

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 11th day  
of April, 2006.

The Staff of the Missouri Public Service Commission,	)	
	)	
	)	
Complainant,	)	
	)	
v.	)	<b><u>Case No. WC-2006-0030</u></b>
	)	
Missouri Utilities Company,	)	
	)	
Respondent.	)	

**ORDER GRANTING DEFAULT**

Issue Date: April 11, 2006

Effective Date: April 21, 2006

On July 22, 2005, the Staff of the Commission filed a complaint against Missouri Utilities Company. Staff alleges that Missouri Utilities Company did not file its 2004 annual report. Staff also alleges that Missouri Utilities Company did not pay its annual assessment to the Commission for Fiscal Year 2005. Staff's complaint does not allege the dollar amount of the assessment that Missouri Utilities Company failed to pay, because Staff believes that such disclosure might be improper under Section 386.480, RSMo, absent the Commission's order that the assessment amount may be made public. For that reason, Staff asks the Commission to formally find that the Staff may publicly disclose the amount of the unpaid assessment. Staff's complaint requests authority, as provided in Section 386.600, RSMo 2000, to bring a penalty action in circuit court against Missouri Utilities

Company for its failure to file its annual report, and its failure to pay its annual assessments.

On July 25, 2005, the Commission issued a Notice of Complaint that informed Missouri Utilities Company of Staff's complaint and directed it to file an answer within 30 days of the date of the notice. The Notice was mailed by certified U.S. Mail, return receipt requested to the company's last known address and to its last known registered agent. Missouri Utilities Company's answer was due no later than August 24, 2005. Missouri Utilities Company did not file an answer.

On January 25, 2006, the Commission issued a second Notice of Complaint, mailed by certified U.S. Mail, return receipt requested, to the company's registered agent. Missouri Utilities Company's answer was due no later than February 24, 2006. Again, the company did not respond.

Commission Rule 4 CSR 240-2.070(9) provides that if a respondent fails to timely respond to a complaint, the Commission may deem the complaint admitted, and may enter an order granting default.<sup>1</sup> Missouri Utilities Company has failed to file a timely response to Staff's complaint. Therefore, the Commission finds that Missouri Utilities Company is in default and that Staff's allegations are admitted.

The Commission further finds that the amount of Missouri Utilities Company's annual Commission assessment should be public information. Therefore, Staff will be authorized to make that information available to the public.

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<sup>1</sup> That rule also allows the Commission to set aside a default order if the respondent files a motion to set aside the order within seven days of the issue date of the order granting default, and if the Commission finds good cause for the respondent's failure to timely respond to the complaint.

**IT IS ORDERED THAT:**

1. Default is hereby entered against Respondent, Missouri Utilities Company, and the averments of Staff's Complaint are deemed admitted.
2. The General Counsel of the Commission is authorized to bring a penalty action against Missouri Utilities Company in circuit court.
3. The Staff of the Commission shall treat the amount of Missouri Utilities Company's unpaid annual assessment as public information.
4. This order shall become effective on April 21, 2006.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

( S E A L )

Davis, Chm., Murray, Gaw, Clayton,  
and Appling, CC., concur.

Dippell, Deputy Chief Regulatory Law Judge