

**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**
)
)

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, during which Leon Travis Blevins testified he planned to form one or more non-profit home owners associations (HOA) to 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 (PSC) jurisdiction.

3. 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.

4. On January 8, 2024, and again on March 7, 2024, Staff filed *Status Reports* describing the DNR action against Mr. and Mrs. Blevins. Specifically, Staff noted that on December 28, 2023, the DNR issued a unilateral order to Mr. and Mrs. 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

5. 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.

6. On February 2, 2024, 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*. The AHC designated that filing a "complaint," marked it received and filed on February 6, 2024, and gave it AHC case number 24-0110. A copy of the Blevins' AHC filings are attached hereto and incorporated herein by reference as **Attachment A**.

7. On March 7, 2024, the DNR filed a *Motion to Dismiss and Answer* in AHC case number 24-0110 (DNR Order No. PDWB-2023-215) for lack of jurisdiction, in that the Blevinses filed their appeal of its Order out of time. On April 4, 2024, the AHC entered a *Decision* granting the DNR's *Motion to Dismiss* and cancelled the hearing that was scheduled in AHC case number 24-0110.

8. On January 5, 2024, the DNR issued two other proposed Administrative Orders on Consent (AOCs) to Mr. Blevins relating to the Charity PWS and

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

Rolling Hills PWS, which contain similar requirements as the Misty Mountain PWS AOC 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.

9. On January 9, 2024, Mr. Blevins registered the Charity PWS Home Owners Association (HOA), Rolling Hills PWS HOA, and the Misty Mountain PWS HOA as public non-profit corporations with the Missouri Secretary of State's (MO SOS) Office. No other filing was made for or on behalf of any of the HOAs with the MO SOS Office.

10. On February 29, 2024, the Tigger Water Well was registered as a Mutual Benefit corporation with the MO SOS Office with the purpose of forming a Mutual Water Well Ownership (hereafter to be known as the "Tigger HOA"). The Tigger HOA's Bylaws were drafted and approved by its members on February 24, 2024.

11. According to the Pulaski County, Missouri Recorder of Deeds, the Tigger Well #1, which serves the Tigger HOA, is owned by one of the homeowner-members of the Tigger HOA, and not by Mr. Blevins.

12. On March 26, 2024, the DNR activated the Tigger HOA PWS, splitting it away from the rest of the Misty Mountain PWS, and now provides water to the residents of both the Tigger HOA homeowners and the Taylor Lane residents until June 3, 2024.² Lori Jean has been hired by the Tigger HOA as the Tigger HOA PWS Certified Operator.

13. The Tigger HOA notified Mr. Blevins by letter that he must fix or otherwise repair the Taylor well to get it operational so that those homes can regain access to the

² There are currently three houses on Taylor Lane receiving water from the Tigger HOA PWS well. The residents have been notified by letter from the Tigger HOA that the Tigger HOA is working on a "service agreement" related to maintaining the water supply to those residents past June 3, 2024.

Taylor well and no longer be connected to the Tigger HOA PWS well. To date, Mr. Blevins has failed to fix or make necessary repairs to the Taylor well, leaving those homes still connected to the Tigger HOA PWS.³

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

Respectfully submitted,

/s/ Carolyn H. Kerr

Missouri Bar No. 45718
Senior Staff Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102
573-751-5397 (Voice)
573-526-6969 (Fax)
Carolyn.kerr@psc.mo.gov

Attorney for Staff of the
Missouri Public Service Commission

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 5th day of April, 2024, to all parties and counsel of record.

/s/ Carolyn H. Kerr

³ According to Pulaski County Recorder of Deeds, Mr. and Mrs. Blevins own the lot that contains the Taylor well.



State of Missouri

Michael L. Parson, Governor

Administrative Hearing Commission
U.S. Post Office Building, 3rd Floor
131 West High Street P.O. Box 1557
Jefferson City, Missouri 65102
Telephone 573/751-2422
Facsimile 573/751-5018
<https://ahc.mo.gov/>

February 7, 2024

James L. Thomas
Attorney at Law
P.O. Box 261
Dixon MO 65459
jimthomasattorney@gmail.com

Tim Duggan
Assistant Attorney General
P.O. Box 899
Jefferson City, MO 65102
Tim.Duggan@ago.mo.gov

RE: Leon T. and Patricia Blevins v. Department of Natural Resources
No. 24-0110

NOTICE OF COMPLAINT/NOTICE OF HEARING

TO THE COMPLAINANT:

We have received your "complaint," seeking our determination on the Department of Natural Resources' action.

