

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 12th day of April, 2018.

The Staff of the Missouri Public Service Commission

Complainant,

v.

Branson Cedars Resort Utility Company LLC,
and The Tranquility Group, LLC

Respondents

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File No. WC-2018-0250

ORDER DENYING MOTION FOR EXPEDITED TREATMENT

Issue Date: April 12, 2018

Effective Date: April 12, 2018

On March 14, 2018, the Staff of the Missouri Public Service Commission (Staff) filed a complaint with the Missouri Public Service Commission (Commission) against Branson Cedars Resort Utility Company LLC and The Tranquility Group, LLC (collectively referred to as “Respondents”). The Respondents are not represented by counsel. The Commission issued notice of the contested case and directed that an answer be filed no later than April 14, 2018. Simultaneously with its complaint, Staff filed a *Stipulation and Agreement* and a motion for expedited approval of that agreement.

The Stipulation and Agreement, purports to be “a complete resolution of the issues specifically addressed herein”.¹ However, that agreement did not address a waiver of the Respondents’ right to 30-days’ notice as provided for in Commission Rule

¹ *Stipulation and Agreement*, (filed March 14, 2018), p. 1.

4 CSR 240-2.070(8) or the statutory requirement for the Commission to send notice of a contested case in Subsection 536.067(1), RSMo 2016. The motion also was deficient and the Commission directed that the deficiency be corrected which was accomplished by Staff filing its *Amended Motion for Expedited Treatment for the Approval of the Stipulation and Agreement*. In that amended motion, Staff stated that the Respondents had “authorized Staff to represent that the . . . [Respondents agreed] to waive the . . . notice requirement[s] . . . in order to expedite an order from the Commission.”² Staff asked that the Commission approve the Stipulation and Agreement by April 15, 2018.

Although it appears from the filings that the Respondents have reached an agreement with Staff to settle this matter, the Commission cannot grant Staff’s motion for expedited treatment. The Respondents are limited liability companies and under Commission rule 4 CSR 240-2.040(5), to appear at the Commission, a limited liability company must be represented by an attorney. Thus, in this proceeding the Respondents are unrepresented. Even though Staff represents that it has reached an agreement with the Respondents, a complainant may not waive an unrepresented respondent’s due process rights to notice and hearing. Additionally, the required notice period and time to file an answer runs out only one day before the requested date for action, and the motion for expedited treatment does not indicate any specific harm that will occur if there is a delay until the Commission’s next scheduled Agenda meeting.

The Commission notes that if no answer is filed and the Respondents are, therefore, in default, the Commission will be able to take action either approving or denying the stipulation and agreement without compromising the Respondents’ due

² *Amended Motion for Expedited Treatment for the Approval of the Stipulation and Agreement*, (filed March 28, 2018), p. 2.

process rights. Therefore, the Commission will deny the motion for expedited treatment, allowing the full 30 days for the Respondents to answer the complaint. If no answer is filed the Commission will act expeditiously to resolve the matter.

THE COMMISSION ORDERS THAT:

1. The *Amended Motion for Expedited Treatment for the Approval of the Stipulation and Agreement* is denied.
2. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Hall, Chm., Kenney, Rupp, Coleman, and
Silvey, CC., concur.

Nancy Dippell, Senior Regulatory Law Judge

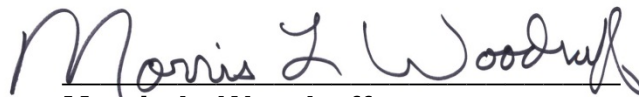
STATE OF MISSOURI

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 12th day of April 2018.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

April 12, 2018

File/Case No. WC-2018-0250

**Missouri Public Service
Commission**

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Commission**

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.