

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

The Staff of the Missouri Public Service Commission,	)	
	)	
	)	
	)	
	)	Case No. WC-2007-0042
v.	)	
	)	
Mike Ward,	)	
	)	
	)	
	)	

**STAFF RESPONSE TO MOTION TO  
SET ASIDE DEFAULT JUDGMENT**

**COMES NOW** the Staff of the Missouri Public Service Commission ("Staff"), by and through counsel and for its response to respondent's Motion to Set Aside Default Judgment states as follows:

1. Complainant admits that as alleged in paragraph 1 of respondent's motion the undersigned counsel and Mr. Sullivan, attorney for respondent, discussed the issue of respondent seeking leave to file and answer out of time and that the undersigned had and has no objection to respondent filing same.
2. Complainant admits that a TRO is in place, currently with the consent of the respondent, and further states that the parties to this administrative case and the circuit court case are working toward resolution of the issues in both cases.
3. Admit.
4. Admit.
5. Complainant has no reason to dispute the allegations in paragraph 5.
6. Complainant cannot dispute this allegation.

7. Complainant agrees and leaves this for Commission determination.

8. Complainant believes that the default order was entered at or near the time undersigned counsel and attorney Sullivan were discussing this case and the circuit court cases on the telephone and leaves the determination of good cause for the Commission.

9. Complainant is unable to admit or deny this allegation.

WHEREFORE, having answered respondent's motion, complainant asks the Commission to enter an order that is just and appropriate.

Respectfully Submitted,

**/s/ Steven C. Reed**

Steven C. Reed  
Litigation Counsel  
Missouri Bar No. 40616

Attorney for the Staff of the  
Missouri Public Service Commission

P.O. Box 360  
Jefferson City, MO 65102  
573-751-3015 (telephone)  
573-751-9285 (facsimile)  
[steven.reed@psc.mo.gov](mailto:steven.reed@psc.mo.gov)

### **Certificate of Service**

I hereby certify that copies of the foregoing have been sent vial U.S. Mail or electronic mail to J. Patrick Sullivan, Attorney at Law, P.O. Box 2175, Branson West, MO 65737 this 7<sup>th</sup> day of September, 2006.

**/s/ Steven C. Reed**