

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 9th day of  
January, 2007.

The Staff of the Missouri	)	
Public Service Commission,	)	
	)	
Complainant,	)	
	)	
v.	)	
	)	
Joe Hybl, Oakview Estates Homeowners	)	
Association, Jack Hybl, and James Scott Hybl,	)	
	)	
Respondents.	)	

**Case No. WC-2007-0088**

**ORDER SETTING ASIDE DEFAULT**

Issue Date: January 9, 2007

Effective Date: January 9, 2007

On August 28, 2006, the Staff of the Commission filed a complaint against the above-listed respondents, claiming that Respondents are providing water without the requisite Commission authority. The Commission gave Respondents notice of the complaint on August 30.

On October 3, Respondents filed a Request for Additional Time. Respondents stated that they are in the process of applying for a certificate of convenience and necessity, but needed additional time to get more information. Respondents asked for an extension of time until October 30 to file an answer, which the Commission granted. Respondents failed to meet that October 30 deadline.

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.<sup>1</sup> Because Respondents failed to timely respond, the Commission found them in default on November 21.

On November 28, Respondents filed a Request to Set Aside Default Judgment. Respondents asserted that Respondent Joseph Hybl, who was responsible for the day-to-day operation of Oakview Estates, has been incarcerated in the State of California, thereby making him unable to timely respond to Staff's complaint. Respondents further claim that Joseph Hybl has alleviated this problem by giving his power of attorney to someone who is able to more timely respond to Oakview Estates' affairs. Finally, Respondents claim that they have applied for certificates of convenience and necessity to provide water and sewer service in Missouri.

Staff responded on November 29, stating that in tandem with this complaint, Staff sought and obtained a consent order in the Circuit Court of Warren County, Missouri, whereby Respondents agreed to restore water service to their disconnected customers. Staff asserts that its counsel verbally agreed to move to dismiss this complaint if Respondents agreed to restore water service to the disconnected customers and applied for certificates of convenience and necessity. Staff concurs with Respondents that the reasons for Respondents failing to timely answer Staff's petition constitute good cause for the Commission to set aside its default order.

Commission Rule 4 CSR 240-2. 070(9) allows the Commission to set aside a default order if it finds good cause. Due to Staff's concurrence in Respondents' motion, the Commission finds good cause exists to set aside the default.

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<sup>1</sup> 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.

**IT IS ORDERED THAT:**

1. The Order Granting Default entered against Respondents Joe Hybl, Oakview Estates Homeowners Association, Jack Hybl and James Scott Hybl on November 21, 2006 is set aside.
2. This order shall become effective on January 9, 2007.

**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., Murray, Gaw, Clayton,  
and Appling, CC., concur.

Pridgin, Senior Regulatory Law Judge