

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 21st day  
of November, 2006.

The Staff of the Missouri	)	
Public Service Commission,	)	
	)	
Complainant,	)	
	)	
v.	)	
	)	
Joe Hybl, Oakview Estates Homeowners	)	
Association, Jack Hybl, and James Scott Hybl,	)	
	)	
Respondents.	)	

**Case No. WC-2007-0088**

**ORDER GRANTING DEFAULT**

Issue Date: November 21, 2006

Effective Date: November 28, 2006

On August 28, 2006, the Staff of the Commission filed a complaint against the above-listed respondents, claiming that Respondents are providing water without the requisite Commission authority. The Commission gave Respondents notice of the complaint on August 30.

On October 3, Respondents filed a Request for Additional Time. Respondents stated that they are in the process of applying for a certificate of convenience and necessity, but needed additional time to get more information. Respondents asked for an extension of time until October 30 to file an answer, which the Commission granted. Respondents failed to meet that October 30 deadline.

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> Because Respondents have failed to timely respond, the Commission finds them in default and finds that Staff's allegations are deemed admitted.

Therefore, the Commission finds that Respondents own, operate, control or manage a water system serving Oakview Estates Subdivision in Warren County, and are a water corporation under Section 386.020(58), in that they are providing water service to the Oakview Estates Subdivision in Warren County, Missouri for gain without the certificate of convenience and necessity required by Section 393.170. The Commission further finds that Respondents are a public utility under Section 386.020(42), and are thus subject to the jurisdiction of the Commission.

Further, the Commission finds that Respondents have violated Section 393.170 by providing water service to the Oakview Estates Subdivision in Warren County, Missouri without the requisite certificate of convenience and necessity, and that each day Respondents have done so constitutes a separate violation. In addition, the Commission further finds that Section 386.570 subjects Respondents to a penalty of not less than one hundred dollars nor more than two thousand dollars for each day that they provide water service without the required certificate. As authorized by Section 386.600, the Commission permits its General Counsel to recover the penalties allowed by Section 386.570 in circuit court.

---

<sup>1</sup> The 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 order's issue date if the Commission finds good cause for the respondent's failure to timely respond.

**IT IS ORDERED THAT:**

1. Default is hereby entered against Respondents Joe Hybl, Oakview Estates Homeowners Association, Jack Hybl and James Scott Hybl, and the averments of the complaint are deemed admitted.
2. The General Counsel of the Commission is authorized to bring a penalty action against Respondents Joe Hybl, Oakview Estates Homeowners Association, Jack Hybl and James Scott Hybl in circuit court.
3. This order shall become effective on November 28, 2006.
4. This case shall close on November 29, 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.

Pridgin, Senior Regulatory Law Judge