

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

The Staff of the Missouri Public Service Commission,)	
)	
)	
Complainant,)	
)	<u>Case No. WC-2017-</u>
v.)	
)	<u>Case No. SC-2017-</u>
Osage Water Company)	
Gary V. Cover)	
P.O. Box 506)	
137 West Franklin)	
Clinton, MO 64735,)	
)	
Respondent)	

COMPLAINT

COMES NOW the Staff of the Missouri Public Service Commission, through the undersigned counsel, and pursuant to Section 386.390 RSMo (2000)¹ and 4 CSR 240-2.070(1), files this Complaint with the Missouri Public Service Commission (“Commission”) against Respondent, Osage Water Company (“Osage” or “Company”), for violation of the Commission’s statutes and rules relating to the filing of annual reports. In support of its Complaint, Staff respectfully states the following:

Introduction

1. This matter concerns Respondent’s failure to timely file its annual reports as required by Section 393.140(6), RSMo and Commission Rules 4 CSR 240-3.335 and 4 CSR 240-3.640.

¹ All statutory references are to RSMo 2000, as currently supplemented.

Parties

2. Complainant is the Staff of the Commission, acting through the Staff Counsel's Office as authorized by Commission Rule 4 CSR 240-2.070(1).

3. Respondent Osage Water Company, a Missouri corporation, was administratively dissolved on September 21, 2016.² Respondent's Official Representative, as listed in EFIS, is Gary V. Cover, P.O. Box 506, 137 West Franklin, Clinton, Missouri 64735. This Commission granted Respondent a Certificate of Convenience and Necessity ("CCN") authorizing the Company to provide water and sewer service to the public for gain WM-89-73. Pursuant to that CCN, Respondent provides water service to approximately 370 customers and sewer service to approximately 386 residential and commercial customers in Camden County, Missouri.

General Allegations

4. Respondent owns, controls and manages water sources and other plant and infrastructure by which it sells water to the public for gain and is therefore a "water corporation" as defined by § 386.020(59), RSMo. Respondent also owns, controls and manages sewer systems, plants or property for the collection, carriage, treatment and disposal of sewage for the public for gain and is therefore a "sewer corporation" as defined by § 386.020(50), RSMO. Respondent is a "public utility" as defined by § 386.020(43), RSMo, and thus is subject to the jurisdiction of this Commission pursuant to § 386.250(3), RSMo.

5. Section 386.390.1, RSMo authorizes the Commission to entertain a complaint "setting forth any act or thing done or omitted to be done by any...public

² According to the Missouri Secretary of State's website, the Company was administratively dissolved on September 21, 2016, for failure to file its annual registration report. On May 25, 2017, the Company filed a change of address with the Missouri Secretary of State's Office, but there is no record of an updated registration report.

utility...in violation, or claimed to be in violation, of any provision of law, or of any rule, or order or decision of the commission.”

6. Section 386.600, RSMo provides, “an action to recover a penalty...under this chapter or to enforce the powers of the commission under this or any other law may be brought in any circuit court in this state in the name of the state of Missouri and shall be commenced and prosecuted to final judgment by the general counsel to the commission.”

Respondent has failed to submit its 2016 Annual Reports

7. Complainant hereby adopts by reference and re-alleges the allegations set out in paragraphs one (1) through six (6) above.

8. Section 393.140(6), RSMo. requires every water corporation and every sewer corporation to file with the Commission an annual report, and Rules 4 CSR 240-3.335(1) and 4 CSR 240-3.640(1) require the annual reports to be filed with the Commission on or before April 15 of each year.

9. On May 10, 2017, Staff mailed a letter to the Company’s Annual Report Representative, Randy Taylor, notifying Respondent that the Commission had not received the Company’s 2016 Annual Reports and that the Respondent would be subject to legal action if the Company did not file its 2016 Annual Reports by May 20, 2017.

10. Respondent did not file its 2016 Annual Reports by May 20, 2017.

11. On May 26, 2017, Staff mailed a letter to the Company’s Official Representative, Gary V. Cover, notifying Respondent that the Commission had

sent the May 10, 2017 letter and that Respondent would be subject to legal action if the Company did not file its 2016 Annual Reports by June 5, 2016.

12. Respondent did not file its 2016 Annual Reports by June 5, 2016.

13. As of the date of this filing, Respondent has failed, omitted, or neglected to file its calendar year 2016 Annual Reports.

14. Section 393.140(6), RSMo. states, “[a]ny such person or corporation which shall neglect to make any such report or which shall fail to correct any such report within the time prescribed by the commission shall be liable to a penalty of one hundred dollars and an additional penalty of one hundred dollars for each day after the prescribed time for which it shall neglect to file or correct the same...”

WHEREFORE, Staff respectfully requests the Commission give notice to the Respondent as required by law and, after the opportunity for hearing, issue an order that finds the Respondent failed, omitted, or neglected to file its Annual Reports for 2016 and authorizes the General Counsel’s Office to bring a penalty action against the respondent in circuit court as provided in Sections 386.600 and 393.140(6), RSMo.

Respectfully submitted,

/s/ Marcella L Forck

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CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing were mailed, electronically mailed, or hand-delivered to all counsel of record this 9th day of June, 2017.

/s/ Marcella L. Forck