

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

Susan D Jaeger,	)	
	)	
Complainant,	)	
	)	
v.	)	<u>Case No. WC-2006-0550</u>
	)	
Joe Hybl,	)	
	)	
Respondent.	)	

**STAFF’S MOTION TO CANCEL EXPEDITED HEARING**

**COMES NOW** the Staff of the Missouri Public Service Commission (Staff) and for its Motion to Cancel Expedited Hearing respectfully states as follows:

1. Complainant Susan D. Jaeger (Complainant) filed a formal complaint with the Missouri Public Service Commission (Commission) on June 27, 2006. In her Complaint, Complainant requested restoration of her water service. Complainant also requested that the Commission regulate Respondent Joe Hybl (Respondent).
2. On July 5, 2006 the Commission issued its Order Directing Staff Investigation. Staff filed its Response on August 23, 2006.
3. On August 25, 2006 the Commission issued an Order Setting Expedited Hearing. The hearing was set for September 20, 2006 at 9:30 a.m.
4. On August 28, 2006 Staff filed a formal complaint against Respondent and the Oakview Estates Homeowners Association alleging that Respondents were operating a water utility without a certificate of convenience and necessity as required by Section 386.020 RSMo (Supp. 2005). That Complaint has been assigned Case No. WC-2007-0088.

5. On August 29, 2006 a consent order was entered in Warren County Circuit Court. As part of the consent order, Respondent agreed to restore Complainant's water service. Respondent also agreed to file for a certificate of convenience and necessity.

6. On September 14, 2006 Jerry Scheible, Utility Regulatory Engineer with the Missouri Public Service Commission, confirmed that Complainant's water service has been restored. *See* Affidavit of Jerry Scheible, attached as Appendix A.

7. Because Complainant's water service has been restored and because Respondent's lack of a certificate of convenience and necessity has been addressed both in circuit court and in Case No. WC-2007-0088 currently before the Commission, Staff believes that a hearing in this case is no longer necessary.

**WHEREFORE**, Staff respectfully requests that the hearing set for September 20, 2006 at 9:30 a.m. be canceled.

Respectfully submitted,

/s/ Peggy A. Whipple  
Peggy A. Whipple  
Chief Litigation Counsel  
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/s/ Jennifer Heintz

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 parties of record this 18th day of September 2006.

/s/ Peggy Whipple

**AFFIDAVIT OF JERRY SCHEIBLE**

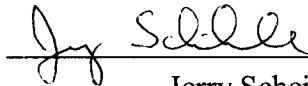
STATE OF MISSOURI     )

) ss

**Case No. WC-2006-0550**

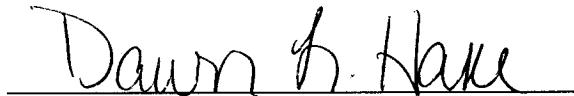
COUNTY OF COLE     )

Jerry Scheible, of lawful age, on his oath states: (1) that he is a member of the Staff of the Missouri Public Service Commission; (2) that he participated in the investigation leading to Staff's request to cancel the Hearing scheduled for September 20, 2006; (3) that he has confirmed with the Complainant that water service has indeed been restored to her residence as evidenced by the attached facsimile dated September 16, 2006; and (4) that the matters set forth herein are true and correct to the best of his knowledge, information and belief.



Jerry Scheible, P.E.  
Utility Regulatory Engineer  
Water & Sewer Department  
Utility Operations Division

Subscribed and sworn to before me this 18<sup>th</sup> day of September 2006.





Notary Public  
DAWN L. HAKE  
My Commission Expires  
March 16, 2009  
Cole County  
Commission #05407643

My Commission Expires: \_\_\_\_\_

Jerry Scheible, P.E.  
Utility Regulatory Engineer  
Water & Sewer Department  
Utility Operations Division

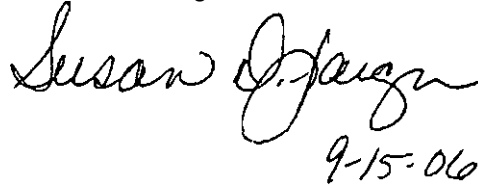
September, 15, 2006

I wanted to bring you up to date on the water status at my home, 124 Kit Dr. Wright City Mo. 63390. In Oakview Estates.

On Friday morning, September 1st, 2006 I received a notice on my door stating that between September 8-10 2006 (copy faxed to you 9-4-06) my home would be hooked up to the Oakview Estates water system. On Friday September 8th Chad Booth, Gaylen Barnes and another gentleman whom I haven't the name, were here and did dig up my water line and tap it onto the Oakview Estates Water line. I was told to let the water run for awhile to flush out the line. They then left. I do now have running water. No mention was made to me regarding water charges, or hook-up fees.

I just wanted to let you know the status of my situation here at my home regarding the water. I will continue to keep you informed of any changes or any other actions involving the water.

Thank You & God Bless  
Susan D. Jaeger



9-15-06