

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

Guy Thomas,)
)
Complainant,)
)
v.) **Case No. WC-2008-0248**
)
Evergreen Lakes Water Supply,)
)
Respondent.)

ORDER DIRECTING FILING

Issue Date: April 29, 2008

Effective Date: April 29, 2008

Guy Thomas filed a formal complaint against Respondent Evergreen Lake Water Company ("Evergreen") on January 29, 2008. On February 7, 2008, the Commission notified Evergreen of the complaint and allowed it thirty days in which to answer as provided by 4 CSR 240-2.070(7). The same day, pursuant to 4 CSR 240-2.070(10), the Commission ordered its Staff to commence an investigation of Mr. Thomas' formal complaint and to file a report concerning the results of its investigation no later than one week after Evergreen filed its answer to the complaint. Evergreen did not file an answer, even though such a pleading was due by no later than March 10, 2008.

On March 27, 2008, the Commission issued an Order Directing Filing, in which Evergreen was ordered to file, by no later than April 3, 2008, a pleading showing good cause why the Commission should not deem Mr. Thomas' averments to have been admitted and enter an order granting default pursuant to Commission Rule 4 CSR 240-

2.070(9). Evergreen did not file such a pleading. Accordingly, by order dated April 10, 2008, the Commission found Evergreen in default and informed the company that Mr. Thomas' averments were deemed to have been admitted by Evergreen.

In the same order, again pursuant to 4 CSR 240-2.070(9), the Commission gave Evergreen until April 28, 2008 to move the Commission to set aside the order of default, explaining that any such motion had to be supported by a showing of good cause for Evergreen's failure to timely answer. Evergreen did not file any such motion, even though the company was notified that if this happened, the Commission would "find as facts the allegations in Mr. Thomas' complaint and . . . grant him the relief, if any, to which he is entitled on those facts under the governing law."

Before finally disposing of this case by way of default judgment, the Commission would like to hear from its Staff concerning what relief, if any, Mr. Thomas is entitled to under the governing law, given that all the allegations of his complaint have been found to be facts by the Commission. The Office of the Public Counsel is also invited to file such a pleading if it wishes.

IT IS ORDERED THAT:

1. The Staff of the Commission shall file, by no later than May 9, 2008, a pleading concerning what relief, if any, Mr. Thomas is entitled to under the governing law, given that all the allegations of his complaint have been found to be facts by the Commission. The Office of the Public Counsel is also invited to file such a pleading by the same deadline.

2. This order shall become effective on April 29, 2008.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Benjamin H. Lane, Regulatory Law
Judge, by delegation of authority
under Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 29th day of April, 2008.