

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of:

Janice Shands,

Complainant,

v.

Metropolitan St. Louis Sewer District,

Respondent.

)
)
)
)
)
)
)
)
)
)
)

File No. SC-2015-0044

METROPOLITAN ST. LOUIS SEWER DISTRICT'S
MOTION TO DISMISS

COMES NOW Respondent, Metropolitan St. Louis Sewer District and for its Motion to Dismiss the Complaint of Janice Shands, Complainant, states as follows:

1. On August 14, 2014, Complainant filed a Complaint with the Commission against Respondent, Metropolitan St. Louis Sewer District, the basis for which is not contained within the Complaint.

2. By Order dated August 14, 2014, the Commission directed Respondent to file a response to the Complaint within 30 days and, further, directed the Staff of the Commission to investigate the Complaint and file a recommendation.

3. As the Commission is well aware, Respondent is a political subdivision of the State of Missouri, organized for the purpose of providing sewer and drainage services to the public in St. Louis City and County pursuant to Article VI, Sections 30(a)-(b) of the Missouri Constitution.

4. As such, Respondent is not a "sewer company" as that term is defined in Section 386.020 RSMo and, as a result, is not subject to the jurisdiction of this Commission pursuant to Section 393.140 RSMo.

5. For this reason, the Commission has no authority to entertain the Complaint of Complainant, nor does the staff of the Commission have the authority to investigate such complaint.

WHEREFORE, Respondent, Metropolitan St. Louis Sewer District, respectfully requests this Commission to dismiss the Complaint filed by Complainant and, further, to reverse its direction to the staff of the Commission to investigate the Complaint and file a recommendation.

Respectfully submitted,

ARMSTRONG TEASDALE LLP

BY: /s/ Byron E. Francis
Byron E. Francis #23982
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070
(314) 621-5065 (Facsimile)

ATTORNEYS FOR RESPONDENT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing document was served via email and/or pursuant to the PSC's electronic filing system (EFIS), on this 29th day of August, 2014, upon all individuals, parties and intervenors and/or their counsel who have entered their appearances in this case on EFIS, and specifically upon the following:

Missouri Public Service Commission
Office General Counsel
Missouri Public Service Commission
P. O. Box 360
200 Madison Street, Suite 800
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Dustin Allison
Public Counsel
Office of the Public Counsel
P. O. Box 2230
200 Madison Street, Suite 650
Jefferson City, MO 65102
opc@psc.mo.gov

Janice Shands
9953 Lewis & Clark Blvd., Unit 801
Moline Acres, MO 63136
jss1jan@aol.com

/s/ Byron E. Francis