

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

In the Matter of the Petition for an Interim     )  
Receiver and for an Order Directing the         )  
General Counsel to Petition the Circuit         )  
Court for the Appointment of a Receiver         )  
For Ridge Creek Water Company, LLC,            )  
And for Ridge Creek Development, L.L.C.         )

**File No. WO-2017-0236**

**ORDER DENYING STAFF REQUEST TO SEND SERVICE OF COMPLAINT  
TO SECRETARY OF STATE**

Issue Date: April 6, 2017

Effective Date: April 6, 2017

On March 14, 2017, the Staff of the Commission filed a Petition with the Missouri Public Service Commission asking the Commission to direct its General Counsel to petition the Circuit Court of Cole County to appoint a receiver for Ridge Creek Water Company, LLC, and Ridge Creek Development, LLC. The Commission issued notice of this filing by certified mail to the companies and to the individuals Staff identifies as the owners of the companies. The notice was served on Ridge Creek Water Company as indicated by the signature of that company's registered agent dated March 15. The file does not yet contain any indication that the notice has been served on Ridge Creek Development.

On April 5, Staff filed a motion asking the Commission to send notice to the Missouri Secretary of State to complete service of notice to Ridge Creek Development. In support of its request, Staff cites two statutory provisions: Sections 352.380.1, and 506.150, RSMo 2000. The first statute, Section 352.380.1, provides for service on a corporation by serving that corporation's registered agent. It also says that if a

corporation fails to appoint or maintain a registered agent, then service may be had upon the Secretary of State. Ridge Creek Development has a registered agent, Michael Stoner, who is one of the owners of the company. Therefore, it appears that Section 352.380.1 does not authorize the Secretary of State to receive process on behalf of the corporation. Similarly, the second statute, Section 506.150.1(4), provides for service on the Secretary of State for a domestic corporation that has been dissolved according to law. Ridge Creek Development has not been dissolved and therefore, the statute does not authorize the Secretary of State to receive service on its behalf.

Since Staff has not cited any statutory authority for serving notice in this case on the Secretary of State, the Commission must deny Staff's motion. The Commission notes that Section 386.390, RSMo 2000 says that service in any proceeding pending before the Commission may be made "personally or by mailing". If Staff wants the Commission to authorize personal service by a special process server, it may request that service by filing an appropriate motion.

**THE COMMISSION ORDERS THAT:**

1. Staff's Request to Send Service of Complaint to Secretary of State is denied.

2. This order shall be effective when issued.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Morris L. Woodruff, Chief Regulatory  
Law Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 6<sup>th</sup> day of April, 2017.

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

**I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 7<sup>th</sup> day of April 2017.**



  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**April 7, 2017**

**File/Case No. WO-2017-0236**

**Missouri Public Service  
Commission**

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**Ridge Creek Water Company,  
LLC**

Legal Department  
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**Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).**

**Sincerely,**



**Morris L. Woodruff  
Secretary**

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.