

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

The Staff of the Missouri Public Service Commission,)	
)	
Complainant,)	
)	
v.)	<u>Case No. WC-2006-0363</u>
)	
Franklin County Service Company, Melody Lake)	
Water & Sewer LLC, Melody Lake Ranch)	
Associates, Inc., and Gerald Johnson,)	
)	
Respondents.)	

ORDER DENYING MOTION TO WITHDRAW

Issue Date: November 14, 2006

Effective Date: November 14, 2006

This complaint was filed in March of 2006 by the Staff of the Missouri Public Service Commission upon noting in a separate matter, Case No. WC-2006-0128, that Franklin County Water Service Company may have transferred its assets without necessary Commission approval. Although the transfer was to a homeowners' association, it is not clear from its organization whether the Commission should exercise jurisdiction over the association.

On September 19, 2006, Jonathan L. Downard filed a motion to withdraw as attorney for Respondents. Movant offers no reason for the request and does not indicate that substitute counsel will enter an appearance. Commission Rule 4 CSR 240-2.040(6) states that after entering an appearance for a party, an attorney may withdraw only by leave of the Commission.

This matter has persisted since March of 2006. It is now November of 2006. From the pleadings, it appears that the parties agree on the resolution of this matter. However, there is no agreement in front of the Commission. Furthermore, in its recommendation Staff suggests that changes be made to Melody Lake Water & Sewer, LLC's Operating Agreement that would allow it to be operated without Commission regulation. If, on the other hand, the suggested changes are not made, Staff recommends that the LLC file a tariff and be subject to Commission jurisdiction. The question remains: In what direction does the LLC wish to proceed? With an imminent, possible resolution of this matter, Respondents' attorney seeks withdrawal with no one to replace him. In light of the circumstances of this matter, the Commission cannot grant the requested relief.

IT IS ORDERED THAT:

1. Attorney Jonathan Downard's motion to withdraw is denied.
2. This order shall become effective on November 14, 2006.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Kennard L. Jones, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 14th day of November, 2006.