

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

The Staff of the Missouri Public Service
Commission,

Complainant,

v.

TUK, LLC
Dean L. Cooper
P.O. Box 456
312 East Capitol
Jefferson City, MO 65102

And

TUK, LLC
Louis Montzoures
30 Turnpike Road, Ste. #4
Southborough, MA 01772,

Respondents.

Case No. SC-2016-

COMPLAINT

COMES NOW the Staff of the Missouri Public Service Commission, through the undersigned counsel, and pursuant to Section 386.390 RSMo (2000)¹ and 4 CSR 240-2.070(1), files this Complaint with the Missouri Public Service Commission against Respondent, TUK, LLC, for violation of the Commission's statutes and rules relating to the filing of annual reports and payment of annual assessments. In support of its Complaint, Staff respectfully states the following:

¹ All statutory references are to RSMo 2000, as currently supplemented.

Introduction

1. This matter concerns Respondents failure to timely file an annual report as required by Section 393.140(6), RSMo and Commission Rule 4 CSR 240-3.640.

Parties

2. Complainant is the Staff of the Missouri Public Service Commission, acting through the Staff Counsel's Office as authorized by Commission Rule 4 CSR 240-2.070(1).

3. Respondent, TUK, LLC ("TUK" or "Company"), is an active Missouri limited liability coompany. Respondent's official representatives, as listed in EFIS, are Dean L. Cooper, P.O. Box 456, 312 East Capitol, Jefferson City, MO 65102; and Louis Montzoures, 30 Turnpike Road, Ste. #4, Southborough, MA 01772.

4. This Commission granted Respondent a Certificate of Convenience and Necessity ("CCN") authorizing the Company to provide water service to the public for gain on November 21, 2015, in WA-2015-0169, and its most recent tariff sheet revisions became effective on January 1, 2016, in JS-2016-0141. Pursuant to that CCN, Respondent provides sewer service to approximately 24 customers, residential and commercial, in Jefferson County, Missouri.

General Allegations

5. Respondent, TUK, LLC, owns, controls and manages sewer systems, plants, or property for the collection, carriage, treatment, and disposal of sewage for the public for gain and are therefore a "sewer corporation" as defined by § 386.020(50), RSMo and a "public utility" as defined by § 386.020(43), RSMo, and thus are subject to the jurisdiction of this Commission pursuant to § 386.250(4), RSMo.

6. Section 386.390.1, RSMo authorizes the Commission to entertain a complaint “setting forth any act or thing done or omitted to be done by any...public utility...in violation, or claimed to be in violation, of any provision of law, or of any rule, or order or decision of the commission.”

7. Section 386.600, RSMo provides, “an action to recover a penalty...under this chapter or to enforce the powers of the commission under this or any other law may be brought in any circuit court in this state in the name of the state of Missouri and shall be commenced and prosecuted to final judgment by the general counsel to the commission.”

COUNT ONE

Respondents failed to submit TUK’s 2015 annual report

8. Complainant hereby adopts by reference and re-alleges the allegations set out in Paragraphs 1 through 7, above.

9. Section 393.140(6), RSMo requires every sewer corporation to file with the Commission an annual report, and Rule 4 CSR 240-3.640(1) requires the annual report to be filed with the Commission on or before April 15 of each year.

10. Respondents did not file Missouri Utility Company’s 2015 annual report by April 15, 2016.

11. On April 27, 2016, Staff mailed a letter to the Company notifying Respondents that the Commission had not received the Company’s 2015 annual report and that the Respondents would be subject to legal action if the Company did not file its 2015 annual report by May 15, 2016.

12. As of the date of this filing, Respondents have failed, omitted, or neglected to file Missouri Utilities Company's calendar year 2015 annual report.

13. Section 393.140(6), RSMo states, "[a]ny such person or corporation which shall neglect to make any such report or which shall fail to correct any such report within the time prescribed by the commission shall be liable to a penalty of one hundred dollars and an additional penalty of one hundred dollars for each day after the prescribed time for which it shall neglect to file or correct the same..."

WHEREFORE, Staff respectfully requests the Commission give notice to the Respondents as required by law and, after the opportunity for hearing, issue an order for Count One that finds the Respondents failed, omitted, or neglected to file an annual report for 2015 and authorizes the General Counsel's Office to bring a penalty action against the Respondents in circuit court as provided in Sections 386.600 and 393.140(6), RSMo.

Respectfully submitted,

/s/ Marcella L. Mueth

Marcella L. Mueth
Assistant Staff Counsel
Missouri Bar No. 66098
Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-4140 (Telephone)
(573) 751-9265 (Fax)
Marcella.Mueth@psc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing were mailed, electronically mailed, or hand-delivered to all counsel of record this 20th day of June, 2016.

/s/ Marcella L. Mueth