

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

The Staff of the Missouri Public Service Commission,)	
)	
)	
Complainant,)	
)	<u>Case No. WC-2022-XXXX</u>
v.)	SC-2022-XXXX
)	
I-70 Mobile City, Inc.)	
d/b/a I-70 Mobile City Park)	
)	
Respondent.)	

STAFF’S COMPLAINT

COMES NOW, the Staff of the Missouri Public Service Commission, by and through counsel, and for its Complaint, states as follows:

Introduction

1. This matter concerns the unauthorized provision of water and sewer service by Respondent to the public, namely to residents of the I-70 Mobile City Park, for gain, without certification or other authority from the Missouri Public Service Commission.

Complainant

2. Complainant is the Staff of the Missouri Public Service Commission, acting by and through the Staff Counsel as authorized by 20 CSR 4240-2.070(1).

Respondent

3. Respondent I-70 Mobile City, Inc. d/b/a I-70 Mobile City Park (hereafter “I-70 MHP”), is a Missouri corporation with its principal place of business located at 1449 Outer Rd., Bates City, Missouri 64011. Its registered agent is Robert T. Steinkemp, located at 132 Westwoods Drive, Liberty, Missouri 64068.

Jurisdiction

4. Section 386.390.1, RSMo, authorizes the Commission to hear and determine complaints:

Complaint may be made by the commission of its own motion, or by the public counsel or any corporation or person, chamber of commerce, board of trade, or any civic, commercial, mercantile, traffic, agricultural or manufacturing association or organization, or any body politic or municipal corporation, by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any corporation, person or public utility in violation, or claimed to be in violation, of any provision of law subject to the commission's authority, of any rule promulgated by the commission, of any utility tariff, or of any order or decision of the commission

5. Pursuant to 20 CSR 4240-2.070(1), "A complaint may also be filed by . . . the commission staff through the staff counsel"

6. I-70 MHP operates, controls or manages a plant or property, or a dam or a water supply, canal, or power station, and distributes or sells for distribution, or sells or supplies water for gain, in Lafayette County, Missouri.

7. I-70 MHP is thus a water corporation pursuant to § 386.020(59), RSMo, and a public utility pursuant to § 386.020(43), RSMo.

8. I-70 MHP owns, operates, controls or manages a sewer system, plant or property with more than 25 connections, for the collection, carriage, treatment, or disposal of sewage for gain in Clay County, Missouri.

9. I-70 MHP is thus a sewer corporation pursuant to § 386.020(49), RSMo, and a public utility pursuant to § 386.020(43), RSMo.

10. As a water and a sewer corporation and a public utility, I-70 MHP is subject to the jurisdiction, regulation, and control of this Commission. Section 386.250, RSMo, and Chapters 386 and 393, RSMo, the *Public Service Commission Law*.

11. Section 393.170.2, RSMo, states, in pertinent part, as follows:

No such corporation shall exercise any right or privilege under any franchise hereafter granted, or under any franchise heretofore granted but not heretofore actually exercised, ... without first having obtained the permission and approval of the commission....

12. Section 386.570, RSMo, states as follows:

1. Any corporation, person or public utility which violates or fails to comply with any provision of the constitution of this state or of this or any other law, or which fails, omits or neglects to obey, observe or comply with any order, decision, decree, rule, direction, demand or requirement, or any part or provision thereof, of the commission in a case in which a penalty has not herein been provided for such corporation, person or public utility, is subject to a penalty of not less than one hundred dollars nor more than two thousand dollars for each offense.
2. Every violation of the provisions of this or any other law or of any order, decision, decree, rule, direction, demand or requirement of the commission, or any part or portion thereof, by any corporation or person or public utility is a separate and distinct offense, and in case of a continuing violation each day's continuance thereof shall be and be deemed to be a separate and distinct offense.
3. In construing and enforcing the provisions of this chapter relating to penalties, the act, omission or failure of any officer, agent or employee of any corporation, person or public utility, acting within the scope of his official duties of employment, shall in every case be and be deemed to be the act, omission or failure of such corporation, person or public utility.

13. Section 386.600, RSMo, states, in pertinent part, as follows:

An action to recover a penalty or a forfeiture under this chapter or to enforce the powers of the commission under this or any other law may be brought in any circuit court in this state in the name of the state of Missouri and shall be commenced and prosecuted to final judgment by the general counsel to the commission....

Facts and Cause of Action

14. I-70 MHP owns the real property located at 1449 Outer Road, Bates City, Missouri 64011, which it operates as a mobile home park identified as I-70 Mobile City Park.

15. I-70 MHP purchases its water from Bates City, Missouri, which purchases its water from Consolidated PWSD #2 of Lafayette, Johnson, and Saline Counties, Missouri.

16. I-70 MHP has a permitted lagoon system on-site operated by a Department of Natural Resources (DNR) permitted operator, which it uses to serve the residents of the I-70 Mobile City Park. See copy of I-70 MHP's Missouri State Operating Permit issued by DNR effective December 1, 2018, as Attachment A.

