

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

The Staff of the Missouri Public Service Commission	)	
	)	
	)	
Complainant,	)	
	)	
v.	)	<u>File No. SC-2016-0343</u>
	)	
Taney County Utilities Corporation	)	
	)	
Respondent.	)	
	)	
CERTIFIED MAIL	)	

**THIRD ORDER DIRECTING NOTICE
AND SETTING DEADLINE FOR FILING ANSWER**

Issue Date: August 23, 2016

Effective Date: August 23, 2016

On June 20, 2016, the Staff of the Missouri Public Service Commission filed a formal complaint against Taney County Utilities Corporation ("Taney County Utilities"), a public utility regulated by the Commission. The Commission issued an order on July 5 giving notice of the contested case and directing Taney County Utilities to file an answer, or in the alternative, file a written request for mediation. The Commission's order was sent by certified mail to Taney County Utilities' registered agent at:

116 Laughing Lane, P.O. Box 177
Rockaway Beach, MO 65740

On July 29, the Commission's notice and order to Taney County Utilities was returned undelivered due to being unclaimed. Thus, the Commission sent a second order directing notice on July 29, 2016, by certified U.S. mail to:

Taney County Utilities Corporation
116 Laughing Lane
P.O. Box 18
Rockaway Beach, MO 65740

That notice was also return as “unclaimed.”

The Commission will direct its Data Center to send one last copy of the Commission’s July 5, 2016 notice and order and copy of Staff’s complaint by certified mail to Richard E. Scott, Registered Agent for Taney County Utilities Corporation, as listed with the Missouri Secretary of State’s Office.

THE COMMISSION ORDERS THAT:

1. The Commission’s Data Center shall send, by certified mail, a copy of this order, the Commission’s July 5, 2016 notice and order, and a copy of the complaint to the following:

Attn: Richard E. Scott
Registered Agent for Taney County Utilities Corporation
116 Laughing Lane, P.O. Box 177
Rockaway Beach, MO 65740

2. The deadline for Taney County Utilities to file an answer to Staff’s complaint is extended to September 23, 2016.

3. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

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

Dated at Jefferson City, Missouri,
on this 23rd day of August, 2016.

The Staff of the Missouri Public Service Commission,
Complainant,
v.
Taney County Utilities Corporation
Richard E. Scott
P.O. Box 18
116 Laughing Lane
Rockaway Beach, MO 65740,
Respondent.

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

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 Taney County Utilities Corporation is a Missouri corporation in good standing. Respondent's official representative, as listed in EFIS, is Richard E. Scott, P.O. Box 18, 116 Laughing Lane, Rockaway Beach, MO 65740. This Commission granted Respondent a Certificate of Convenience and Necessity ("CCN") authorizing the Company to provide sewer service to the public for gain on August 30, 1993 in SA-94-65, and its most recent tariff sheet revisions became effective on April 1, 1994, pursuant to that CCN. Respondent provides sewer service to approximately 63 residential customers in Taney County, Missouri.

GENERAL ALLEGATIONS

4. Respondent, Taney County Utilities Corporation, owns, controls and manages sewer systems, plants or property for the collection, carriage, treatment and disposal of sewage for the public for gain and is therefore a "sewer corporation" as defined by § 386.020(50), RSMo and a "public utility" as defined by § 386.020(43), RSMo, and thus is subject to the jurisdiction of this Commission pursuant to § 386.250(3), RSMo.

5. 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."

6. 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

Respondent failed to submit Taney County’s 2015 annual report

7. Complainant hereby adopts by reference and re-alleges the allegations set out in Paragraphs 1 through 6, above.

8. 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.

9. Respondents did not file Taney County’s 2015 annual report by April 15, 2016.

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

11. As of the date of this filing, Respondent has failed, omitted, or neglected to file Taney County’s calendar year 2015 annual report.

12. 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, the Staff respectfully requests the Commission give notice to the Respondent as required by law and, after the opportunity for hearing, issue an order for Count Two that finds the Respondent has failed to pay the fiscal year 2015 assessment and authorizes the General Counsel's Office to bring a penalty action against the Respondent in circuit court as provided in §§ 386.600, 386.370, and 386.570, RSMo., for the collection of the assessment, penalties, and interest on the assessment amount.

Respectfully submitted,

/s/ Marcella L Mueth

Assistant Staff Counsel
Attorney for the Staff of the
Missouri Bar No. 66098
Attorney for the Staff of the
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

**BEFORE THE PUBLIC SERVICE COMMISSION
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v.	)	<u>File No. SC-2016-0343</u>
	)	
Taney County Utilities Corporation	)	
	)	
Respondent.	)	
	)	
CERTIFIED MAIL	)	

**ORDER GIVING NOTICE OF CONTESTED CASE AND DIRECTING
RESPONDENT TO FILE ANSWER**

Issue Date: July 5, 2016

Effective Date: July 5, 2016

On June 20, 2016, the Staff of the Missouri Public Service Commission filed a formal complaint against Taney County Utilities Corporation ("Taney County Utilities"), a public utility regulated by the Commission. A copy of the complaint accompanies this notice. This is a contested case¹ pursuant to Section 386.390, RSMo 2000.

The Commission will set a 30-day deadline for Taney County Utilities to file an answer. In the alternative, Taney County Utilities may file a written request that the complaint be referred to a neutral third-party mediator for voluntary mediation. Upon receipt of requests for mediation, the 30-day time period shall be tolled while the Commission ascertains whether Staff is also willing to submit to voluntary mediation. If Staff agrees to mediation, the time within which answers are due shall be suspended

¹ A "[c]ontested case' means a proceeding before an agency in which legal rights, duties or privileges of specific parties are required by law to be determined after hearing." Section 536.010.4, RSMo Supp. 2013.

pending the resolution of mediation. Additional information regarding the mediation process is enclosed. If Staff declines to mediate the dispute Taney County Utilities will be notified in writing that the tolling has ceased and will also be notified of the date by which answers must be filed. That period is usually the remainder of the original 30-day period.

