

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

Guy Thomas,	)	
	)	
Complainant,	)	
	)	
v.	)	<b><u>Case No. WC-2008-0248</u></b>
	)	
Evergreen Lakes Water Supply,	)	
	)	
Respondent.	)	

**ORDER GRANTING MOTION FOR EXTENSIONS OF TIME AND**  
**DIRECTING JOINT FILING BY THE STAFF OF THE MISSOURI PUBLIC**  
**SERVICE COMMISSION, GUY THOMAS AND EVERGREEN LAKES**  
**WATER SUPPLY**

Issue Date: September 23, 2008

Effective Date: September 23, 2008

On August 12, 2008,<sup>1</sup> the Commission issued its *Order Granting Relief by Default* ("Order") in this matter. This Order directed, *inter alia*, that Evergreen Lakes Water Supply ("Evergreen") and the Commission's Staff do as follows:

3. Evergreen Lakes Water Supply shall, without charge, dig up the unused meter setting in Mr. Thomas' yard and cap the service line at the main by no later than September 15, 2008.
4. Evergreen Lakes Water Supply shall, without charge, level to grade and install lids on both valve boxes in Mr. Thomas' yard by no later than September 15, 2008, unless they are not active valve locations, in which case the company is ordered to remove the inactive valve boxes or bury them completely by no later than September 15, 2008.
5. The Staff of the Missouri Public Service Commission shall investigate Evergreen Lakes Water Supply to determine if it is in compliance with this order and file a report of its investigation no later than September 23, 2008.

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<sup>1</sup> All dates throughout this order refer to the year 2008 unless otherwise noted.

On September 19, the Commission's Staff filed a pleading requesting an extension of time for effectuating the Commission's Order and for Staff to file its report. The reasons articulated by Staff for the requested extensions are as follows:

Staff informs the Commission that due to heavy rains and flooding occurring over the last few weeks Evergreen has not been able to perform the grading, installation, removal and capping of service lines, the unused meter setting and lids. Complainant Mr. Thomas also informs Staff that he does not want Evergreen entering his yard to remove the meter pit until the ground has dried out so as to avoid damage to the yard. The Company echoes this concern. In fact, Mr. Thomas has expressed that he does not want the meter pit removed at all. Staff also notes that Evergreen does not own a backhoe and therefore must rent or hire an operator with a backhoe to complete the required grading, installation, removal and capping.

Staff cites to Section 386.420.3 in support of its requests. Section 386.420.3 provides as follows:

If an order cannot, in the judgment of the commission, be complied with within thirty days, the commission may grant and prescribe such additional time as in its judgment is reasonably necessary to comply with the order, and may, on application and for good cause shown, extend the time for compliance fixed in its order.

Staff requests an extension until October 20, 2008, for completion of ordered paragraphs 3 and 4 of the Commission's Order or to advise the Commission of further developments in this matter. Staff further requests an extension for filing the report of its investigation from September 23 to October 28.

The Commission finds good cause, i.e. the inclement weather and the desire for a change in the relief ordered, for granting the extension of time for compliance with the Commission's Order. However, if Mr. Thomas now desires different relief than what the Commission ordered, i.e. not to have the meter pit removed, and Evergreen is in agreement, then the parties shall jointly file a pleading outlining a joint agreement and a plan for corrective action to resolve Mr. Thomas's complaint. Granting the extension for

compliance, and for the filing of the joint plan, necessarily requires the Commission to grant Staff's request for additional time to file the report of its investigation.

**IT IS ORDERED THAT:**

1. Staff's Motion for Extension of Time for compliance with the Commission's August 12, 2008 Order Granting Relief by Default, filed on behalf of Evergreen Lakes Water Supply, is granted.

2. Staff's Motion for an Extension of Time to file its report of its investigation is granted.

3. No later than October 2, 2008, the Parties shall jointly file a pleading outlining a mutually agreed to plan for corrective action to resolve Mr. Thomas' complaint. That plan shall include a detailed timeline for completion, with a final completion date no later than November 13, 2008.

4. No later than ten days following the completion of the corrective action plan, described in ordered paragraph number 3, the Staff of the Missouri Public Service Commission shall file with the Commission a report informing the Commission whether Evergreen Lakes Water Supply is in compliance with the Commission's August 12, 2008 and the amendment thereto embodied in this order.

5. This order shall become effective immediately upon issue.

( S E A L )

**BY THE COMMISSION**

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

Colleen M. Dale  
Secretary

Harold Stearley, Senior Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 23<sup>rd</sup> day of September, 2008.