

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

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|-----------------------|---|-------------------------------------|
| MBP Development, LLC, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | <u>Case No. SC-2005-0359</u> |
| |) | |
| Aqua Missouri, Inc., |) | |
| |) | |
| Respondent. |) | |

ORDER DIRECTING FILING

Issue Date: August 3, 2006

Effective Date: August 3, 2006

The Commission has pending before it a Complaint filed by MBP Development, LLC, against Aqua Source/CU, Inc., d/b/a Aqua Missouri, Inc. The Complaint alleges that Aqua Missouri is incorrectly billing for sewer service. Aqua Missouri denied the allegations against it and stated in its defense that it was charging the prescribed amounts set out in its lawfully filed tariff.

The Commission ordered its Staff to investigate the allegations in the complaint and make a recommendation. Staff indicated that it found no violation of Commission rules or laws, or of the company's tariff. Staff recommended that the Commission deny the requested relief of the Complainant.

Aqua Missouri then filed a motion requesting that the Complaint be dismissed based on the findings of the Commission Staff's investigation. No response to the motion for dismissal was received and more than 90 days have passed. The Commission will

therefore direct the Complainant to show cause why this Complaint should not be dismissed for failure to prosecute in accordance with Commission rule 4 CSR 240-2.116(2). And, furthermore, the Complainant shall show cause why the Complaint should not be dismissed for failure to state a cause of action upon which relief may be granted. If no response is received, the Commission may make its determination based upon the verified pleadings, or may dismiss this case for failure to prosecute.

IT IS ORDERED THAT:

1. No later than August 23, 2006, MBP Development, LLC, shall show cause why this complaint should not be dismissed for failure to prosecute and why this case should not be dismissed for failure to state a cause of action upon which relief may be granted.
2. This order shall become effective on August 3, 2006.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Nancy Dippell, Deputy Chief Regulatory
Law Judge, by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 3rd day of August, 2006.