We have sent a copy of your complaint to Respondent with this notice. **This notice is for your records and does not require any response by you.**

The procedures governing this case are found in chapters 536 and 621 of the Revised Statutes of Missouri, and in the Code of State Regulations, 1 CSR 15-3.200 through 3.510. A copy of our regulations, including discovery rules and information on how you may represent yourself (or a business which you own and which is not a legal entity such as a corporation or LLC) may be found on our website: <http://ahc.mo.gov/publications.html>. Parties are expected to consult the regulations. FAQs may also be found on our website. If you do not have access to the internet, you may contact our office at (573)751-2422, and request a copy of the regulations be mailed to you.

Attachment A

TO THE DEPARTMENT OF NATURAL RESOURCES:

Petitioner has filed a complaint against you before this Commission. A copy of that complaint is attached.

You are required to file an answer or other responsive pleading to the complaint no later than 30 days after you receive this notice. If you do not, this Commission may deem the facts alleged in the complaint to be true.

TO THE PARTIES:

A hearing is scheduled beginning at 9:00 a.m., Tuesday, April 16, 2024. We have allowed one day for this hearing.

You may appear in person at the Administrative Hearing Commission, U.S. Post Office building, 131 West High Street, Third Floor, Jefferson City, Missouri, or by WebEx from your own remote location.

The Administrative Hearing Commission also has the following locations available in Missouri that parties may appear for hearing: St. Louis, Kansas City, Springfield, and Poplar Bluff. Any motions to appear at a hearing by videoconference must be filed in writing, as soon as possible. The availability of this technology is limited, so requests will be processed on a first-come, first-served basis.

WebEx Instructions

Please advise this Commission if you elect to attend this hearing via WebEx. If you elect to participate in this hearing by WebEx from your own remote location, the event can be accessed at:

<https://stateofmo.webex.com/stateofmo/j.php?MTID=m1dd799e40720b91a8f93551b174ef186>

The password is "24-0110." You must have audio and video capabilities to appear via WebEx. The event will start 10 minutes before the hearing time to allow you enough time to join.

Parties shall submit to this Commission and exchange with the opposing party any exhibits to be used at the hearing no later than one business day prior to the hearing. If you have more than 75 pages of exhibits to introduce, please contact our office within seven days prior to the hearing for additional filing instructions. Each party is responsible to ensure that each witness has a copy of all exhibits about which the party intends to inquire before the start of the hearing.

Sincerely,

Paula Colyer

Paula Colyer
Hearings Clerk

FEB 06 2024

Filed by Certified / Registered Mail

Feb. 2, 2024

BEFORE THE MISSOURI ADMINISTRATIVE HEARING COMMISSION

In the Matter of:

Leon Travis Blevins and
Patricia Blevins,

Respondents.

)
)
) **Order No. PDWB-2023-215**
)
) **Proceeding under §640.100 to 640.140, RSMo.**
)
)

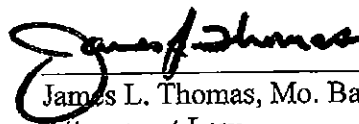
NOTICE OF APPEAL

COME NOW the Respondents, Leon Travis Blevins and Patricia Blevins, by and through their attorney, James L. Thomas, and for their Notice of Appeal, state as follows:

1. An Order was entered by the Department of Natural Resources on December 28, 2023, in Order No. PDWB-2023-215, against Respondents.
2. The Department of Natural Resources entered a Notice to Recipients of Administrative Orders to abate the violations and pay administrative penalties.
3. Respondents did not receive a copy of said Order until after the 10-days to request an extension of time had lapsed.
4. On February 1, 2024, Respondents filed with the Department of Natural Resources their Request for Extension of Time for Good Cause Shown. A copy of said Request is attached hereto by reference as Respondents' **Exhibit 15**.

4. Respondents respectively give notice that they are appealing to the Administrative Hearing Commission, both questions of fact and law, relating to the Order entered by the Department of Natural Resources on December 28, 2023.

Respectfully submitted,



James L. Thomas, Mo. Bar #24986
Attorney at Law
Post Office Box 261
Dixon, MO 65459
Tel. (573) 433-4564
Email: jimthomasattorney@gmail.com

ATTORNEY FOR RESPONDENTS

BEFORE THE MISSOURI DEPARTMENT OF NATURAL RESOURCES

In the Matter of:

Leon Travis Blevins and
Patricia Blevins,

Respondents.

)
)
)
)
)
)
)

Order No. PDWB-2023-215

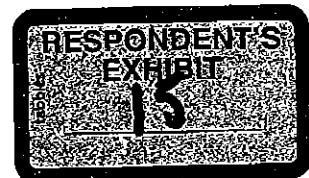
Proceeding under §640.100 to 640.140, RSMo.

