

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

Derald Morgan, Rick and Cindy Graver,	)	
William and Gloria Phipps and David Lott,	)	
	)	
Complainants	)	
	)	
v.	)	File No. WC-2017-0037
	)	
Carl Richard Mills, Carriage Oaks Estates Homes	)	
Association, Distinctive Designs and Caring	)	
Americans Trust Foundation, Inc. (f/k/a Caring	)	
Americans Foundation, Inc.),	)	
	)	
Respondents.	)	

**NOTICE OF CONTESTED CASE AND ORDER DIRECTING FILING**

Issue Date: August 4, 2016

Effective Date: August 4, 2016

On August 4, 2016, the complainants filed their *Complaint*, a copy of which is attached. That filing requires the Commission to set a hearing<sup>1</sup> which, on the matters raised in the complaint, signifies a contested case.<sup>2</sup> A contested case is a formal hearing procedure, but it allows for waiver of procedural formalities and a decision without an evidentiary hearing, including by stipulation and agreement.<sup>3</sup> The Commission’s regulations provide for discovery at 4 CSR 240-2.090.

**THE COMMISSION ORDERS THAT:**

1. No later than September 6, 2016, the respondents shall file an answer.

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<sup>1</sup> Section 392.240, RSMo 2000.

<sup>2</sup> Section 536.010(4), RSMo Supp. 2013.

<sup>3</sup> Section 536.060, RSMo 2000; 4 CSR 240-2.115.

2. The Commission's staff shall conduct an investigation as to the cause of the complaint and shall file a report no later than September 20, 2016.

3. The Commission's Data Center shall serve a copy of this order and the complaint upon the respondents by certified mail, postage prepaid, at the following address.

209 Falling Leaf Ct.  
Reed Springs, MO 65737

4. This order shall be effective when issued.

**BY THE COMMISSION**



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

Morris L. Woodruff  
Secretary

Daniel Jordan, Senior Regulatory Law Judge,  
by delegation of authority pursuant  
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 4<sup>th</sup> day of August, 2016.

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

DERALD MORGAN, RICK AND CINDY	)	
GRAVER, WILLIAM AND GLORIA PHIPPS,	)	
and DAVID LOTT,	)	
	)	
Complainants,	)	
	)	
v.	)	File No.
	)	
CARL RICHARD MILLS,	)	
CARRIAGE OAKS ESTATES,	)	
DISTINCTIVE DESIGNS, and	)	
CARING AMERICANS TRUST	)	
FOUNDATION, INC. (f/k/a Caring	)	
Americans Foundation, Inc.)	)	
	)	
Respondents,	)	

**COMPLAINT**

1. Complainants reside at:  
  
Derald Morgan, 108 Carriage Oaks Dr., Reeds Spring, MO 65737  
  
Rick and Cindy Graver, 96 Falling Leaf Court, Reeds Spring, MO 65737  
  
William and Gloria Phipps, 132 Falling Leaf Court, Reeds Spring, MO 65737  
  
David Lott, 197 Falling Leaf Court, Reeds Spring, MO 65737
  
2. The utility service complained of was received at Complainants' addresses listed in Paragraph 1 above.
  
3. Respondents' address are as follows:  
  
Carl Richard Mills, 209 Falling Leaf Court, Reeds Spring, MO 65737  
  
Carriage Oaks Estates Homeowners Association, 209 Falling Leaf Court, Reeds Spring, MO 65737  
  
Distinctive Designs, Ltd., 209 Falling Leaf Court, Reeds Spring, MO 65737

Caring Americans Trust Foundation, Inc., 209 Falling Leaf Court, Reeds Spring,  
MO 65737

4. Respondents operate a public utility under the jurisdiction of the Missouri Public Service Commission.

5. The amount at issue is at least \$8,000.00.

6. Complainants now request the following relief:

a. Require respondents to transfer ownership of the wastewater treatment facility and water system, including necessary easements, to a proper entity where all owners are members of said entity, such as the existing homeowners' association.

b. Such further relief as deemed appropriate by the Public Service Commission under these circumstances.

7. The relief requested is appropriate because Respondents have violated several Missouri statutes and regulations, as follows:

a. 10 CSR 20-6.010 requires that “[a]ll persons who build, erect, alter, replace, operate, use, or maintain existing point sources, or intend these actions for a proposed point source, water contaminant sources, or wastewater treatment facilities shall apply to the department for the permits required by the Missouri Clean Water Law and these regulations.”

b. 10 CSR 20-6.010(3)(A) requires that “[a]ll applicants for construction permits or operating permits shall show, as part of their application, that a permanent organization exists which will serve as the continuing authority for the

operation, maintenance, and modernization of the facility for which the application is made.”

c. Respondent Carl Richard Mills caused the ownership of the wastewater treatment facility and water facility to be transferred to Caring Americans Trust Foundation, Inc.

d. 10 CSR 20-6.010(3)(B) provides a list of continuing authorities that may be issued an operating permit for water and sewer services, and Caring Americans Trust Foundation, Inc., does not qualify as a continuing authority for purposes of 10 CSR 20-6.010(3)(B).

e. Respondent Caring Americans Trust Foundation, Inc., is a non-profit corporation organized for charitable and educational purposes, and was not formed as a water and sewer company.

f. Further, Respondent Caring Americans Trust Foundation, Inc., has not obtained a Certificate of Convenience and Necessity from the Public Service Commission, nor has it received a valid Operating Permit from the Missouri Department of Natural Resources.

g. Respondent Carl Richard Mills previously tried to establish rates for the water and sewer service; however, he did not obtain proper authorization from the Public Service Commission before doing so.

h. In 2015, in a Stone County Circuit Court lawsuit, the Court ordered that Respondent Carl Richard Mills owned the wastewater treatment system and water system, thus making these systems his responsibility.

i. In spite of this order, Respondent Carl Richard Mills charged the homeowners' association for all operational costs of the facilities and other undocumented services.

j. The property owners in Carriage Oaks Estates subdivision continue to be charged for the operation costs of the facilities, even though Respondent Caring Americans Trust Foundation, Inc., has not been authorized to charge for these services and has not obtained a valid Operating Permit.

