

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

**FILED<sup>2</sup>**

NOV 28 2006

**Missouri Public  
Service Commission**

The Staff of the Missouri Public Service )  
Commission, )

Complainant, )

v. )

Cause No. WC-2007-0088

Joe Hybl, Oakview Estates Homeowners )  
Association, Jack Hybl, and James Scott )  
Hybl )

Respondents. )

**REQUEST TO SET ASIDE DEFAULT JUDGMENT**

Comes Now Donald A. Baerveldt, Jr., attorney for Respondents Joe Hybl, Oakview Estates Homeowners Association, Jack Hybl, and James Scott Hybl, and requests that the default judgment entered against respondents on November 21, 2006 be set aside, and states as cause the following:

1. Respondent Joseph Hybl has been incarcerated in the State of California.
2. Respondent Joseph Hybl had been responsible for all of the day to day affairs of Oakview Estates Homeowners Association, including this matter.
3. Respondents Jack Hybl and James Scott Hybl have not been involved in the day to day operation of Oakview Estates Homeowners Association.
4. Joseph Hybl's incarceration and subsequent unavailability has caused delay in responding to the matter at issue.
5. Joseph Hybl has given his Durable Power of Attorney to Mark Harrison.
6. Mark Harrison has formed Oakview Water & Sewer Company with Respondents Jack Hybl and James Scott Hybl.

7. Mark Harrison has prepared the separate Applications to obtain certificates of convenience and necessity with respect to the water and sewer utilities.

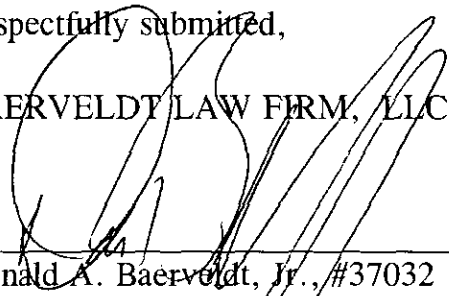
8. Mark Harrison by legal counsel has filed on November 28, 2006 the separate Applications, copies of which are attached.

WHEREFORE, Respondents request that the Commission enter its Order setting aside the Default Judgment entered on November 21, 2006.

Respectfully submitted,

BAERVELDT LAW FIRM, LLC

By:

  
Donald A. Baerveldt, Jr., #37032

**Attorneys for Respondents**

566 First Capitol Drive

St. Charles, MO 63301

(636) 255-0000 voice

(636) 947-7365 facsimile

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was hand delivered, this 28<sup>th</sup> day of November, 2006 to: Jennifer Heintz, Assistant General Counsel, Missouri Public Service Commission, P.O. Box 360, Jefferson City, Missouri 65102.