

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 14<sup>th</sup> day of September, 2022.

The Staff of the Missouri Public Service Commission,  
Complainant,  
v.  
I-70 Mobile City, Inc. d/b/a I-70 Mobile City Park.  
Respondent.

**File No. WC-2022-0295**

**ORDER DIRECTING THE COMMISSION'S GENERAL COUNSEL  
TO SEEK ENFORCEMENT OF THE COMMISSION'S ORDER  
IN CIRCUIT COURT**

Issue Date: September 14, 2022

Effective Date: September 14, 2022

On July 27, 2022, the Commission granted the Staff of the Commission's (Staff) motion to compel I-70 Mobile City, Inc. d/b/a I-70 Mobile City Park to allow Staff onto its property to perform an inspection of the water and sewer systems. On September 6, 2022 Staff filed its *Motion for an Order Directing General Counsel to Seek Enforcement of the Commission's Order*, and requested an informal conference with the Presiding Officer pursuant to Commission Rule 20 CSR 4240-2.090(8)(B).

At the conference, counsel for I-70 Mobile City Park asserted that no Commission order granting entry onto land shall be enforceable except upon order of the Circuit Court, citing section 536.073.2 RSMo., which states in relevant part:

In addition to the powers granted in subsection 1 of this section, any agency authorized to hear a contested case may make rules to provide that the parties may obtain all or any designated part of the same discovery

that any Missouri supreme court rule provides for civil actions in circuit court. The agency may enforce discovery by the same methods, terms and conditions as provided by supreme court rule in civil actions in the circuit court. Except as otherwise provided by law, no agency discovery order which:

(2) Permits entrance upon land or inspection of property without permission of the owner; or

(3) Purports to hold any person in contempt; shall be enforceable except upon order of the circuit court of the county in which the hearing will be held or the circuit court of Cole County at the option of the person seeking enforcement, after notice and hearing.

The Commission recognizes that its order to allow Staff to enter property may only be enforced by action of the circuit court.

The Commission has the authority to determine if an entity is subject to the Commission's jurisdiction,<sup>1</sup> and Section 393.140 sets out the Commission's general authority to regulate water systems.

Section 393.140(7), RSMo., gives the Commission and its Staff the power to inspect the property, building, plants, factories, powerhouses, ducts, conduits, and offices of any water or sewer corporation. This authority is appropriate if its actions are consistent with the Commission's mission to ensure that Missourians receive safe and reliable utility services at just and reasonable rates. Accordingly, the Commission may authorize its Staff to conduct an inspection of I-70 Mobile City Park's premises.

Commission Rule 20 CSR 4240-2.090(1), states that discovery may be obtained by the same means and under the same conditions as in civil actions in the circuit court.

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<sup>1</sup> Section 386.250 RSMo.

Sanctions for failure to comply with commission orders regarding discovery shall be the same as those provided for in the rules of civil procedure.

Missouri Rule of Civil Procedure, 56.01(a), states that parties may obtain discovery by requesting permission to enter upon land or other property, for inspection and other purposes.

On September 13, 2022, I-70 Mobile City Park filed its *Suggestions in Opposition to Staff's Motion for an Order Directing General Counsel to Seek Enforcement of the Commission's Order*, reiterating its arguments opposing Staff's request to compel discovery.

I-70 Mobile City Park has refused to comply with the Commission's order directing it to allow entry onto its property to inspect the water and sewer systems. As provided by statute, that order may only be enforced by action of the circuit court. Therefore, the Commission will direct the general counsel of the Commission to file an action in the appropriate circuit court of this state to seek enforcement of the Commission's *Order Granting Staff's Motion to Compel and Denying Respondent's Request for a Protective Order*.<sup>2</sup>

**THE COMMISSION ORDERS THAT:**

1. The Commission authorizes and directs its general counsel to file an action in the circuit court of its choosing seeking enforcement of the Commission's *Order*

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<sup>2</sup> Section 386.360 RSMo., authorizes the Commission to direct the general counsel to the commission to commence an action or proceeding in any circuit court of the state of Missouri in the name of the commission by mandamus for failing to comply with a Commission order. Section 386.600 RSMo., authorizes the general counsel to seek enforcement in any circuit court of the state of Missouri to enforce the powers of the Commission.

*Granting Staff's Motion to Compel and Denying Respondent's Request for a Protective Order.*

2. This order shall be effective when issued.



**BY THE COMMISSION**

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

Morris L. Woodruff  
Secretary

Silvey, Chm., Coleman, Holsman, and  
Kolkmeier CC., concur.  
Rupp, C., absent.

Clark, 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 14<sup>th</sup> day of September, 2022.**



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

**MISSOURI PUBLIC SERVICE COMMISSION**

**September 14, 2022**

**File/Case No. WC-2022-0295**

**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**  
Stephanie S Bell  
308 East High Street, Suite 300  
Jefferson City, MO 65101  
sbell@ellingerlaw.com

**I-70 Mobile City Park**  
Marc H Ellinger  
308 E. High Street, Ste. 300  
Jefferson City, MO 65101  
mellinger@ellingerlaw.com

**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.