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SEP 28 2015
Missouri Public
Service Commission

Rachel Hackman
824 Ridgestop Circle
Saint Charles, MO 63304

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Staff of the Missouri Public Service Commission,	)	
Complainant,	)	
v.	)	File No. WC-2015-0330
Fawn Lake Water Corp., and Rachel Hackman,	)	
Respondents.	)	

ORDER DENYING MOTION TO CONSOLIDATE

Issue Date: September 11, 2015 Effective Date: September 11, 2015

On June 11, 2015, the Staff of the Commission filed a complaint with the Missouri Public Service Commission against Fawn Lake Water Corp. and Rachel Hackman. Staff's complaint alleges the Respondents are operating a water utility to serve the public without having obtained the required authorization from the Commission. Staff asks the Commission to authorize its General Counsel to pursue statutory penalties against the Respondents in Circuit Court. Further, Staff asks the Commission to order the Respondents to make necessary and desirable improvements to their water system to protect the public health and safety. Respondents' answer to Staff's complaint was due by July 13, but Respondents failed to file an answer.

On June 19, the Office of the Public Counsel filed a separate complaint against Fawn Lake Water Corp. and Rachel Hackman.[1] Public Counsel's complaint alleges similar

[1] Public Counsel's complaint is pending in File No. WC-2015-0340.

facts as Staff's complaint, but Public Counsel asks the Commission to order the Respondents to: 1) apply for and obtain a certificate of convenience and necessity from the Commission; 2) refund all unlawful charges for water service. Public Counsel also asks the Commission to authorize the Commission's General Counsel to pursue statutory penalties against the Respondents in Circuit Court. Respondents' answer to Public Counsel's complaint was due by July 20, but Respondents failed to file an answer.

On June 29, Staff filed a motion to consolidate both complaint cases. Staff argues the two complaints are substantially similar and can best be addressed in a single proceeding. Before acting on Staff's motion to consolidate, the Commission afforded Public Counsel and the Respondents an opportunity to respond.

Public Counsel responded on July 15, indicating its agreement that the two complaints could be consolidated so long as all the counts and relief sought by Public Counsel remain intact and as presented by Public Counsel. The Respondents did not respond to the motion to consolidate.

In evaluating the motion to consolidate the two complaints, it is important to consider that Staff and Public Counsel have asked the Commission to find the Respondents in default for their failure to answer the complaints. Assuming that the Commission finds that the Respondents are in default, the Commission may deem that the averments in those complaints are admitted, and enter an order in default without conducting an evidentiary hearing.[2] The chief benefit of consolidating the two complaints would be to allow for the conduct of a single hearing to determine the facts common to the the complaints. Since an evidentiary hearing may not be required, that benefit of consolidation does not exist.

[2] Commission Rule 4 CSR 240-2.070(10).

The entry of an order in default would shift the focus of the two complaints from the facts, which would be deemed admitted, to the relief sought in the complaints. The relief sought by Staff differs from the relief sought by Public Counsel and as a result, the consideration of the relief the Commission can grant in those complaints is best handled separately in the unconsolidated complaints.

The Commission will deny the motion to consolidate at this time, but may revisit the question at a later time if it appears that a consolidated evidentiary hearing is necessary.

THE COMMISSION ORDERS THAT:

1. Staff's Motion to Consolidate is denied.

2. This order shall be effective when issued.

BY THE COMMISSION

Morris L. Woodruff
Secretary

Morris L. Woodruff, Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 11th day of September, 2015.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 11th day of September 2015.

Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

September 11, 2015

File/Case No. WC-2015-0330

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Fawn Lake Water Corp.
Legal Department
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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,

Morris L Woodruff

Morris L. Woodruff
Secretary

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.