

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office  
in Jefferson City on the 17<sup>th</sup>  
day of November, 2016.

The Staff of the Missouri Public Service  
Commission,

Complainant,

v.

Missouri Utilities Company,

Respondent.

**File No. WC-2017-0007**

**File No. SC-2017-0008**

**ORDER GRANTING MOTION FOR DEFAULT DETERMINATION**

Issue Date: November 17, 2016

Effective Date: November 28, 2016

On July 5, 2016, the Staff of the Missouri Public Service Commission filed a three-count *Complaint* against Missouri Utilities Company (“Missouri Utilities” or “Company”) alleging that the Company failed to submit its annual reports for the years 2013, 2014, and 2015. In 1993, Missouri Utilities was granted a Certificate of Convenience and Necessity to provide water and sewer service to approximately 151 residential customers in Henry County, Missouri. Although the Company is an administratively dissolved Missouri corporation, Gary Cover is still identified in the Commission’s records as the Company’s official representative. A copy of the complaint was sent by certified mail to Mr. Cover, who received it on July 19. The Commission directed Missouri Utilities to file an answer.

Missouri Utilities failed to submit an answer by the August 13 deadline. On August 19, Staff filed a *Motion for Default Determination* requesting the Commission enter a default judgment against the Company and authorize the Commission's General Counsel's Office to seek civil penalties. The Commission set a September 29 deadline for Missouri Utilities to file a response to Staff's motion, but no response was received.

The Commission's rules provide a respondent an opportunity to contest allegations brought before the Commission, but Missouri Utilities has repeatedly failed to respond. Commission Rule 4 CSR 240-2.070(10) states that if a respondent in a complaint case fails to file a timely answer, the Commission may find the party to be in default, and may deem admitted by the respondent the truth of all averments in the complaint. Staff's *Complaint* alleges Missouri Utilities failed to submit its annual reports for 2013, 2014, and 2015, as required by Section 393.140(6), RSMo.<sup>1</sup> Based on the Company's default, the Commission finds Missouri Utilities failed to submit its 2013, 2014, and 2015 annual reports. The Commission further finds that Missouri Utilities is subject to penalties under Section 393.140(6), RSMo, and will authorize its General Counsel to seek civil penalties in circuit court.

By the Commission's rule, Missouri Utilities has seven days from the issuance of this order to file a motion to set aside this order of default.

**THE COMMISSION ORDERS THAT:**

1. Staff's *Motion for Default Determination* is granted.
2. A default determination is entered against Missouri Utilities Company.
3. The facts alleged in Staff's *Complaint* are deemed established.

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<sup>1</sup> All statutory references are to the 2000 Missouri Revised Statutes, as cumulatively supplemented.

4. The Commission's General Counsel is authorized to file an action in an appropriate circuit court seeking penalties against Missouri Utilities Company, as allowed by Sections 386.570, 386.600, and 393.140(6), RSMo.

5. No later than November 24, 2016, Missouri Utilities Company may file a motion to set aside this order of default.

6. This order shall become effective on November 28, 2016.

**BY THE COMMISSION**



A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Hall, Chm., Stoll, Kenney, Rupp, and  
Coleman, CC., concur.

Burton, Senior Regulatory Law Judge.

**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 17<sup>th</sup> day of November 2016.**



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

**MISSOURI PUBLIC SERVICE COMMISSION**

**November 17, 2016**

**File/Case No. WC-2017-0007 and SC-2017-0008**

**Missouri Public Service  
Commission**

Staff Counsel Department  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
staffcounsel@psc.mo.gov

**Office of the Public Counsel**

James Owen  
200 Madison Street, Suite 650  
P.O. Box 2230  
Jefferson City, MO 65102  
opc@psc.mo.gov

**Missouri Public Service  
Commission**

Marcella Forck  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
marcella.forck@psc.mo.gov

**Missouri Utilities Company**

Legal Department  
P.O. Box 506  
Clinton, MO 64735

***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.