As required by Section 536.067(2)(f), RSMo 2000, the Commission informs the parties that the Commission's provisions governing procedures before the Commission, including provisions relating to discovery, are found at Commission rule 4 CSR 240-2.090.

THE COMMISSION ORDERS THAT:

1. The Commission's Data Center shall send, by certified mail, a copy of this notice and order and a copy of the complaint to the following:

Attn: Taney County Utilities Corporation
Richard E. Scott
116 Laughing Lane, P.O. Box 177
Rockaway Beach, MO 65740

2. Taney County Utilities shall file an answer to the complaint or request mediation no later than August 5, 2016. All pleadings (the answer, the notice of satisfaction of complaint, or request for mediation) shall be filed using the Commission's Electronic Filing and Information System ("EFIS") or by mail to the Secretary of the Commission.

3. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Kim S. Burton, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 5th day of July, 2016.



Commissioners

DANIEL Y. HALL
Chairman

STEPHEN M. STOLL

WILLIAM P. KENNEY

SCOTT T. RUPP

MAIDA J. COLEMAN

Missouri Public Service Commission

POST OFFICE BOX 360
JEFFERSON CITY MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
<http://www.psc.mo.gov>

SHELLEY BRUEGGEMANN
General Counsel

MORRIS WOODRUFF
Secretary

WESS A. HENDERSON
Director of Administration
and Regulatory Policy

CHERLYN D. VOSS
Director of Regulatory Review

KEVIN A. THOMPSON
Chief Staff Counsel

Information Sheet Regarding Mediation of Commission Formal Complaint Cases

Mediation is a process whereby the parties themselves work to resolve their dispute with the aid of a neutral third-party mediator. This process is sometimes referred to as “facilitated negotiation.” The mediator’s role is advisory and although the mediator may offer suggestions, the mediator has no authority to impose a solution nor will the mediator determine who “wins.” Instead, the mediator simply works with both parties to facilitate communications and to attempt to enable the parties to reach an agreement which is mutually agreeable to both the complainant and the respondent.

The mediation process is explicitly a problem-solving one in which neither the parties nor the mediator are bound by the usual constraints such as the rules of evidence or the other formal procedures required in hearings before the Missouri Public Service Commission. The Regulatory Law Judges at the Public Service Commission are trained mediators and this service is offered to parties who have formal complaints pending before the Public Service Commission at no charge. In addition, the assistance of an attorney is not necessary for mediation. In fact, the parties are encouraged not to bring an attorney to the mediation meeting.

The formal complaint process before the Commission invariably results in a determination by which there is a “winner” and a “loser” although the value of winning may well be offset by the cost of attorneys fees and the delays of protracted litigation. Mediation is not only a much quicker process but it also offers the unique opportunity for informal, direct communication between the two parties to the complaint and mediation is far more likely to result in a settlement which, because it was mutually agreed to, pleases both parties. This is traditionally referred to as “win-win” agreement.

The traditional mediator’s role is to (1) help the participants understand the mediation process, (2) facilitate their ability to speak directly to each other, (3) maintain order, (4) clarify misunderstandings, (5) assist in identifying issues, (6) diffuse unrealistic expectations, (7) assist in translating one participant’s perspective or proposal into a form that is more understandable and acceptable to the other participant, (8) assist the

participants with the actual negotiation process, (9) occasionally a mediator may propose a possible solution, and (10) on rare occasions a mediator may encourage a participant to accept a particular solution. The Judge assigned to be the mediator will not be the same Judge assigned to the contested complaint.

In order for the Commission to refer a complaint case to mediation, the parties must both agree to mediate their conflict in good faith. The party filing the complaint must agree to appear and to make a good faith effort to mediate and the utility company against which the complaint has been filed must send a representative who has full authority to settle the complaint case. The essence of mediation stems from the fact that the participants are both genuinely interested in resolving the complaint.

Because mediation thrives in an atmosphere of free and open discussion, all settlement offers and other information which is revealed during mediation is shielded against subsequent disclosure in front of the Missouri Public Service Commission and is considered to be privileged information. The only information which must be disclosed to the Public Service Commission is (a) whether the case has been settled and (b) whether, irrespective of the outcome, the mediation effort was considered to be a worthwhile endeavor. The Commission will not ask what took place during the mediation.

If the dispute is settled at the mediation, the Commission will require a signed release from the complainant in order for the Commission to dismiss the formal complaint case. If the dispute is not resolved through the mediation process, neither party will be prejudiced for having taken part in the mediation and, at that point, the formal complaint case will simply resume its normal course.

A handwritten signature in dark ink, reading "Morris L. Woodruff". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Morris L. Woodruff
Secretary

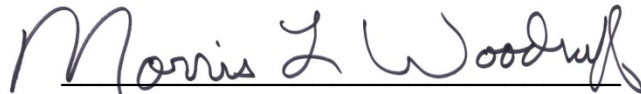
STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 23rd day of August 2016.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

August 23, 2016

File/Case No. SC-2016-0343

**Missouri Public Service
Commission**

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**Missouri Public Service
Commission**

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**Taney County Utilities
Corporation**

Legal Department
P.O. Box 177
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Rockaway Beach, MO 65740
tcu@centurytel.net

**Taney County Utilities
Corporation**

Richard E Scott
116 Laughing Lane
P.O. Box 177
Rockaway Beach, MO 65740
tcu@centurytel.net

Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.