

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

The Staff of the Missouri Public Service
Commission,

Complainant,

v.

The Willows Utility Company,
Paul Leichty
ATTN: Official Representative/Annual
Report Representative
P.O. Box 140099
Dallas, TX 75214

Respondent.

Case No. WC-2016-

COMPLAINT

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, and pursuant to Section 386.390 RSMo, (2000)¹ and 4 CSR 240-2.070(1), files this *Complaint* with the Missouri Public Service Commission against Respondent, The Willows Utility Company, for violation of the Commission's statutes and rules relating to the filing of annual reports. In support of its *Complaint*, Staff respectfully states the following:

Introduction

1. This matter concerns Respondent's failure to timely file an annual report as required by Section 393.140(6), RSMo, Commission Rule 4 CSR 240-3.640, and Commission Rule 4 CSR 240-3.335.

¹ All statutory references are to RSMo 2000, as currently supplemented.

Parties

2. Complainant is the Staff of the Missouri Public Service Commission, acting through the Staff Counsel's Office as authorized by Commission Rule 4 CSR 240-2.070(1).

3. Respondent is The Willows Utility Company, a Missouri corporation in good standing. Respondent's official representative, as listed in EFIS, is Paul Liechty, P.O. Box 140099, Dallas, TX, 75214. The Missouri Secretary of State website indicates that Respondent's registered agent is Kenneth P. Reynolds, 1240 E Independence, Suite 200, Springfield, MO 65804. This Commission granted Respondent a Certificate of Convenience and Necessity ("CCN") authorizing the Company to provide water and sewer service to the public for gain in Chalet City West Subdivision in Greene County, Missouri on December 27, 1979 in Case No. WA-80-86, and the tariffs became effective on April 1, 1980.

Jurisdiction

4. Respondent is a "water corporation" as defined by Section 386.020(59), RSMo, a "sewer corporation" as defined by Section 386.020(49), RSMo, and a "public utility" as defined by Section 386.020(43), RSMo. Thus, Respondent is subject to the jurisdiction of this Commission pursuant to Section 386.250(3), RSMo.

5. Section 386.390.1, RSMo, authorizes the Commission to hear and determine complaints:

Complaint may be made by the commission of its own motion, or by the public counsel or any corporation or person, chamber of commerce, board of trade, or any civic, commercial, mercantile, traffic, agricultural or manufacturing association or organization, or any body politic or municipal corporation, by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any corporation, person or public utility,

including any rule, regulation or charge heretofore established or fixed by or for any corporation, person or public utility, in violation, or claimed to be in violation, of any provision of law, or of any rule or order or decision of the commission

6. Commission Rule 4 CSR 240-2.070(1) authorizes the Staff Counsel's Office to bring complaints on the behalf of the Staff: "A complaint may also be filed by ... the commission staff through the staff counsel ..."

7. Section 393.140(6), RSMo, states, "[a]ny such person or corporation which shall neglect to make any such report or which shall fail to correct any such report within the time prescribed by the commission shall be liable to a penalty of one hundred dollars and an additional penalty of one hundred dollars for each day after the prescribed time for which it shall neglect to file or correct the same..."

8. Section 386.600, RSMo, provides, "an action to recover a penalty...under this chapter or to enforce the powers of the commission under this or any other law may be brought in any circuit court in this state in the name of the state of Missouri and shall be commenced and prosecuted to final judgment by the general counsel to the commission."

Count I

Respondent has failed to submit its 2014 annual report

9. Complainant hereby adopts by reference and re-alleges the allegations set out in paragraphs one (1) through eight (8) above.

10. Section 393.140(6), RSMo, states that it is the "duty of each person or corporation [under the Commission's supervision] to file with the Commission an annual report."

11. Rule 4 CSR 240-3.640(1) requires all water companies, and Commission Rule 4 CSR 240-3.335(1) requires all sewer companies, to file their annual reports on or before April 15 of each year.

12. Respondent did not file its 2014 annual report by April 15, 2015.

13. On July 8, 2015, Staff mailed a letter to the Company notifying Respondent that the Commission had not received the Company's 2014 annual report and that Respondent would be subject to legal action if the Company did not file its 2014 annual report by August 8, 2015.

14. As of the date of this filing, Respondent has failed, omitted, or neglected to file its calendar year 2014 annual report.

WHEREFORE, Staff respectfully requests the Commission give notice to the Respondent as required by law and, after the opportunity for hearing, issue an order that finds the Respondent failed, omitted, or neglected to file an annual report for 2014 and authorizes the General Counsel's Office to bring a penalty action against the respondent in circuit court as provided in Sections 386.600 and 393.140(6), RSMo.

Respectfully submitted,

/s/ Mark Johnson

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CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing were mailed, electronically mailed, or hand-delivered to all counsel of record this 15th day of December, 2015.

/s/ Mark Johnson