

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

The Staff of the Missouri Public Service Commission,

Complainant,

I-70 Mobile City, Inc.
d/b/a I-70 Mobile City Park

Respondent.

Case No. WC-2022-0295

STAFF’S STATEMENT OF POSITIONS

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through counsel, and for its *Statement of Positions* states as follows:

1. Does the Commission have jurisdiction over Respondent I-70 Mobile City, Inc., d/b/a I-70 Mobile City Park (“I-70 MCP”) pursuant to §386.250, RSMo?
 - a. It is Staff’s position that the Commission has jurisdiction over Respondent I-70 MCP and any other entity operating as a sewer and water corporation and a public utility in the State of Missouri.

2. Is Respondent I-70 MCP a sewer corporation pursuant to § 386.020(49), RSMo, and operating as a public utility pursuant to § 386.020(43), RSMo?
 - a. Yes. It is Staff’s position that Respondent I-70 MCP is a sewer corporation and is operating as a public utility. Respondent I-70 MCP owns a sewer treatment facility and charges the public for provision of this utility service.

3. Is Respondent I-70 MCP a water corporation pursuant to § 386.020(59), RSMo, and operating as a public utility pursuant to § 386.020(43), RSMo?

a. Yes. It is Staff's position that Respondent I-70 MCP is a water corporation and is operating as a public utility. Respondent I-70 MCP purchases water as a wholesale customer and charges the public for provision of this utility service.

4. Is Respondent I-70 MCP engaging in the unlawful provision of water services to the public for gain, without certification or other authority from the Missouri Public Service Commission, in violation of § 393.170.2, RSMo?

a. Yes. It is Staff's position that Respondent I-70 MCP is operating a water utility for gain without a Certificate of Convenience and Necessity (CCN) from the Missouri Public Service Commission, in violation of § 393.170.2, RSMo.

5. Is Respondent I-70 MCP engaging in the unlawful provision of sewer services to the public for gain, without certification or other authority from the Missouri Public Service Commission, in violation of § 393.170.2, RSMo?

a. Yes. It is Staff's position that Respondent I-70 MCP is operating a sewer utility for gain without a CCN from the Commission, in violation of § 393.170.2, RSMo.

6. Is Respondent I-70 MCP subject to penalties as provided by § 386.570, RSMo, due to its violations of chapter 393, RSMo?

a. Yes. It is Staff's position that due to its violations of chapter 393, RSMo, Respondent I-70 MCP is subject to penalties should the

Commission determine penalties are appropriate. Staff takes no position on the amount of penalties to assess.

7. Should Respondent I-70 MCP be ordered to file applications with the Commission requesting Certificates of Convenience and Necessity (CCN) as a water and sewer corporation and be regulated as a public utility?

a. Yes. It is Staff's position that should Respondent I-70 MCP choose to continue to operate sewer and water utilities as it has been, the Commission should order Respondent I-70 MCP to file complete CCN applications for both sewer and water utilities. Due to Respondent I-70 MCP being represented by legal counsel, and the length of time within which it has had to become familiar with the Commission's statutes and regulations, Staff recommends Respondent I-70 MCP being granted no more than sixty (60) days to file its CCN applications.

WHEREFORE, the Staff respectfully submits its *Statement of Positions* in this case for the Commission's consideration.

Respectfully submitted,

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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 21st day of November, 2023, to all counsel of record.

/s/ Carolyn H. Kerr