

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

The Staff of the Missouri Public Service Commission,)	
)	
Complainant,)	
)	<u>Case No. WC-2018-</u>
v.)	
)	
Port Perry Service Company,)	<u>Case No. SC-2018-</u>
)	
Respondent.)	

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 against Respondent, Port Perry Service Company, 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 Rules 4 CSR 240-3.335 and 4 CSR 240-3.640.

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).

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

3. Respondent is Port Perry Service Company, a Missouri corporation in good standing. Respondent's registered agent is Michael E. Yamnitz, 728 PCR 724, Perryville, MO 63775. This Commission granted Respondent a Certificate of Convenience and Necessity ("CCN") authorizing the Company to provide water service to the public for gain on May 18, 1973, in Case No. 17681 and sewer service to the public for gain in Perry County on June 7, 1973, in Case No. 17642. Pursuant to those CCNs, Respondent provides water and sewer service to approximately 328 residential water customers and 139 residential sewer customers in Perry County, Missouri.

General Allegations

4. Respondent is a "water corporation" as defined by Section 386.020(59), RSMo., a "sewer corporation" as defined by Section 386.020(49), RSMo., and a "public utility" as defined by Section 386.020(43), RSMo., and thus is subject to the jurisdiction of this 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."

Respondent has failed to submit its 2016 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 and every sewer 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 was granted a thirty (30) day extension for filing its annual reports, requiring submission no later than May 15, 2017.

10. On May 30, 2017, Staff mailed a letter to the Company notifying Respondent that the Commission had not received the Company's 2016 annual report and that the Respondent would be subject to legal action if the Company did not file its 2016 annual report by June 15, 2017.

11. Respondent did not file its 2016 annual report by June 15, 2017.

12. As of the date of this filing, Respondent has failed, omitted, or neglected to file its calendar year 2016 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 that finds the Respondent failed, omitted, or neglected to file an annual report for 2016 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 Forck

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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 6th day of July, 2017.

/s/ Marcella L. Forck