

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office
in Jefferson City on the 19th
day of September, 2017.

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

The Staff of the Missouri Public Service Commission,)	
)	
)	
Complainant,)	
)	
v.)	<u>Case No. WC-2017-0318</u>
)	
Highway H Utilities, Inc.,)	
)	
)	<u>Case No. SC-2017-0319</u>
)	
Respondent.)	

ORDER GRANTING MOTION FOR DEFAULT DETERMINATION

Issue Date: September 19, 2107

Effective Date: October 19, 2017

On June 2, 2017, the Staff of the Missouri Public Service Commission filed a formal Complaint against Highway H Utilities, Inc. ("Highway H" or "the Company"), a public utility regulated by the Commission. Staff alleged that Highway H failed to submit its 2016 annual report, as required by Section 393.140(6), RSMo 2016.

On June 7, 2017, the Commission issued notice of Staff's Complaint via certified mail to the Company's registered agent and directed Highway H to file an answer by July 7, 2017. No answer was filed. On July 20, 2017, 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 issued an order on August 9, 2017, setting an August 19, 2017 deadline for Highway H to file a response to Staff's Complaint and Motion for Default Determination, but no response was received.

The Commission's rules provide a respondent an opportunity to contest allegations brought before the Commission, but Highway H 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 Highway H failed to submit its annual reports for 2016, as required by Section 393.140(6), RSMo 2016. Based on the Company's default, the Commission finds Highway H failed to submit its 2016 annual reports. The Commission further finds that Highway H is subject to penalties under Section 393.140(6), RSMo 2016, and will authorize its General Counsel to seek civil penalties in circuit court.

By the Commission's rule, Highway H 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 Highway H Utilities, Inc.
3. The facts alleged in Staff's June 2, 2017 Complaint are deemed established. The Commission finds that Highway H Utilities, Inc. failed to file its 2016

annual report by May 20, 2017, in violation of Section 393.140(6), RSMo 2016, and Commission Rule 4 CSR 240-3.640(1).

4. The Commission's General Counsel is authorized to file an action in an appropriate circuit court seeking penalties against Highway H Utilities, as allowed by Sections 386.570, 386.600, and 393.140(6), RSMo 2016.

5. No later than September 26, 2017, Highway H Utilities may file a motion to set aside this order of default.

6. This order shall become effective on October 19, 2017.

7. This file shall close on October 20, 2017.

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 19th day of September 2017.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

September 19, 2017

File/Case No. WC-2017-0318 and SC-2017-0319

**Missouri Public Service
Commission**

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**Missouri Public Service
Commission**

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

Sincerely,

A handwritten signature in dark ink, reading "Morris L. Woodruff". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

**Morris L. Woodruff
Secretary**

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