

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

The Staff of the Missouri Public Service
Commission,

Complainant,

v.

Rex Deffenderfer Enterprises, Inc.
Lavada Cottrill, Jimmy Deffenderfer
ATTN: Annual Report Representative
1770 N. Deffer Dr., Suite 4
Nixa, MO 65714

Respondent.

Case No. WC-2016-

COMPLAINT

COMES NOW the Staff of the Missouri Public Service Commission, through the undersigned counsel, and pursuant to Section 386.390 RSMo (2000)¹ and 4 CSR 240-2.070(1), files this Complaint with the Missouri Public Service Commission ("Commission") against Respondent, Rex Deffenderfer Enterprises, Inc. for violation of the Commission's statutes and rules relating to the filing of annual reports. In support of its Complaint, Staff respectfully states the following:

Introduction

1. This matter concerns Respondent's failure to timely file an annual report as required by Section 393.140(6), RSMo and Commission Rule 4 CSR 240-3.640.

¹ All statutory references are to RSMo 2000, as currently supplemented.

Parties

2. Complainant is the Staff of the Missouri Public Service Commission, acting through the Staff Counsel's Office as authorized by Commission Rule 4 CSR 240-2.070(1).

3. Respondent is Rex Deffenderfer Enterprises, Inc., a Missouri corporation in good standing. Respondent's registered agents are Lavada Cottrill and Jimmy J. Deffenderfer, 1770 N. Deffer Dr., Suite 4, Nixa, Missouri 65714. The Commission granted Respondent a Certificate of Convenience and Necessity ("CCN") authorizing the Company to provide water service to the public for gain on May 11, 1977, in Case No. WA-77-83, and its most recent tariff became effective on May 25, 2000 under the assigned tracking number JW-2002-0061.

General Allegations

4. Respondent is a "water corporation" as defined by Section 386.020(59), RSMo and a "public utility" as defined by Section 386.020(43), RSMo, and thus is subject to the jurisdiction of the Commission pursuant to Section 386.250(3), RSMo.

5. Section 386.390.1, RSMo authorizes the Commission to entertain a complaint "setting forth any act or thing done or omitted to be done by any...public utility...in violation, or claimed to be in violation, of any provision of law, or of any rule, or order or decision of the commission."

6. Section 386.600, RSMo provides, "an action to recover a penalty...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.”

COUNT ONE

Respondent has failed to submit its 2014 annual report

7. Complainant hereby adopts by reference and re-alleges the allegations set out in paragraphs one (1) through six (6) above.

8. Section 393.140(6), RSMo requires every water corporation to file with the Commission an annual report, and Rule 4 CSR 240-3.640(1) requires the annual report to be filed with the Commission on or before April 15 of each year.

9. Respondent did not file its 2014 annual report by April 15, 2015.

10. On June 1, 2015, and again on June 9, 2015, Staff contacted the Company regarding the delinquent annual report. The Company indicated at that time that it expected to submit the annual report by June 30, 2015.

11. On July 8, 2015, Staff mailed a letter to the Company notifying Respondent that the Commission had not received the Company's 2014 annual report and that the Respondent would be subject to legal action if the Company did not file its 2014 annual report by August 8, 2015.

12. As of the date of this filing, Respondent has failed, omitted, or neglected to file its calendar year 2014 annual report.

13. Section 393.140(6), RSMo states, “[a]ny such person or corporation which shall neglect to make any such report or which shall fail to correct any such report within the time prescribed by the commission shall be liable to a penalty of

one hundred dollars and an additional penalty of one hundred dollars for each day after the prescribed time for which it shall neglect to file or correct the same...”

WHEREFORE, Staff respectfully requests the Commission give notice to the Respondent as required by law and, after the opportunity for hearing, issue an order for Count 1 that finds the Respondent failed, omitted, or neglected to file an annual report for 2014 and authorizes the General Counsel's Office to bring a penalty action against the respondent in circuit court as provided in Sections 386.600 and 393.140(6), RSMo.

Respectfully submitted,

/s/ Marcella L. Mueth

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CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing were mailed, electronically mailed, or hand-delivered to all counsel of record this 18TH day of September, 2015.

/s/ Marcella L. Mueth