

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

The Staff of the Missouri Public Service Commission,	)	
	)	
Complainant,	)	
	)	<b><u>Case No. WC-2017-0318</u></b>
v.	)	
	)	
Highway H Utilities, Inc.,	)	<b><u>Case No. SC-2017-0319</u></b>
	)	
Respondent.	)	

**STAFF NOTICE**

**COMES NOW** the Staff of the Missouri Public Service Commission, through the undersigned counsel, and respectfully states as follows:

1. Staff filed its *Complaint* on June 2, 2017, asserting that Respondent Highway H Utilities, Inc. (“Company” or “Highway H”) failed to submit its 2016 annual reports as required by Section 393.140(6), RSMo<sup>1</sup> and Commission Rules 4 CSR 240-3.335 and 4 CSR 240-3.640. For relief, Staff prays that the Commission authorize the General Counsel’s Office to bring a penalty action against the Respondent in circuit court as provided in Sections 386.600, 386.570, and 393.140(6), RSMo.

2. Respondent’s answer was due by July 7, 2017, but Respondent failed to answer.

3. On July 20, 2017, Staff filed its *Motion for Default Determination*.

4. On August 9, 2017, the Commission ordered Respondent to file an answer to the *Complaint* and to file a response to Staff’s *Motion for Default Determination* no later than August 19, 2017.

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<sup>1</sup> All statutory references, unless otherwise specified, are to the Revised Statutes of Missouri (“RSMo”), revision of 2000.

5. Respondent did not file its 2016 annual report, an answer, or a response by August 19, 2017.

6. As of the date of this filing, Respondent has failed, omitted, or neglected to file its calendar year 2016 annual report and has failed, omitted, or neglected to file an answer to Staff's *Complaint* or a response to Staff's *Motion for Default Determination*.

7. Commission Rule 4 CSR 240-2.070(10) 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."

8. The Commission directed Respondent to answer the *Complaint* by July 7, 2017, and again by August 19, 2017, but Respondent failed to answer.

**WHEREFORE**, the Staff submits this *Notice*.

Respectfully submitted,

**/s/ Marcella L Forck**

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### **CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the foregoing were mailed, electronically mailed, or hand-delivered to all counsel of record this 8<sup>th</sup> day of September, 2017.

**/s/ Marcella L. Forck**