

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

The Staff of the Missouri Public Service Commission,	)	
	)	
Complainant,	)	
	)	<b><u>File No. WC-2022-0295</u></b>
v.	)	
	)	<b><u>File No. SC-2022-0296</u></b>
I-70 Mobile City, Inc. d/b/a I-70 Mobile City Park.	)	
	)	
Respondent.	)	

**ORDER GIVING NOTICE OF CONTESTED CASE  
AND DIRECTING ANSWER**

Issue Date: April 25, 2022

Effective Date: April 25, 2022

On April 22, 2022, the Staff of the Missouri Public Service Commission (Complainant) filed a complaint with the Commission against I-70 Mobile City, Inc. d/b/a I-70 Mobile City Park (Respondents). A copy of the complaint accompanies this notice. This is a contested case<sup>1</sup> pursuant to Section 386.390, RSMo. This case will not proceed under the small formal complaint process.<sup>2</sup>

The Commission will set a deadline for the Respondents to file an answer. In the alternative, the Respondents may file a written request that the complaint be referred to a neutral third-party mediator for voluntary mediation of the complaint. Upon receipt of a request for mediation, the 30-day time period shall be tolled while the Commission ascertains whether or not the Complainant is also willing to submit to voluntary mediation. If the Complainant agrees to mediation, the time period within which an answer is due shall be suspended pending the resolution of the mediation process. Additional

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<sup>1</sup> A “[c]ontested case’ means a proceeding before an agency in which legal rights, duties or privileges of specific parties are required by law to be determined after hearing.” Section 536.010(4).  
<sup>2</sup> 20 CSR 4240-2.070(15).

information regarding the mediation process is enclosed. If the Complainant declines the opportunity to seek mediation, the Respondents will be notified in writing that the tolling has ceased and will also be notified of the date by which an answer or notice of satisfaction must be filed. That period will usually be the remainder of the original 30-day period.

As required by Section 536.067(2)(f), RSMo, the Commission informs the parties that the Commission's provisions governing procedures before the Commission, including provisions relating to discovery, are found at Commission Rule 20 CSR 4240-2.090 RSMo.

**THE COMMISSION ORDERS THAT:**

1. The Commission's Data Center shall send, by certified mail, a copy of this notice and order and a copy of the Complaint to:

I-70 Mobile City Park  
Legal Department  
1449 Outer Road  
Bates City, Missouri, 64011

and to the Respondent's registered agent at:

Robert T. Steinkamp  
132 Westwoods Drive  
Liberty, Missouri 64068

2. I-70 Mobile City, Inc. d/b/a I-70 Mobile City Park shall file an answer to this complaint or request for mediation no later than May 25, 2022, and serve a copy upon the Complainant. All pleadings (the answer, the notice of satisfaction of complaint or request for mediation) shall be mailed to:

Secretary of the Public Service Commission  
P.O. Box 360  
Jefferson City, Missouri 65102-0360

or filed using the Commission's electronic filing and information service.

3. This order is effective when issued.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive style.

Morris L. Woodruff  
Secretary

John T. Clark, Senior Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,  
on this 25<sup>th</sup> day of April, 2022.

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

The Staff of the Missouri Public Service Commission,	)	
	)	
	)	
Complainant,	)	
	)	<b><u>Case No. WC-2022-XXXX</u></b>
v.	)	<b>SC-2022-XXXX</b>
	)	
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.<sup>1</sup>

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:

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<sup>1</sup> *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 22<sup>nd</sup> 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, 92<sup>nd</sup> 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

Showing 1 to 4 of 4 entries

10 items per page



## *Missouri Public Service Commission*

**MAIDA J. COLEMAN**  
Commissioner

**RYAN A. SILVEY**  
Chairman

**JASON R. HOLSMAN**  
Commissioner

**SCOTT T. RUPP**  
Commissioner

POST OFFICE BOX 360  
JEFFERSON CITY, MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
<http://psc.mo.gov>

**GLEN KOLKMEYER**  
Commissioner

### **Information Sheet Regarding Mediation of Commission Formal Complaint Cases**

Mediation is a process where the parties work together to try to resolve their dispute with the aid of a neutral party, the mediator. The mediator's role is help the parties talk to each other. The mediator may offer suggested solutions, but the mediator has no authority to tell the parties what they must do or to determine who "wins." Instead, the mediator simply works with both parties to help them reach an agreement.

Typically, at a mediation session the parties meet for an off-the-record discussion. The mediation session is not a formal proceeding like a hearing and no attorney is required to participate. The Regulatory Law Judges at the Public Service Commission are trained mediators and this service is offered to parties who have formal complaints pending before the Public Service Commission at no charge. If mediation is agreed to by the parties, the Commission will send notice of who the mediator will be and that person will set up the first meeting.

There cannot be a mediation unless both parties to the complaint agree to try in good faith to resolve the dispute. If both parties agree to mediate the complaint, the only information about the mediation that will be disclosed to the Commission is (a) whether the case has been settled and (b) whether the mediation effort was considered to be helpful. The Commission will not ask what was discussed during the mediation.

If the dispute is settled at the mediation, the Commission will require a signed release from the party filing the complaint before the formal complaint case can be dismissed. If the dispute is not resolved through the mediation process, neither party will be penalized for having taken part in the mediation and the formal complaint case will simply pick up where it left off.

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive style.

Morris L. Woodruff  
Secretary


**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 25<sup>th</sup> day of April, 2022.**



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

**MISSOURI PUBLIC SERVICE COMMISSION**

**April 25, 2022**

**File/Case No. WC-2022-0295 and SC-2022-0296**

**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**  
Marc Poston  
200 Madison Street, Suite 650  
P.O. Box 2230  
Jefferson City, MO 65102  
opcservice@opc.mo.gov

**I-70 Mobile City Park**  
Legal Department  
1449 Outer Road  
Bates City, MO 64011

**Missouri Public Service  
Commission**  
Carolyn Kerr  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
Carolyn.Kerr@psc.mo.gov

**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.