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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

PREHEARING CONFERENCE
February 21, 2001
Jefferson City, Missouri
Volume 1

Director of the Division of)
Manufactured Homes, Recreational)
Vehicles and Modular Units of)
the Public Service Commission,) Case
Complainant,) No. MC-2000-818
v.)
Manufactured Housing Services of)
Bonne Terre d/b/a Oakcreek)
Village of Bonne Terre,)
Respondent.)

BEFORE:

BILL HOPKINS, Presiding,
SENIOR REGULATORY LAW JUDGE.

REPORTED BY:

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8 FOR: Staff of the Missouri Public Service
9 Commission.

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P R O C E E D I N G S

(Written Entries of Appearance filed.)

JUDGE HOPKINS: This is the 21st of February, Wednesday. We are in the Governor Office Building, Case No. MC-2000-818. It is a complaint case.

My name is Bill Hopkins. I'm the judge in this matter.

Bruce Bates is appearing for the Staff of the Missouri Public Service Commission.

There are no unrul ed motions.

And Mr. Bates is the only person who has appeared. It is now five minutes after 10 a.m. The notice was for 10:00 in the morning today.

This hearing was set for this date nearly two months ago, on the 22nd day of December of the year 2000. All parties have gotten copies of this Notice, including Michael J. McAvoy, spelling of the last name M-c-A-v-o-y, of Fenton, Missouri.

He filed a Motion for Rehearing and Reconsideration for his client, who is the Respondent here, and that motion was filed on August 11th, 2000. And we've heard nothing from Mr. McAvoy since then.

Mr. Bates, what is the state of this case, please?

1 MR. BATES: Your Honor, if I may, there is
2 one outstanding motion which may be at least partially
3 moot at this point, and that's the Staff's Motion to
4 Cancel the Prehearing Conference and Procedural
5 Schedule filed January 10th of this year. Obviously,
6 part of that is moot at this point.

7 JUDGE HOPKINS: That is correct. Obviously,
8 since this has turned into a default, again, that
9 motion is -- is actually moot, since we don't have to
10 have an evidentiary hearing at all.

11 So tell me what the state of this case is.
12 Obviously, the Respondent -- I'm sorry -- the
13 Respondent is in default once again, I think, for the
14 third time.

15 MR. BATES: Your Honor, it would be the
16 Staff's position that all that remains at this point
17 is for the Staff to recommend to the Commission what
18 penalties it would respectfully request the Commission
19 impose upon Respondent.

20 JUDGE HOPKINS: Are you saying by filing a
21 circuit court motion, or is there something we can do
22 under our own rules?

23 MR. BATES: I believe that there is -- I
24 believe that there is something that the Commission
25 may be able to do under its own rules, and the Staff

1 would request permission to make such a filing with,
2 of course, all other parties being served.

3 JUDGE HOPKINS: Okay. Can I get your name,
4 there, sir?

5 MR. WILLIAM: I'm Gene Winn.

6 MR. BATES: Mr. Winn is a member of the
7 Staff.

8 JUDGE HOPKINS: All right, sir. I'm sorry.
9 I didn't recognize you.

10 MR. WINN: That's all right.

11 JUDGE HOPKINS: Okay. Now, Mr. Bates, how
12 long will you need to file that motion explaining
13 what you want to do? I realize you've gotten another
14 motion back in the latter part of December,
15 December 20th, 2000, to reopen the case. But I want
16 you to give me another motion stating exactly what it
17 is you would like to do, please.

18 MR. BATES: Yes, your Honor. And I would
19 be -- if we could have 14 days to file that from this
20 date.

21 JUDGE HOPKINS: That would be fine.

22 As you also probably know, there is another
23 case that Judge Register is handling -- and I
24 apologize. I don't know the case number on that, but
25 it has exactly the same question of law here as this

1 one does; that is, can we order some kind of penalties
2 against somebody on a default order?

3 Obviously, as you know, the courts in this
4 state do not favor default judgments, and so that is
5 why we're trying to give every possibility we can to
6 the Respondent here, which it's turned out that this
7 is the third time that the Respondent has been in
8 default, and we have heard nothing from his lawyer or
9 nothing from him. So I'm trying to help make a record
10 here in case this thing is appealed.

11 MR. BATES: Yes, your Honor. It would be
12 the Staff's position that the Commission may default a
13 Respondent, and we would be happy to include our legal
14 arguments for that in our motion.

15 JUDGE HOPKINS: If you would do that, and I
16 can give you up to 30 days for that if you find it
17 necessary.

18 MR. BATES: That would be fine, your Honor.
19 I would appreciate that. And we might anticipate
20 filing earlier than that, but the 30-day would be
21 convenient.

22 JUDGE HOPKINS: So we'll say -- what is the
23 last Friday in March? I don't have my calendar here
24 with me.

25 March 30th. Can you have that by

1 March 30th?

2 MR. BATES: Yes, your Honor.

3 JUDGE HOPKINS: Thank you, sir.

4 We're off the record.

5 WHEREUPON, the on-the-record portion of the
6 prehearing conference was concluded.

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