

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

The Staff of the Missouri Public Service )  
Commission, )  
 )  
Complainant, )  
v. )  
 )  
Hurricane Deck Holding Company, )  
Chelsea Rose Land Owners Association, )  
Inc., Gregory D. Williams, Debra J. )  
Williams, and Charles H. Williams, )  
 )  
Respondents. )

Case No. WC-2006-0303

**STAFF’S MOTION REQUESTING LEAVE TO DISMISS RESPONDENTS  
CHELSEA ROSE LANDOWNERS ASSOCIATION, GREGORY D. WILLIAMS,  
DEBRA J. WILLIAMS, AND CHARLES H. WILLIAMS AND COUNT IV OF  
STAFF’S COMPLAINT**

**COMES NOW** the Staff of the Missouri Public Service Commission (Staff) and for its Motion to Requesting Leave to Dismiss pursuant to Commission rule 4 C.S.R. 240-2.116(1) respectfully states as follows:

1. On August 31, the Missouri Public Service Commission (Commission) issued its *Order Granting in Part and Denying in Part Staff’s Motion for Summary Determination*. The Commission’s Order granted Staff’s Motion for Summary Disposition pursuant to Commission Rule 4 C.S.R. 240-2.117 on Counts I, II, III & V of its Complaint with respect to Respondent Hurricane Deck Holding Company (HDHC). The Commission’s Order denied Staff’s Motion for Summary Disposition on Counts I, II, III, and V with regard to Respondents Chelsea Rose Landowners Association, Gregory D. Williams, Debra J. Williams, and Charles H. Williams. The Commission’s Order

denied Staff's Motion for Summary Disposition on Count IV of the Complaint in its entirety and with regard to all parties.

2. Staff hereby requests leave of the Commission to move to dismiss Respondents Chelsea Rose Landowners Association, Gregory D. Williams, Debra J. Williams, and Charles H. Williams from Counts I, II, III, and V of Staff's Complaint. If leave to move for dismissal is granted, Staff hereby moves to dismiss without prejudice Respondents Chelsea Rose Landowners Association, Gregory D. Williams, Debra J. Williams, and Charles H. Williams from Counts I, II, III, and V of Staff's Complaint.

3. Staff hereby requests leave of the Commission to move to dismiss Count IV of its Complaint in its entirety. This Count was included in Staff's Complaint because Staff believed a transfer had occurred. Staff believes it is not necessary to proceed with Count IV at this time. If such leave to move to dismiss is granted, Staff hereby moves to dismiss without prejudice Count IV of its Complaint. Staff reserves the right to bring a separate complaint if Respondent HDHC engages in a transfer of assets without the Commission's authorization pursuant to Section 393.190.1 RSMo (2000).

4 Staff submits that if its Motion to Dismiss is granted, all issues of its Complaint will be finally resolved. Staff therefore requests that the Commission grant the General Counsel's office the authority to file a petition in circuit court to recover penalties against Respondent HDHC pursuant to Section 386.570 RSMo (2000).

**WHEREFORE**, for the foregoing reasons, Staff requests leave to move to dismiss without prejudice Respondents Chelsea Rose Landowners Association, Gregory D. Williams, Debra J. Williams, and Charles H. Williams from Counts I, II, III, and V of Staff's Complaint. If such leave is granted, Staff moves to dismiss without prejudice

Respondents Chelsea Rose Landowners Association, Gregory D. Williams, Debra J. Williams, and Charles H. Williams from Counts I, II, III, and V of Staff's Complaint.

**WHEREFORE**, Staff further requests leave to move to dismiss Count IV in its entirety. If such leave is granted, Staff hereby moves to dismiss Count IV without prejudice, subject to Staff's ability to bring a separate complaint if Respondent HDHC engages in an unauthorized transfer of assets.

**WHEREFORE**, Staff requests permission to seek penalties against Respondent HDHC pursuant to Section 386.570 once all issues in Staff's Complaint have been finally resolved.

Respectfully submitted,

/s/ Peggy A. Whipple

Peggy A. Whipple  
Chief Litigation Counsel  
Missouri Bar No. 54758

Attorney for the Staff of the  
Missouri Public Service Commission  
PO Box 360  
Jefferson City, MO 65102  
(573) 526-6715 (Telephone)  
(573) 526-6969 (Fax)  
[peggy.whipple@psc.mo.gov](mailto:peggy.whipple@psc.mo.gov)

/s/ Jennifer Heintz

Jennifer Heintz  
Assistant General Counsel  
Missouri Bar No. 57128

Attorney for the Staff of the  
Missouri Public Service Commission  
PO Box 360  
Jefferson City, MO 65102  
(573) 751-8701 (Telephone)  
(573) 751-9285 (Fax)  
[jennifer.heintz@psc.mo.gov](mailto:jennifer.heintz@psc.mo.gov)

### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 7th day of September 2006.

/s/ Peggy A. Whipple