

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

In the Matter of the Petition for an Interim Receiver and for an Order Directing the General Counsel to Petition the Circuit Court for the Appointment of a Receiver for Misty Water Works)
) **Case No. WO-2024-0036**
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STATUS REPORT

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through counsel, and in response to the Commission’s *Order Directing Staff File A Monthly Status Report*, states as follows:

1. On August 15, 2023, Staff filed a *Petition for Interim Receiver* pursuant to § 393.145, RSMo, asking the Commission to direct its General Counsel to petition the Circuit Court of Cole County, Missouri to appoint a receiver for Misty Water Works and to appoint an interim receiver for Misty Water Works.

2. The evidentiary hearing in this matter was held on October 25 and 26, 2023.

3. During the October evidentiary hearing, Leon Travis Blevins testified that he may form one or more non-profit home owners associations (HOA) which would effectively take over the water utility service of the various well systems he owned so that the water systems he operated would no longer be subject to Missouri Public Service Commission jurisdiction.

4. On December 20, 2023, the Commission issued an *Order Directing Staff Response About Noncompliant Well Agreement*, requiring the Staff to inform the Commission of the status of the DNR’s noncompliant well agreement and its availability.

5. Staff filed a *Status Report* describing the DNR action on January 8, 2024. Specifically, Staff noted that on December 28, 2023, the DNR issued a unilateral order

to Leon Travis Blevins and Patricia Blevins, in the form of a *Notice and Order to Abate Violations and Pay Administrative Penalties* No. PDWB-2023-215, before the Missouri Administrative Hearing Commission (AHC), relating to the Misty Mountain Public Water System (PWS), which became effective on December 28, 2023.¹

6. That administrative order (AO) set forth numerous findings of fact and violations of Chapter 640, RSMo, and Title 10 CSR 60, which would subject Mr. and Mrs. Blevins to monetary penalties under Chapter 630, RSMo. It also ordered Mr. and Mrs. Blevins to take specific corrective actions to remedy the violations set forth in the AO.

7. Mr. and Mrs. Blevins, through counsel, filed a *Notice of Appeal* at the AHC in case number PDWB-2023-215, along with *Respondents' Request for Extension of Time for Good Cause Shown* on February 2, 2024.

8. An administrative hearing is scheduled in AHC case number PDWB-2023-215 regarding the Misty Mountain PWS AO filed by DNR on April 16, 2024, at 9:00 a.m. before the AHC.

9. On January 5, 2024, the DNR issued two other proposed Administrative Orders on Consent (AOCs) to Mr. and Mrs. Blevins relating to the Charity PWS and Rolling Hills PWS, which contain similar requirements as the AO issued regarding the Misty Mountain PWS, referenced above. If Mr. Blevins fails to reach an agreement and sign the proposed AOCs, then the DNR will issue unilateral AOs to each PWS, as it did with the Misty Mountain PWS.

¹ The Order can also be accessed at this link: <https://dnr.mo.gov/compliance-assistance-enforcement/actions>.

10. On January 9, 2024, Mr. Blevins registered the Charity Public Water System (PWS) Home Owners Association, Rolling Hills PWS Home Owners Association, and the Misty Mountain PWS Home Owners Association as public non-profit corporations with the Missouri Secretary of State's (MO SOS) Office. A copy of each HOA's Articles of Incorporation is attached hereto and incorporated herein by reference as **Attachment A**. No other filing was made for or on behalf of any of the HOAs with the MO SOS Office.

11. On February 29, 2024, Jeffrey D. Grube, Nathaniel Sampson, and Tom Littleton, registered the Tigger Water Well as a Mutual Benefit corporation with the MO SOS Office with the purpose of forming a Mutual Water Well Ownership; its assets to be distributed or transferred to "a new Home Owners Association or equally dispersed amongst all current active members." A copy the Articles of Incorporation of the Tigger Water Well HOA (hereafter, "Tigger HOA") is attached hereto and incorporated herein by reference as **Attachment B**. The Tigger HOA also drafted and approved Bylaws by its members, dated February 24, 2024.

12. According to the Pulaski County, Missouri Recorder of Deeds, the Tigger Well #1, which serves the Tigger HOA and is part of the Misty Mountain PWS, is not owned by Mr. Blevins, but by Nathaniel Sampson, one of the incorporators and members of the Tigger HOA.

WHEREFORE, the Staff respectfully offers and requests the Commission accept the foregoing *Status Report* in this case.

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 7th day of March, 2024, to all parties and counsel of record.

/s/ Carolyn H. Kerr