

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

Rhonda Martin,	)	
	)	
Complainant,	)	
	)	
vs.	)	<b><u>Case No. WC-2016-0079</u></b>
	)	
Missouri-American Water Company,	)	
	)	
Respondent.	)	

**MOTION FOR DEFAULT DETERMINATION**

**COMES NOW** the Staff of the Missouri Public Service Commission, by and through counsel, and for its *Motion for Default Determination*, states herein as follows:

1. On September 30, 2015, Rhonda Martin filed her *Complaint* against Missouri-American Water Company charging that Respondent overbilled her by nearly \$2,000.00.
2. On October 2, 2015, the Commission issued its *Notice of Complaint and Order Directing Filings* directing Respondent to answer by November 2, 2015, and on October 5, 2015, the Commission issued its *Order Directing Filing* directing Staff to investigate and file a report by November 16, 2015.
3. On October 8, 2015, the Commission's Data Center received a return receipt showing that its *Notice of Complaint* had been successfully delivered to Respondent Missouri-American Water Company's Legal Department. That return receipt was signed by K. Stimetz.

4. On October 9, 2015, Staff filed the *Request for Clarification on Status of Complaint*, and on October 13, 2015, the Commission issued its *Order For Small Formal Complaint* directing the parties to proceed under the small formal complaint process.

5. As of the date of the filing of this motion, the respondent Missouri-American Water Company has failed to file an answer in this matter.

6. Staff now moves for a default determination pursuant to Commission Rule 4 CSR 240-2.070(10), which provides:

If the respondent in a complaint case fails to file a timely answer, the complainant's averments may be deemed admitted and an order granting default entered. The respondent has seven (7) days from the issue date of the order granting default to file a motion to set aside the order of default and extend the filing date of the answer. The commission may grant the motion to set aside the order of default and grant the respondent additional time to answer if it finds good cause.

7. To the extent that a waiver of the Commission's Small Formal Case rule, 4 CSR 240-2.070(15) is required for this motion to be considered, Staff hereby requests such waiver.

**WHEREFORE**, Staff prays that the Commission will (1) deem the averments of the complaint admitted, (2) enter an order granting default determination against the Respondents, and (3) grant such relief as the Commission deems just in the premises.

Respectfully submitted,

**/s/ Mark Johnson**

Mark Johnson

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Missouri Public Service Commission

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing has been served, by hand delivery, electronic mail, or First Class United States Mail, postage prepaid, to all parties of record on the Service List maintained for this case by the Data Center of the Missouri Public Service Commission, on this 5<sup>th</sup> day of November, 2015.

**/s/ Mark Johnson**