

At a session of the Public Service Commission held at its office in Jefferson City on the 31st day of August, 2006.

Case No. WC-2007-0042

¹ Unless stated otherwise, all statutory references are to Revised Statutes of Missouri 2000.

Commission granted Staff's motion, and ordered Mr. Ward to answer no later than August 18. Despite the Commission's electronic filing information system (EFIS) showing that Mr. Ward received the complaint on August 7, he failed to respond.

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.² Because Mr. Ward has failed to timely respond, the Commission finds him in default and finds that Staff's allegations are deemed admitted.

Therefore, the Commission finds that Mr. Ward is a water corporation under Section 386.020(58), providing water service to the Stump Hollow Subdivision in Stone County, Missouri for gain without the certificate of convenience and necessity required by Section 393.170. The Commission further finds that Section 386.570 subjects Mr. Ward to a penalty of not less than one hundred dollars nor more than two thousand dollars for each day that Mr. Ward provides water service without the required certificate. The Commission orders its General Counsel to recover the penalties allowed by Section 386.570 in circuit court.

IT IS ORDERED THAT:

1. Default is hereby entered against Respondent Mike Ward, and the averments of the complaint are deemed admitted.
2. The General Counsel of the Commission is authorized to bring a penalty action against Mike Ward in circuit court.

² The rule also allows the Commission to set aside a default order if the respondent files a motion to set aside the order within seven days of the order's issue date if the Commission finds good cause for the respondent's failure to timely respond.

3. This order shall become effective on September 7, 2006.
4. This case shall close on September 8, 2006.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

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

Pridgin, Senior Regulatory Law Judge