17. Residents of the I-70 Mobile City Park requesting water and sewer service for their units are provided such service by I-70 MHP and are subsequently billed for water and sewer service by I-70 MHP based on their usage of water and sewer service separate from their pad rent. See copy of Residential Water, Sewer, and Lot Rent Bill and Security Deposit Statement, as Attachment B.

18. Missouri courts have held that entities act as public utilities when they sell services to the public for compensation and have undertaken the responsibility to provide such services to all members of the public within their capability.¹

19. Although I-70 MHP is operating water and sewer utilities and providing water and sewer service for the public use, I-70 MHP does not have certificates of convenience and necessity from the Commission allowing it to legally provide these services to residents of the I-70 Mobile City Park.

20. I-70 MHP is engaging in the unlawful provision of water and sewer services to the public, for gain, without certification or other authority from the Missouri Public Service Commission, in violation of § 393.170.2, RSMo.

WHEREFORE, Staff prays that the Commission will give due notice to the Respondent, and, after hearing:

¹ *Osage Water Co. v. Miller County Water Authority, Inc.*, 950 S.W. 569, 574-5 (Mo.App. S.D. 1997); *Hurricane Deck Holding Co. v. Public Service Comm'n*, 289 S.W.3d 260, 264-5 (Mo.App. W.D. 2009)

- a. Determine that Respondent I-70 Mobile City, Inc. d/b/a I-70 Mobile City Park, has violated § 393.170.2, RSMo, as set out above;
- b. Order I-70 MHP to file an application with the Commission requesting certificates and convenience or necessity as a water and sewer corporation and be regulated as a public utility;
- c. Determine that I-70 MHP is subject to penalties as provided by § 386.570, RSMo, and authorize the General Counsel of the Commission to proceed in Circuit Court to seek such penalties as are authorized by law; and
- d. Grant such other and further relief as is just in the circumstances.

Respectfully submitted,

/s/ Carolyn H. Kerr
Missouri Bar Number 45718
Senior Staff Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102
573-751-5397 (Voice)
573-526-6969 (Fax)
carolyn.kerr@psc.mo.gov

Attorney for Staff of the
Missouri Public Service Commission

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail, or First Class United States Postal Mail, postage prepaid, on this 22nd day of April, 2022, to all counsel of record.

/s/ Carolyn H. Kerr

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES
MISSOURI CLEAN WATER COMMISSION



MISSOURI STATE OPERATING PERMIT

In compliance with the Missouri Clean Water Law, (Chapter 644 R.S. Mo. as amended, hereinafter, the Law), and the Federal Water Pollution Control Act (Public Law 92-500, 92nd Congress) as amended,

Permit No.	MO-0056111
Owner:	I-70 Mobile City, Inc.
Address:	1449 Outer Road, Bates City, MO 64011
Continuing Authority:	Same as above
Address:	Same as above
Facility Name:	I-70 Mobile City Wastewater Treatment Facility
Facility Address:	0.1 mile West of the Intersection of Pawnee and Osage, Bates City, MO 64011
Legal Description:	Sec. 35, T49N, R29W, Lafayette County
UTM Coordinates:	X = 405956, Y = 4319039
Receiving Stream:	Tributary to Little Horseshoe Creek
First Classified Stream and ID:	Little Horseshoe Creek (C) (3690)
USGS Basin & Sub-watershed No.:	(10300101-0504)

is authorized to discharge from the facility described herein, in accordance with the effluent limitations and monitoring requirements as set forth herein:

FACILITY DESCRIPTION

Outfall #001 – Non-POTW – Mobile Home Park - SIC #6515

Two-cell lagoon / sludge retained in the lagoon.

Design population equivalent is 1,000.

Design flow is 100,000 gallons per day.

Adjusted Design flow is 14,999 gallons per day.

Actual flow is 11,500 gallons per day.


Design sludge production is 15 dry tons/year.

This permit authorizes only wastewater discharges under the Missouri Clean Water Law and the National Pollutant Discharge Elimination System; it does not apply to other regulated areas. This permit may be appealed in accordance with Section 621.250 RSMo, Section 640.013 RSMo and Section 644.051.6 of the Law.

December 1, 2018
Effective Date






Edward B. Galbraith, Director, Division of Environmental Quality

September 30, 2023
Expiration Date


Chris Wieberg, Director, Water Protection Program

Make a Payment

10 items per page

Date	Property	Reference	Type	Amount	Paid	Due
 3/28/2021	I-70MCU		Water Utility Bill	\$380.33	\$0.00	\$380.33
 3/28/2021	I-70MCU		Sewer Utility Bill	\$70.16	\$0.00	\$70.16
 3/28/2021	I-70MC		Lot Rent Bill	\$275.00	\$0.00	\$275.00
 5/1/2021	I-70MC		Security Deposits	\$160.00	\$0.00	\$160.00

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