

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

The Staff of the Missouri Public Service Commission,)	
)	
)	
Complainant,)	
)	
vs.)	<u>Case No. WC-2023-0353</u>
)	
Leon Travis Blevins a/k/a Travis Blevins and Patricia Blevins, d/b/a Misty Mountain PWS a/k/a Misty Water Works, Charity PWS, and Rolling Hills PWS)	
)	
Respondents)	

**STAFF’S MOTION TO DEEM FACTS PLEADED IN COMPLAINT
AS ADMITTED AND FOR ORDER GRANTING DEFAULT**

COMES NOW, the Staff of the Missouri Public Service Commission (“Staff”), by and through counsel, and moves for an Order of the Commission pursuant to 20 CSR 4240-2.070(10) that Respondents Leon Travis Blevins a/k/a Travis Blevins and Patricia Blevins, d/b/a Misty Mountain PWS a/k/a Misty Water Works, Charity PWS, and Rolling Hills PWS (the “Blevin’s systems”), failed to file an answer or otherwise comply with 20 CSR 4240-2.070, and, that therefore, the facts pleaded in the Staff’s Complaint are deemed admitted, and in support, states as follows:

1. The Staff filed a Complaint alleging the unauthorized provision of water service against the Blevin’s systems and Respondents Leon Travis Blevins a/k/a Travis Blevins and Patricia Blevins (the “Blevins”) on April 10, 2023, pursuant to § 386.390.1, RSMo, and 20 CSR 4240-2.070.

2. On April 14, 2023, the Commission sent the Complaint to the Respondents via Certified Mail with a *Notice of Complaint and Order Directing Answer*, stating that “the Blevin’s answer is due no later than Monday, May 15, [2023.]”

3. On June 12, 2023, Leon Travis Blevins filed a written response and sought a 90-day extension of time to file his Answer to the Staff Complaint.

4. The Commission granted Mr. Blevin’s request and entered an *Order Granting Extension of Time*, allowing the Respondents in the above-captioned case until September 7, 2023, to file an answer to Staff’s Complaint.

5. Commission Rule 20 CSR 4240-2.070(8) requires the respondent to be notified of his responsibility to answer the complaint “within thirty (30) days of the date of the notice.”

6. Commission Rule 20 CSR 4240-2.070(9) states as follows:

The respondent shall file an answer to the complaint within the time provided. All grounds of defense, both of law and of fact, shall be raised in the answer. If the respondent has no information or belief upon the subject sufficient to enable the respondent to answer an allegation of the complaint, the respondent may so state in the answer and assert a denial upon that ground.

7. Commission Rule 20 CSR 4240-2.070(10) states as follows:

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.

8. To date, no answer or other responsive pleading has been filed by the Respondents, as required by 20 CSR 4240-2.070(9).

9. As a result of Respondent Blevins failure to file a timely answer to Staff's Complaint, the Staff's averments asserted in said Complaint should all be deemed admitted, and an order of default against Respondents entered.

10. This motion is made in the interest of justice and not with the intent to unreasonably delay or hinder these proceedings in any manner.

WHEREFORE, Petitioner respectfully requests that this Commission grant this *Motion to Deem Facts Plead in Complaint as Admitted and for Order Granting Default*, and enter an order that the facts pleaded in Petitioner's Complaint are deemed admitted, that Respondent has waived all defenses to the Complaint, that Respondent has defaulted on all issues raised in the Complaint, and for any other such orders and relief as this Commission deems necessary and just in these circumstances.

Respectfully submitted,

/s/ Carolyn H. Kerr

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail, or First Class United States Postal Mail, postage prepaid, on this 13th day of September, 2023, to all parties and counsel of record.

/s/ Carolyn H. Kerr