

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED⁴

SEP 05 2006

THE STAFF OF THE MISSOURI
PUBLIC SERVICE COMMISSION,
Complainant,

v.

MIKE WARD,
Respondent.

Missouri Public
Service Commission

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) Case No. WC-2007-0042
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)

ANSWER

COMES NOW Respondent MIKE WARD, by and through counsel of record J. Patrick Sullivan of Sullivan Law Office, P.C. and moves the commission for his "Answer" admits, denies and avers as follows, to-wit:

Introduction

1. Respondent admits the nature of the "Complaint", but denies the balance of paragraph 1 on information and belief.

Complainant

2. Respondent admits the allegations of paragraph 2.

Respondent

3. Respondent admits he has functioned as the "operat(or)" of a water system in Stone County, Missouri and his address as set forth in paragraph 3; but by way of further information and averment, states that he is not believed to be the current owner of said system.

Count I

Respondent is Subject to Regulation by the Commission

4. Respondent admits the allegations of paragraph 4.

5. Respondent admits the time-frame of operation of a water system in Stump Hollow Subdivision in Stone County, Missouri as set forth in paragraph 5, but denies the balance thereof on information and belief.

6. Respondent admits that the letter filed as Attachment A to the Complaint was forwarded as stated in paragraph 6, but denies the balance thereof and states that the letter is the best evidence.

7. Respondent denies the allegations of paragraph 7.

8. Respondent denies the allegations of paragraph 8.

9. Respondent admits the text of the statutes set forth in paragraph 9, but denies any implied applicability to Respondent.

10. Respondent denies the allegations of paragraph 10.

WHEREFORE, Respondent having fully answered, moves the Commission to dismiss this Count I with his costs herein expended.

Count II

Unauthorized Provision of Water Service to the Public

11. Respondent incorporates his Answers to Count I in this Count II as if set forth herein, *haec verba*.

12. Respondent admits that Section 393.120 provides that the provisions of Section 386.020 defining words and phrases applies to words and phrases used in Sections 393.110 to 393.290, but denies the balance of paragraph 12.

13. Respondent admits the text of the statutes set forth in paragraph 13, but denies any implied applicability to Respondent.

14. Respondent admits that he does not possess a "Certificate of Convenience and

Necessity”, as set forth in paragraph 14, but denies the balance thereof.

15. Respondent denies the allegations of paragraph 15.

WHEREFORE, Respondent having fully answered, moves the Commission to dismiss this Count II with his costs herein expended.

Count III

Authority to Seek Penalties

16. Respondent incorporates his Answers to Count I and Count II in this Count III as if set forth herein, *haec verba*.

17. Respondent admits the text of the statutes set forth in paragraph 17, but denies any implied applicability to Respondent.

18. Respondent admits the text of the statutes set forth in paragraph 18, but denies any implied applicability to Respondent.

WHEREFORE, Respondent having fully answered, moves the Commission to dismiss this Count III with his costs herein expended.

Motion for Expedited Treatment

19. Respondent incorporates his Answers to Count I, II and III in this Section denominated “Motion for Expedited Treatment” as if set forth herein, *haec verba*.

20. Respondent denies the allegations of paragraph 20.

21. Respondent admits the allegations of paragraph 21.

22. Respondent admits that water was disconnected as set forth in paragraph 22, but denies that the parties were personally inconvenienced and the balance of paragraph 22.

23. Respondent is without sufficient information to admit or deny the allegations of paragraph 23, and therefore denies the same on information and belief.

WHEREFORE, Respondent having fully answered, moves the Commission to dismiss the section denominated "Motion for Expedited Treatment", with his costs herein expended.

SULLIVAN LAW OFFICE, P.C.

By: 

J. Patrick Sullivan, #31370

Attorney for Respondent

P.O. Box 2175

Branson West, MO 65737

417-272-1444; fax: 272-1555

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was forwarded via U.S. mail, first class, postage prepaid to attorney Steven C. Reed, P.O. Box 360, Jefferson City, MO 65102, this 31st day of August, 2006.

X 

J. Patrick Sullivan