

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²

APR 08 2004

Missouri Public
Service Commission

THE STAFF OF THE MO PUBLIC SERVICE)
COMMISSION,)
)
Complainant,)
)
v.)
)
TANEY COUNTY UTILITIES CORPORATION,)
)
Respondent.)

Case No. WC-2004-0342

MOTION TO SET ASIDE DEFAULT JUDGMENT

COMES NOW Plaintiff, by and through its undersigned attorney of record and for its Motion to Set Aside Default Judgment states as follows:

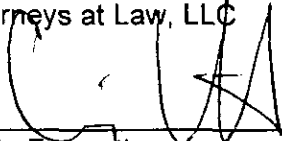
1. That a Default Judgment was entered against Respondents on or about April 6, 2004.
2. That Respondent hired undersigned counsel in February 2004 to represent it and insure compliance with State Regulations and the rules of the Public Service Commission.
3. That the required reports, which are the subject of the Complaint, were filed before the undersigned was retained and had not been timely filed earlier, due to personnel turnover at the Respondent's office.
4. That due to an inadvertant error by personnel, the Answer sent March 1 to attorney Bruce Bates was not copied to the Secretary for the Public Service Commission. This was an inadvertant mistake since counsel and the Commission share the same address and the undersigned was not familiar with the practice before the Public Service Commission.
5. That the setting aside of the default judgment against Respondent is fair and just in that Respondent has fully complied with said Complaint, and thought an Answer had been filed.

6. That a copy of the Answer previous sent to Bruce H. Bates, Esq. and the Certificate of Service, are attached to this Motion.

7. That the error in this case was not intentional and not the fault of Respondent, but that of its lawyer.

WHEREFORE, counsel for Respondent prays for an order Court setting aside the default Judgment entered against Respondent; allowing the Answer to be filed out of time, as is just and proper in the premises.

LOWTHER JOHNSON,
Attorneys at Law, LLC



BY: _____
Craig F. Lowther
Missouri Bar Number 24937
901 St. Louis Street, 20th Floor
Springfield, MO 65806
Telephone: 417-866-7777
Fax: 417-866-1752
clowther@lowtherjohnson.com
Attorney for Respondent

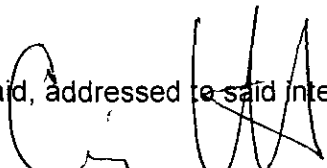
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was served on:

Bruce H. Bates, Associate General Counsel
MO Public Service Commission
PO Box 360
Jefferson City, MO 65102
FAX NO. 573-751-9285

Dale Hardy Roberts,
Secretary of MO Public Service Commission
PO Box 360
Jefferson City, MO 65102
FAX NO. 573-526-6010

by depositing the same in the U.S. Mail, postage prepaid, addressed to said interested parties on this 7 day of April, 2004.



Craig F. Lowther MBN 24937



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Missouri Public
Service Commission

March 1, 2004

MEMBERS

GERALD H. LOWTHER
THEODORE L. JOHNSON, III
F. WILLIAM JOYNER
CRAIG F. LOWTHER
MICHAEL K. CULLY
JOHN W. HOUSLEY
LISA GHAN BLUMENSTOCK
GREGGORY D. GROVES
DAVID A. FIELDER
GLENN P. GREEN
THOMAS M. BENSON
RANDY J. REICHARD
ANGELA K. DRAKE*
LEE J. VIOREL
JUSTIN A. HARRIS

ASSOCIATES

ARTHUR DUNCAN, JR.*
BRITTANY BUTTS

OFFICE ADMINISTRATOR

SAMIE K. PAYNE

* ALSO ADMITTED IN KANSAS

DIRECT EMAIL

clowther@lowtherjohnson.com

901 ST. LOUIS STREET
20TH FLOOR
SPRINGFIELD, MISSOURI
65806-2592
TELEPHONE :
(417) 866-7777 EXT 255
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WEB

www.lowtherjohnson.com

Bruce H. Bates, Associate General Counsel
Missouri Public Service Commission
PO Box 360
Jefferson City, MO 65102

RE: *The Staff of the MO Public Service Commission v. Taney County Utilities Corporation, Case No. WC-2004-0342*
Before the Public Service Commission of the State of Missouri

Dear Mr. Bates:

Enclosed you will find my answer to the complaint filed by the Public Service Commission. It is my understanding that the annual report has been filed and the Respondent is no longer in violation of the Commission Regulations.

I would appreciate it if you would confirm that for me and let me know if there is anything further I need to do.

Thank you for your help.

Very truly yours,

LOWTHER JOHNSON
Attorneys at Law, LLC

A handwritten signature in black ink, appearing to read 'Craig F. Lowther'. The signature is written over the printed name of the signatory.

Craig F. Lowther

CFL:des
Enclosure

22333-000

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²

APR 08 2004

Missouri Public
Service Commission

THE STAFF OF THE MO PUBLIC SERVICE
COMMISSION,

Complainant,

v.

TANEY COUNTY UTILITIES CORPORATION,

Respondent.

Case No. WC-2004-0342

ANSWER

COMES NOW, Respondent, by and through its attorney, Craig F. Lowther of Lowther Johnson, Attorneys at Law, LLC, and hereby responds to Complainant's Complaint that has been filed as follows:

1. This Respondent states that the Annual Report that is due from Respondent on or before April 15, 2002 was not filed through an oversight on the part of this Respondent. This matter has been brought to the Respondent's attention and has been filed with the Commission at this time so that the Respondent is no longer in violation of the Rules and Regulations of this Commission.

WHEREFORE, due to the fact that Respondent has complied with all applicable rules and regulations, the Respondent prays that this Complaint be dismissed, and for such other and further relief as may be appropriate.

LOWTHER JOHNSON
Attorneys at Law, LLC

BY: 

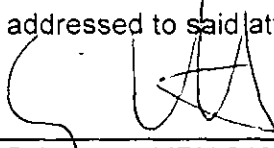
Craig F. Lowther
Missouri Bar Number 24937
901 St. Louis Street, 20th Floor
Springfield, MO 65806
Telephone: 417-866-7777
Fax: 417-866-1752
clowther@lowtherjohnson.com
Attorney for Respondent

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was served on:

Bruce H. Bates, Associate General Counsel
MO Public Service Commission
PO Box 360
Jefferson City, MO 65102

by depositing the same in the U.S. Mail, postage prepaid, addressed to said attorney on this
2 day of March 2004.



Craig F. Lowther MBN 24937

22333-000

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

THE STAFF OF THE MO PUBLIC SERVICE
COMMISSION,

Complainant,

v.

TANEY COUNTY UTILITIES CORPORATION,

Respondent.

Case No. WC-2004-0342

ORDER GRANTING MOTION TO SET ASIDE JUDGMENT

Upon reviewing Respondent's Motion, it is hereby:

ORDERED that default judgment against Respondent be set aside.

DATED: _____

22333-000