

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 16th day of
September, 2015.

Staff of the Missouri Public Service Commission,)	
)	
)	
Complainant,)	
)	
v.)	
)	
Fawn Lake Water Corp., and)	
Rachel Hackman,)	
)	
Respondents.)	

File No. WC-2015-0330

ORDER GRANTING MOTION FOR DEFAULT DETERMINATION

Issue Date: September 16, 2015

Effective Date: October 16, 2015

On June 11, 2015, the Staff of the Commission filed a complaint against Fawn Lake Water Corp. and its owner and operator, Rachel Hackman, alleging that the Respondents are providing water to the public for gain without having first obtained authorization from the Commission, as required by Section 393.170, RSMo 2000. Staff further alleges that the Respondents are failing to provide safe and adequate service in violation of Commission regulations. A copy of the complaint was served on Rachel Hackman as an individual, and as registered agent for Fawn Lake, by registered mail on June 19. The Respondents' answer to Staff's complaint was due on July 13, but no answer or other response has been filed. On September 2, Staff filed a Motion for Default Determination, asking the Commission to make a finding of default.

Commission Rule 4 CSR 240-2.070(10) provides that if a respondent in a complaint case fails to file a timely answer, the Commission may find the respondent to be in default, and may deem the truth of all averments in the complaint to be admitted by the respondent.

Staff's complaint alleges that the Respondents are operating a water system in Missouri without having obtained the statutorily required certificate of convenience and necessity from this Commission, and that they are failing to provide safe and adequate service in violation of Commission regulations. Staff asks the Commission to direct its General Counsel to proceed to circuit court to seek the imposition of civil penalties against the Respondents for that violation of Missouri statute. The Commission's rules allow the Respondents an opportunity to contest Staff's allegations before the Commission and the Respondents have chosen not to respond.

Based on that default, the Commission finds that the averments in Staff's Complaint are established. Specifically, the Commission finds that Respondent Fawn Lake Water Corp. and Respondent Rachel Hackman are water corporations and public utilities, as those terms are defined by Missouri statute. The Commission further finds that Respondent Fawn Lake Water Corp., and Respondent Rachel Hackman have violated Section 393.170 RSMo by providing water service without Commission authority, and that each and every day's violation of law is a separate and continuing offense. Further, the Commission finds that Respondent Fawn Lake Water Corp., and Respondent Rachel Hackman have failed to furnish safe and adequate water service to their customers. Finally, the Commission finds that Respondent Fawn Lake Water Corp. and Respondent Rachel Hackman are subject to penalties and authorizes the General Counsel to proceed to circuit court to collect penalties for each and every day's violation of law.

By rule,¹ the Respondents have seven days from the issue date of this order to file a motion to set aside this order of default. However, Commission Rule 4 CSR 240-2.015 allows the Commission to waive, for good cause, any of the provisions of Chapter 2, so the Commission will allow 14 days from the date of issue of this order for Respondents to move to set aside this order of default.

THE COMMISSION ORDERS THAT:

1. Staff's Motion for Default Determination is granted.
2. A default determination is entered against Fawn Lake Water Corp., and Rachel Hackman.
3. The facts alleged in Staff's Complaint are found to be established.
4. The Commission's General Counsel is authorized to file an action in the circuit court of its choosing to collect penalties against Fawn Lake Water Corp., and Rachel Hackman, as allowed by Sections 386.570 and 386.600, RSMo 2000.
5. The Respondents are allowed until September 30, 2015, to move to set aside this order of default.
6. This order shall become effective on October 16, 2015.



BY THE COMMISSION

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

Morris L. Woodruff
Secretary

Hall, Chm., Stoll, Kenney, Rupp,
and Coleman, CC., concur.

Woodruff, Chief Regulatory Law Judge

¹ Commission Rule 4 CSR 240-2.070(10).