

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

The Office of Public Counsel,)	
Complainant,)	<u>Case No. WC-2016-0252</u>
v.)	
Moore Bend Water Utility, LLC,)	
Respondent.)	

MOTION TO STAY PROCEEDINGS

COMES NOW the Missouri Office of the Public Counsel (“OPC”)¹, by and through undersigned counsel, files this Motion to Stay Proceedings on the above-captioned Complaint against Moore Bend Water Utility, LLC (“the Company”) and states as follows:

1. OPC filed this Complaint on March 31, 2016 to address the Company’s failure to provide safe and adequate service in violation of Section 393.130 RSMo. and its violation of statutes, Public Service Commission (“the Commission”) rules, Department of Natural Resources (“DNR”) regulations, and Commission orders relating to (1) the bacterial contamination of its water supply; (2) its failure to provide adequate documentation concerning chlorination; and (3) its failure to take remedial efforts and monitoring of lead pipe corrosion.

2. On October 21, 2016, Keri Roth, Darlene Helmig, and Brent Weiss filed direct testimonies on behalf of OPC and DNR. The Company answered the Complaint on November 3, 2016. Keri Roth filed a supplemental direct testimony on behalf of OPC on November 15, 2016. David A. Spratt filed rebuttal testimony on behalf of the Staff of the Commission (“Staff”) on November 18, 2016, and Hollis H. Brower, Jr. filed rebuttal testimony on behalf of the Company

¹ A special thanks to Dormie Ko, a law student at Washington University in St. Louis School of Law and a 2017 summer intern with the Office of the Public Counsel, for her contribution to this motion.

on November 22, 2016. Keri Roth and Brent Weiss filed surrebuttal testimonies on behalf of OPC and DNR on December 2, 2016. Staff and the Company filed their respective position statements, and OPC and DNR filed a joint position statement on January 19, 2017.

3. The Company filed a motion to modify procedural schedule on December 7, 2016. All parties filed a joint motion to modify procedural schedule on January 24, 2017. OPC filed a motion to modify procedural schedule and hearing date on April 13, 2017. The Commission issued an order rescheduling evidentiary hearing on June 7, 2017.

4. The Company's president, Hollis H. Brower, Jr., passed away on February 5, 2017.

5. OPC avers evidence exists supporting the allegations made in the initial Complaint, yet has also discovered facts involving Liberty Utilities Co.'s ("Liberty Utilities") filing of a Notice of Intended Filing ("Notice") of an application to acquire the Company that would more properly be addressed through the scope of an acquisition case.

6. On July 20, 2017, Liberty Utilities filed their Notice to acquire Ozark International, Inc. and the following of its subsidiaries: the Company, Bilyeu Ridge Water Company, LLC, Valley Woods Utility, LLC, Taney County Water, LLC, Riverfork Water Company, and Midland Water Company, Inc.

7. The Commission has granted similar motions in similar situations. For example, the Commission granted a Motion to Stay Proceedings in Case No. WC-2017-0007 and SC-2017-0008. In the case, Missouri Utilities Company ("Missouri Utilities") requested to stay all proceedings of a complaint involving Missouri Utilities pending the acquisition of the entirety of

its assets by Elm Hills Utility Operating Company, Inc. The Commission found the Motion to be reasonable and without objection from Staff.

8. The resources of all parties involved with the above captioned matter would be judiciously served by staying this Complaint and allowing it to run concurrently with the Company's acquisition case in WM-2018-0023.

9. Furthermore, the evidence gathered as a result of this proceeding can be used in said acquisition case and will minimize the need for discovery during that period.

10. OPC has reached out to the parties in the Complaint prior to the filing of this Motion. The parties do not object to the request for a stay of these proceedings until the acquisition case.

WHEREFORE, OPC respectfully requests that the Commission stay the proceedings of the above-captioned Complaint case against the Company until OPC's evaluation of and the Commission's decision in the acquisition case and allow said Complaint case to run concurrently with said acquisition case.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

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CERTIFICATE OF SERVICE

On this 25th day of July, 2017, I hereby certify that a true and correct copy of the foregoing motion was submitted to all relevant parties by depositing this motion into the Commission's Electronic Filing Information System ("EFIS").

/s/ Ryan D. Smith