

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 31st day of January, 2024.

The Staff of the Missouri Public Service Commission,
Complainant,
v.
I-70 Mobile City, Inc. d/b/a I-70 Mobile City Park.
Respondent.

File No. WC-2022-0295

ORDER DENYING STAFF’S MOTION FOR DETERMINATION ON THE PLEADINGS

Issue Date: January 31, 2024

Effective Date: January 31, 2024

An evidentiary hearing on this complaint was scheduled to start on December 6, 2023. However, on December 4, 2023, Staff filed a motion to substitute an evidentiary hearing witness due to the unavailability of one of its witnesses for the hearing.¹ I-70 Mobile City, Inc. d/b/a I-70 Mobile City Park filed a motion in opposition to Staff’s proposed witness substitution.

On December 5, 2023, the Staff filed its *Reply to Respondent’s Response to Staff’s Motion for Witness Substitution and Motion for Judgment on the Pleadings*. Staff’s motion for judgment on the pleadings states that “I-70 has already admitted the truth of Staff’s Complaint and no hearing is necessary.” Staff then states that I-70 Mobile City Park admitted that it provides water and sewer service to certain tenants and that it billed for

¹ The Commission rescheduled the evidentiary hearing to March 13-14, 2024, so that Staff’s witness would be able to appear at the evidentiary hearing.

those services based upon usage. Staff states that it is entitled to relief pursuant to Commission Rule 20 CSR 4240-2.117(2), concerning summary disposition.

I-70 Mobile City Park asserts that Staff's motion should be denied because Staff previously argued against I-70 Mobile City Park's motion for summary determination by alleging that there were still facts at issue for the Commission's determination. I-70 Mobile City Park also asserts that Staff's motion is untimely because it was filed at approximately 2:00 p.m. the day before an evidentiary hearing on the merits of Staff's complaint was set to begin.

Commission Rule 4 CSR 240-2.117(2) Determination on the Pleadings, states that the Commission may dispose of all or any part of a case on the pleadings whenever such disposition is not otherwise contrary to law or contrary to the public interest. Similar to summary determination, judgment on the pleadings requires the moving party to show that there are no factual issues.

I-70 Mobile City Park filed previously filed an amended motion for summary determination on September 22, 2023, which the Commission denied on December 7, 2023. Staff's response to I-70 Mobile City Park's motion states that genuine issues of material fact exist. Staff goes on to state that, "Multiple, disputed facts, known and unknown remain to be presented to the Commission for interpretation." Staff's motion for judgment on the pleadings contradicts its own assertion that there are issues of material fact that require the Commission's interpretation.

The Commission will deny Staff's motion.

THE COMMISSION ORDERS THAT:

1. Staff's motion for judgment on the pleadings is denied.

2. This order shall be effective when issued.



BY THE COMMISSION

Nancy Dippell

Nancy Dippell
Secretary

Rupp, Chm., Coleman, Holsman, Kolkmeier
and Hahn CC., concur.

Clark, 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 31st day of January 2024.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

January 31, 2024

File/Case No. WC-2022-0295

MO PSC Staff

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

Sincerely,



**Nancy Dippell
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.