

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

The Staff of the Missouri Public Service
Commission,

Complainant,

vs.

Fawn Lake Water Corp. and
Rachel Hackman,

Respondents.

The Office of the Public Counsel,
An agency of the State of Missouri,

Complainant,

vs.

Fawn Lake Water Corp.,
Rachel Hackman,
A Missouri water corporation,

Respondents.

Case No. WC-2015-0330

Case No. WC-2015-0340

MOTION FOR DEFAULT DETERMINATION

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, and for its *Motion for Default Determination*, states herein as follows:

1. On June 11, 2015, Staff filed its *Complaint* against Fawn Lake Water Corp. and its owner and operator, Rachel Hackman, charging that these Respondents, without first obtaining authorization from this Commission as required by 393.170.2, RSMo., were providing water to the public for gain, using water plant that they owned, operated and controlled; and that the water thus provided was unsafe and inadequate,

in violation of § 393.130.1, RSMo. As relief, Staff seeks penalties. This case was docketed as Case No. WC-2015-0330.

2. On June 12, 2015, the Commission issued its *Notice of Complaint* in Case No. WC-2015-0330, directing Respondents to answer by July 13, 2015.

3. On June 23, 2015, the Commission's Data Center received return receipts showing that its *Notice of Complaint* in Case No. WC-2015-0330 had been successfully delivered to Rachel Hackman as Registered Agent for Respondent Fawn Lake Water Corp. and to Rachel Hackman as an individual respondent. Those return receipts were signed by Rachel Hackman.

4. On June 19, 2015, the Office of the Public Counsel ("OPC") filed its *Complaint* against Fawn Lake Water Corp. and its owner and operator, Rachel Hackman, charging that these Respondents, without first obtaining authorization from this Commission as required by 393.170.2, RSMo., were providing water to the public for gain, using water plant that they owned, operated and controlled; and that the charges Respondents demanded were unjust and unreasonable because not tariffed and not approved by this Commission. As relief, OPC seeks penalties; the refund of all amounts charged and collected by Respondents; and an order requiring Respondents to seek a Certificate of Convenience and Necessity from this Commission. This case was docketed as Case No. WC-2016-0340.

5. On June 19, 2015, the Commission issued its *Notice of Complaint* in Case No. WC-2015-0340, directing Respondents to answer by July 20, 2015.

6. On July 6, 2015, the Commission's Data Center received a return receipt showing that its *Notice of Complaint* in Case No. WC-2015-0340 had been successfully

delivered to Rachel Hackman as Registered Agent for Respondent Fawn Lake Water Corp. That return receipt was signed by Rachel Hackman.

7. On June 29, 2015, Staff moved to consolidate Case Nos. WC-2015-0330 and WC-2015-0340.

8. On July 15, 2015, OPC responded that it did not object to the proposed consolidation, "as long as all the counts and all relief sought by Public Counsel remains intact and as presented by Public Counsel in the consolidated case against Respondents.

9. Nothing has occurred in either case since OPC's response of July 15, 2015. On August 31, 2015, the Commission directed that the complainants file status reports. Staff states that it has been waiting for the Commission to rule on its *Motion to Consolidate*.

10. Staff now moves for a default determination pursuant to Commission Rule 4 CSR 240-2.070(10), which provides:

If the respondent in a complaint case fails to file a timely answer, the complainant's averments may be deemed admitted and an order granting default entered. The respondent has seven (7) days from the issue date of the order granting default to file a motion to set aside the order of default and extend the filing date of the answer. The commission may grant the motion to set aside the order of default and grant the respondent additional time to answer if it finds good cause.

WHEREFORE, Staff prays that the Commission will (1) consolidate these two complaints for all purposes into Case No. WC-2015-0330, (2) deem the averments of both complaints admitted and (3) enter an order granting default determinations against the Respondents; and grant such other and further relief as the Commission deems just in the premises.

Respectfully submitted,

/s/ Kevin A. Thompson

Kevin A. Thompson

Missouri Bar Number 36288

Chief Staff Counsel

Missouri Public Service Commission

P.O. Box 360

Jefferson City, MO 65102

573-751-6514 (Voice)

573-526-6969 (Fax)

kevin.thompson@psc.mo.gov

Attorney for Staff of the

Missouri Public Service Commission

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing has been served, by hand delivery, electronic mail, or First Class United States Mail, postage prepaid, to all parties of record on the Service List maintained for this case by the Data Center of the Missouri Public Service Commission, on this 2nd day of September, 2015.

/s/ Kevin A. Thompson