

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 28th day of July, 2005.

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| The Staff of the Missouri Public Service Commission, |) | |
| |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | <u>Case No. WC-2005-0493</u> |
| |) | |
| Swiss Villa Utilities, Inc, |) | |
| |) | |
| Respondent. |) | |

ORDER GRANTING DEFAULT

Issue Date: July 28, 2005

Effective Date: August 7, 2005

On June 17, 2005, the Staff of the Commission filed a complaint against Swiss Villa Utilities, Inc. Staff amended its complaint on June 24. In its amended complaint, Staff alleges that Swiss Villa did not pay its annual assessment to the Commission for 2004 and 2005. The complaint also alleges that Swiss Villa failed to file its annual report for 2003. Staff's complaint requests authority to bring a penalty action against Swiss Villa in circuit court.

Staff's complaint does not allege the dollar amount of the assessments that Swiss Villa failed to pay because Staff is concerned that unless the Commission orders that the assessment amounts may be made public, such disclosure might be

improper. For that reason, Staff asks the Commission to formally find that the Staff may publicly disclose the amount of the unpaid assessments.

On June 20, the Commission issued a Notice of Complaint that informed Swiss Villa of Staff's Complaint and directed it to file an answer. The Notice of Complaint was delivered to Swiss Villa by certified mail, return receipt requested, on June 22. Swiss Villa's answer was due by July 20. That date has come and gone and Swiss Villa has not filed an answer.

Commission Rule 4 CSR 240-2.070(9) provides that if a respondent fails to timely respond to a complaint, the Commission may deem the complaint admitted, and may enter an order granting default.¹ Swiss Villa has failed to file a timely response to Staff's complaint. Therefore, the Commission finds that Swiss Villa is in default and that Staff's allegations are admitted.

The Commission further finds that the amount of Swiss Villa's annual Commission assessment should be public information. Therefore, Staff is advised that it may make that information available to the public.

IT IS THEREFORE ORDERED:

1. That default is hereby entered against Swiss Villa Utilities, Inc., and the averments of Staff's complaint are deemed admitted.
2. That the General Counsel of the Commission is directed to bring a penalty action against Swiss Villa Utilities, Inc., in circuit court.

¹ That rule also allows the Commission to set aside a default order if the respondent files a motion to set aside the order within 7 days of the issue date of the order granting default, and if the Commission finds good cause for the respondent's failure to timely respond to the complaint.

3. That the Staff of the Commission shall treat the amount of Swiss Villa Utilities, Inc.'s unpaid annual assessments as public information.

4. That this order shall become effective on August 7, 2005.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written in a cursive style.

Colleen M. Dale
Secretary

(S E A L)

Davis, Chm., Murray, Gaw, Clayton and Appling, CC., concur

Woodruff, Senior Regulatory Law Judge