

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Susan D. Jaeger,)	
)	
Complainant,)	
)	
v.)	<u>Case No. WC-2006-0550</u>
)	
Joe Hybl, 2312 Highway "F,")	
Wright City, Missouri 63390,)	
)	
Respondent.)	

ORDER SETTING EXPEDITED HEARING

Issue Date: August 25, 2006

Effective Date: August 25, 2006

Susan D. Jaeger filed a complaint against Joseph Hybl on June 27, 2006. In that complaint, Ms. Jaeger claims the water service at her residence, 124-Kit Drive, Wright City, Missouri, was disconnected on May 4, 2006. Ms. Jaeger claims that her water service is provided by Joe Hybl. Ms. Jaeger claims that Mr. Hybl has refused to reconnect her service. Ms. Jaeger also claims that she was not sent a disconnection notice. Ms. Jaeger states that she has no water service to her residence.

On August 28, 2006, Mr. Hybl answered the complaint. Mr. Hybl alleges that he has made substantial improvements to the water system that served Ms. Jaeger and has been demanding payment for water service, as well as a reconnection fee, since at least March 17, 2003. Mr. Hybl states that he has attempted to negotiate with existing users of the water system, including Ms. Jaeger, for reconnection, but that Ms. Jaeger has "not paid any monies for the use and maintenance of the water supply facility; and she has refused

to allow the installation of a water meter onto her residence.” Mr. Hybl requests that the Commission order Ms. Jaeger to “pay a reasonable amount each month for her use of water . . . [and] be ordered to pay a reasonable amount for the cost of the hook-up of her residence onto the water supply system including the cost of a meter.”

The Staff of the Missouri Public Service Commission filed its verified investigation report on August 23, 2006. According to Staff’s investigation, Mr. Hybl does not have a certificate from the Missouri Public Service Commission to operate a water system. Mr. Hybl purchased a majority of the lots in the Oakview Estates Subdivision from the original developer. Mr. Hybl has recently completed upgrades to the water system in order to comply with Missouri Department of Natural Resources regulations. Mr. Hybl states that water service to the subdivision will be provided by the “not-for-profit” company, Oakview Estates Homeowners Association, Inc. Staff verified that such a corporation is registered with the Missouri Secretary of State, but there is some question as to whether Ms. Jaeger is a member of this association. Staff reports that currently, there are no paying customers on the system and that Mr. Hybl stated that he intends to connect customers only after they pay a connection charge and ongoing charges for water service.

Staff also determined during its investigation that two other residences were disconnected at the same time as Ms. Jaeger. Of those two residences, one had paid a \$5,000 connection fee to “Joe Hybl or Jack Hybl on behalf of Oakview Estates Subdivision” in 2000 when the owners purchased the property.

In Staff’s opinion, Mr. Hybl is operating a water system without a certificate in violation of Missouri laws. Staff recommended that service to Ms. Jaeger be immediately restored, that Mr. Hybl be directed to apply for a certificate of convenience and necessity,

and that Staff be directed to further investigate information it received regarding sewer service being provided by Mr. Hybl.

There is some question of fact regarding whether Ms. Jaeger is a member of the homeowners' association providing water service to the subdivision, whether the homeowners' association formed by Mr. Hybl meets the criteria for an unregulated water system, and what the charges for service must be. However, from the Complaint, Answer, and Staff's verified investigation report, there is sufficient evidence for the Commission to determine that it should set this matter for an immediate hearing to determine if Mr. Hybl is operating as a water utility and if Ms. Jaeger's water service should be immediately restored.

The Commission shall schedule a hearing in this matter as directed below. In addition, the Commission determines that the following procedures shall apply:

- (A) The Commission's rules regarding prefiled testimony are waived. Instead, the parties may conduct live direct and cross-examination.
- (B) The parties shall bring sufficient copies of exhibits they intend to offer at the hearing. The parties shall provide at least ten copies of each exhibit.

IT IS ORDERED THAT:

1. The parties shall appear at a hearing on September 20, 2006, beginning at 9:30 a.m. The hearing will be held in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, a building that meets accessibility standards required by the Americans with Disabilities Act. Anyone needing additional accommodations to participate in the hearing should call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 prior to the hearing.

2. The parties shall abide by the procedures set out in the body of this order.
3. This order shall become effective on August 25, 2006.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Nancy Dippell, Deputy Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 25th day of August, 2006.