the allegations set forth in the complaint and to file a report.

Staff filed its report of investigation on June 6 concerning this complaint case and eleven additional complaint cases filed against the Company. Staff reported that from approximately October of 1988 to October of 1995 the Company did not issue delinquency notices. Mr. Bien sold the stock of the Company in October of 1988; however, the new owners failed to take possession of the Company and foreclosure procedures began. Mr. Bien felt obligated to operate and maintain the system rather than abandon it, and he did not know if he had authority to take action concerning delinquent accounts.

Staff reported that Complainants Denny and Shannon Putnam are tenants of JoEllen Bell. According to Staff, no one had informed the Putnams about payments due to the Company. Staff reported that the Company's records do not indicate anyone notified the Company when the Putnams became tenants of the property. According to Staff, the Company ultimately held JoEllen Bell responsible for delinquent payments. Staff reported in Case No. SC-97-354 that Complainant JoEllen Bell had agreed to a six-month informal payment plan for the rental properties with past due amounts.

Staff reported that the problems have arisen because of untimely collection of past due bills and because coupon books were not regularly supplied to customers. The Company informed Staff that coupon books are now regularly mailed to each customer.

On September 24 the Commission issued an order setting a show cause hearing for Respondent to appear and show cause for his failure to respond to the complaint. On October 14, Respondent appeared with legal counsel before the Commission for the show-cause hearing. At the hearing, Respondent agreed to file an answer in each complaint case on or before October 28, and Respondent confirmed that the Company sends coupon books to customers each year.

On October 23 Respondent filed an answer to the complaint. Respondent stated in the answer that the Company has no record of Danny and Shannon Putnam as customers of the Company and that the complaint was filed at the request of their landlord, JoEllen Bell. Therefore, Respondent requested that the complaint should be dismissed.

The Commission has reviewed the complaint, the report filed by Staff, and the answer filed by the Company. The Commission finds that the Company is not seeking past-due payments from Complainants Denny and Shannon Putnam. The Commission finds that according to Staff's report and the Respondent's answer, the Company is seeking to recover the past-due payments from the landlord of Complainants. Therefore, the Commission finds that this complaint should be dismissed and this case should be closed.

IT IS THEREFORE ORDERED:

1. That the complaint filed by Denny Putnam and Shannon Putnam on March 4, 1997, is dismissed.
2. That this case is closed.

3. That this order shall become effective on December 12, 1997.

BY THE COMMISSION

A handwritten signature in black ink, reading "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Crumpton, Murray,
and Drainer, CC., concur.

G. George, Regulatory Law Judge