

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 13th day
of June, 2006.

Erik M. Thomas,)	
)	
Complainant,)	
)	
v.)	<u>Case No. WC-2006-0423</u>
)	
Evergreen Lake Water Company,)	
)	
Respondent.)	

ORDER GRANTING DEFAULT

Issue Date: June 13, 2006

Effective Date: June 23, 2006

On May 2, 2006, Erik M. Thomas filed a complaint seeking adjustments from Evergreen Lake Water Company to the bill for installation of five (5) water "tap on's" at Lots 1 & 2, Lots 3 & 4, Lot 5, Lot 6 of Block P, Plat 3 of Evergreen Lakes Subdivision; Lots 18 & 19 of Block K, Plat 3 of Evergreen Lakes Subdivision. The Commission issued its Notice of Complaint on May 2, 2006, advising Respondent of various options open to it and further advising Respondent that it must pursue one of these options by June 5, 2006. That date has come and gone and the Commission has received no response or any other contact from Respondent.

Commission Rule 4 CSR 240-2.070 governs complaints. That rule, at section (9), provides:

If the respondent in a complaint case fails to file a timely answer, the complainant's averments may be deemed admitted and an order granting default entered. The respondent has seven (7) days from the

issue date of the order granting default to file a motion to set aside the order of default and extend the filing date of the answer. The commission may grant the motion to set aside the order of default and grant the respondent additional time to answer if it finds good cause.

Respondent has failed to file an answer and the Commission will enter its order granting default and deeming the Complainant's averments admitted.

Respondent shall have seven days from the effective date of this order within which to move the Commission to set aside the order of default. Any such motion must be supported by a showing of good cause for Respondent's failure to timely answer. If Respondent does not petition the Commission within seven days to set aside the default, the Commission will find as facts the allegations in the Complaint and may grant the Complainant the relief requested in the Complaint.

IT IS ORDERED THAT:

1. Default is hereby entered against Respondent Evergreen Lakes Water Supply, and the averments of the Complaint are deemed admitted.
2. This order shall become effective on June 23, 2006.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

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

Voss, Regulatory Law Judge