

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

The Staff of the Missouri Public Service Commission,	)	
	)	
	)	
Complainant,	)	
	)	<u>Case No. WC-2007-0088</u>
v.	)	
	)	
Joe Hybl, Oakview Estates Homeowners Association, Jack Hybl, and James Scott Hybl	)	
	)	
Respondents.	)	

**MOTION TO DISMISS**

**COMES NOW** the Staff of the Missouri Public Service Commission (Staff) and for its Motion to Dismiss respectfully states:

1. Staff filed its Complaint against Respondents on August 28, 2006, alleging that Respondents were providing water and sewer service without the requisite certificates of service authority.

2. On August 29, 2006 the parties entered into a consent order reached as a result of Staff's filing a Petition for Preliminary and Permanent Injunction and Motion for Temporary Restraining Order in Warren County Circuit Court. This Order was signed by the parties and Judge Sullivan on August 29, 2006.

3. Under the terms of the Consent Order, Respondents were required to reconnect customers who had been disconnected and to file for certificates of convenience and necessity.

4. Undersigned counsel verbally agreed to dismiss Case No. WC-2007-0088 pending before the Commission if Respondents reconnected its disconnected customers

and filed for the requisite certificates of service authority. Respondents reconnected the customers who had been disconnected within the time frame specified by the Consent Order. Respondents did not timely file for certificates; however counsel for Respondents regularly communicated with undersigned counsel regarding the progress of the applications.

5. Respondents did not timely file its Answer to the Complaint and the Commission entered a default on November 21, 2006.

6. On November 28, 2006 Respondents filed a Motion to Set Aside Default based on good cause.

7. On November 29, Staff filed its concurrence to Respondents' Motion to Set Aside Default, stating that Staff believed Respondents had shown good cause for not timely filing an Answer.

8. The Commission granted Respondents' Motion to Set Aside Default on January 9, 2007.

9. In accordance with undersigned counsel's verbal agreement at the time the Consent Order was entered into, Staff now moves to dismiss its Complaint against Respondents, Case No. WC-2007-0088.

**WHEREFORE,** Staff hereby moves to dismiss the Complaint filed in Case No. WC-2007-0088.

Respectfully submitted,

/s/ Jennifer Heintz

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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel and parties of record this 10th day of January 2007.

/s/ Jennifer Heintz

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