

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

DERALD MORGAN,)	
)	
Complainant,)	
)	
v.)	File No. WC-2021-0223
)	
CARL RICHARD MILLS,)	
)	
Respondent.)	

COMPLAINANTS' STATEMENT OF UNCONTROVERTED MATERIAL FACTS

COME NOW Complainant Derald Morgan, by and through counsel, Schenewerk & Finkenbinder, Attorneys at Law, LLC, and for his Statement of Uncontroverted Material Facts in Support of its Motion for Summary Judgment, states as follows:

STATEMENT OF UNCONTROVERTED FACTS

1. Complainant is a property owner in Carriage Oaks Estates subdivision. *Exhibit 3, Formal Complaint.*

RESPONSE:

2. Respondent Carl Richard Mills is the owner and operator of a regulated water utility system. *Exhibit 1, Report and Order, WA-2018-0370.*

RESPONSE:

3. On October 9, 2019, and pursuant to a hearing, the Public Service Commission (“Commission”) issued a Report and Order in File no. WA-2018-0370 (“Order”) to

Respondent and directing that;

- a. “Mills shall submit a rate case one year after the effective date of the issuance of the Certificate of Convenience and Necessity in this Report and Order.”; and

- b. “Mills shall notify the Commission’s Staff and OPC within one week of any termination of the purported contract with Ozark Clean Water.”; and

- c.. “Mills shall initiate a rate case proceeding within two months of any termination of the purported contract with Ozark Clean Water.”

Ex. 2, Report and Order.

RESPONSE:

4. The Effective Date of the Order is November 9, 2019. *Ex. 2, Report and Order.*

RESPONSE:

5. On or about May 20, 2019, Respondent terminated a water service utility contract with Ozark Clean Water Company. *See Exhibit 4, Respondent’s Answers and Responses, Response #2*

RESPONSE:

6. Respondent did not inform the Staff of the Commission of the termination of its contract with Ozark Clean Water Company to the Commission until November 18, 2019, and after the issuance and effective date of the Order. *See Ex. 4, Response #2*

RESPONSE:

7. Respondent did not inform the Commission of the termination of its water services contract with Ozark Clean Water within one week of its termination. *See Exhibit 5, Staff's Responses to Complainant's Interrogatories, Response #2.*

RESPONSE:

8. Respondent did not initiate a rate proceeding within two months of the termination of the contract with Ozark Clean Water. *See Exhibit 2, Small Rate Case Application, WR-2021-0177; Ex. 5, Response #6.*

RESPONSE:

9. Respondent did not initiate a rate case a year after the effective date of the Order. *See Ex. 2, Small Rate Case Application; Ex. 3, Formal Complaint.*

RESPONSE:

SUBMITTED: October 29, 2021

Respectfully Submitted,
SCHENEWERK & FINKENBINDER,
ATTORNEYS AT LAW, LLC

By: /s/ Karl Finkenbinder

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CERTIFICATE OF SERVICE

The below signed counsel hereby certifies that a true and accurate copy of the foregoing was submitted through the Missouri Public Service Commission's E-Filing System on November 1, 2021, which generates notices to interested parties.

/s/ Karl Finkenbinder

Karl Finkenbinder