8. The Complainants have taken the following steps to present this matter to the Respondents to no avail:

a. The above described issues have been discussed during at least one meeting of the homeowners' association.

b. A demand letter was sent to Respondents' counsel on May 31, 2016, setting for these issues and requesting a resolution without having to file a complaint. A copy of the May 31, 2016, Demand Letter is attached hereto as **Exhibit A**.

c. Respondents now refuse to communicate with Complainants regarding this issue.

Respectfully submitted,

SCHENEWERK & FINKENBINDER,  
ATTORNEYS AT LAW, LLC

By:

  
Karl Finkenbinder, Mo. Bar No. 59425  
Cody A. Fenton, Mo. Bar No. 65526  
P.O. Box 123  
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Branson, Missouri 65616  
[417] 334.7922; [417] 334.7923 FAX  
Email: [karl@sfalawfirm.com](mailto:karl@sfalawfirm.com)  
COUNSEL FOR COMPLAINANTS

**CERTIFICATE OF SERVICE**

The below signed counsel hereby certifies that a true and accurate copy of the foregoing was sent to Bryan Wade, counsel for respondents, via email ([Bryan.Wade@huschblackwell.com](mailto:Bryan.Wade@huschblackwell.com)) on this 3 day of August, 2016.



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Karl Finkenbinder, Counsel for  
Complainants





8-3-16

Date

417-872-1219

Complainant's Phone Number

Alternate Contact Number

8-3-16

Date

417-839-1309

Complainant's Phone Number

Alternate Contact Number

Date

Complainant's Phone Number

Alternate Contact Number

Signature of Complainant

RICK GRAVER

Complainant's Printed Full Name

Complainant's E-mail Address

Signature of Complainant

CINDY GRAVER

Complainant's Printed Full Name

cindygraver@hotmail.com

Complainant's E-mail Address

Signature of Complainant

Complainant's Printed Full Name

Complainant's E-mail Address

Email: [karl@sfalawfirm.com](mailto:karl@sfalawfirm.com)  
COUNSEL FOR COMPLAINANTS

7-24-16  
Date

William A. Phipps  
Signature of Complainant

573-578-8787  
Complainant's Phone Number

WILLIAM A. PHIPPS  
Complainant's Printed Full Name

\_\_\_\_\_  
Alternate Contact Number

bebosphipps@embarqmail.com  
Complainant's E-mail Address

7-24-16  
Date

Gloria Phipps  
Signature of Complainant

573-578-8787  
Complainant's Phone Number

Gloria Phipps  
Complainant's Printed Full Name

\_\_\_\_\_  
Alternate Contact Number

bebosphipps@embarqmail.com  
Complainant's E-mail Address

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Complainant


\_\_\_\_\_  
Complainant's Phone Number

\_\_\_\_\_  
Complainant's Printed Full Name

\_\_\_\_\_  
Alternate Contact Number

\_\_\_\_\_  
Complainant's E-mail Address

August 2, 2016  
Date

  
Signature of Complainant

417-527-1432  
Complainant's Phone Number

David V. Lott  
Complainant's Printed Full Name

\_\_\_\_\_  
Alternate Contact Number

david@missouriholding.com  
Complainant's E-mail Address

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Complainant

\_\_\_\_\_  
Complainant's Phone Number

\_\_\_\_\_  
Complainant's Printed Full Name

\_\_\_\_\_  
Alternate Contact Number

\_\_\_\_\_  
Complainant's E-mail Address

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Complainant's Phone Number

\_\_\_\_\_  
Complainant's Printed Full Name

\_\_\_\_\_  
Alternate Contact Number

\_\_\_\_\_  
Complainant's E-mail Address

**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 4<sup>th</sup> day of August 2016.



  
Morris L. Woodruff  
Secretary

**MISSOURI PUBLIC SERVICE COMMISSION**

**August 4, 2016**

**File/Case No. WC-2017-0037**

**Missouri Public Service Commission**  
Staff Counsel Department  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
staffcounsel@psc.mo.gov

**Office of the Public Counsel**  
James Owen  
200 Madison Street, Suite 650  
P.O. Box 2230  
Jefferson City, MO 65102  
opc@ded.mo.gov

**Caring Americans Trust Foundation, Inc.**  
Legal Department  
209 Falling Leaf Court  
Reeds Spring, MO 65737

**Carl Richard Mills**  
Legal Department  
209 Falling Leaf Court  
Reeds Spring, MO 65737

**Carriage Oaks Estates Homeowners Association**  
Legal Department  
209 Falling Leaf Court  
Reeds Spring, MO 65737

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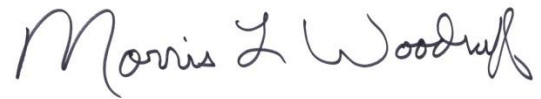
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karl@sfalawfirm.com

**Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).**

**Sincerely,**

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive style with a large, prominent "M" and "W".

**Morris L. Woodruff  
Secretary**

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