RESPONDENTS' REQUEST FOR EXTENSION OF TIME
FOR GOOD CAUSE SHOWN

COME NOW the Respondents, by and through their attorney, James L. Thomas, and for their Request for Extension of Time for Good Cause Shown, state as follows:

1. At paragraph 38 of Plaintiff's Notice and Order to Abate Violations and Pay Administrative Penalties, it states "any request for an extension of time or to otherwise modify this Order may be considered by the department on a case-by-case basis, but will only be considered if the respondents make a written request to the department within 10 business day of this Order, and otherwise provide appropriate justification and/or documentation to the department in a timely manner."

2. Respondents are 80 and 77 years of age and have numerous serious health conditions, including, but not limited to, COPD with chronic bronchitis, feeding tube, and congestive heart failure. Due to the state of Respondents' health conditions, the weather has a severe impact on their ability to breathe cold air, which affects their health and mobility. Further, Respondents reside in a rural area (on a gravel road), which becomes impassable during rainy and snowy weather. Attached hereto are Respondents' **Exhibit 1** and **Exhibit 2** as though fully set forth herein.



3. The U.S. Post Office issued a Severe Weather Notice Affecting Mail Delivery to its customers that reside on rural delivery. There were delays and non-delivery by the postal carriers that provide postal delivery. See Respondents' **Exhibit 3** attached hereto and incorporated as though fully set forth herein.

4. The Dixon R-I School District was not in recess on the following dates due to inclement weather or roads: January 9, 10, 12, 16, 22, & 23. The City of Dixon also borders the City of St. Robert, Missouri. In fact, some St. Robert citizens attend Dixon School District. See Respondents' **Exhibit 4** attached hereto and incorporated as though fully set forth herein.

5. The following weather forecast is from KJPW Radio Station, located in St. Robert, Missouri:

KJPW DAILY WEATHER RECORD
(ST. ROBERT, MO)

Respondents' Exhibit No.	Date	Weather	Day Temperature
5	Dec. 28, 2023	Snow Showers	33° to 42°
6	Jan. 5, 2024	Snow/Fog/Drizzle	28° to 35°
	Jan. 6, 2024	Snow Showers	32° to 39°
7	Jan. 8, 2024	Snow Showers	33° to 39°
8	Jan. 13, 2024	Clear	-5° to 19°
9	Jan. 14, 2024	Clear	-6° to 5°
	Jan. 15, 2024	Snow Showers	-4° to 8°
10	Jan. 16, 2024	Clear	-4° to 15°
	Jan. 17, 2024	Clear	8° to 43°
11	Jan. 18, 2024	Clear	24° to 42°
	Jan. 19, 2024	Clear	6° to 18°
12	Jan. 20, 2024	Clear	-1° to 19°
	Jan. 21, 2024	Clear	9° to 33°
13	Jan. 23, 2024	Fog/Mist/Drizzle/Ice	27° to 34°
14	Jan. 25, 2024	Fog/Rain	40° to 44°

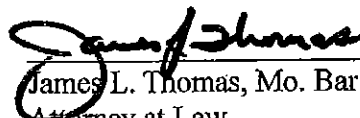
6. Weather always affects construction work and often results in delays due to inclement weather.

7. The majority of the complaints against Respondents are that a majority of the defects were not corrected in a "timely" fashion.

8. Respondents have resolved the major water problems, to-wit: E.coli. The other remaining issues are minimal and are not of extreme urgency and, due to the unseasonably cold artic weather, Respondents were unable to fix/repair the remaining issues.

9. As a result of all of the above, Respondents were unable to keep an appointment with counsel due to the inclement weather and their health issues. As such, Respondents would respectfully request that this Department find that good cause is shown and grant Respondent 10 additional days with which to file their appeal, or, grant Respondents an additional 90 days to correct the remaining deficiencies.

WHEREFORE, for the above stated reasons, Respondents pray the Court find good cause has been shown; that Respondents are granted 10 additional days with which to file their appeal, or in the alternative, grant Respondents an additional 90 days to correct the remaining deficiencies; and for such other and further order as the Division deems just and proper in and under the circumstances.

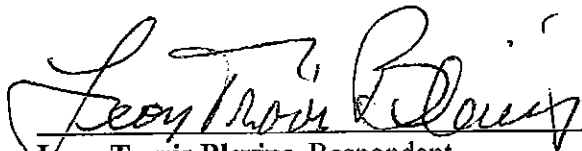


James L. Thomas, Mo. Bar #24986
Attorney at Law
Post Office Box 261
Dixon, MO 65459
Tel. (573) 433-4564
Email: jimthomasattorney@gmail.com

ATTORNEY FOR RESPONDENTS

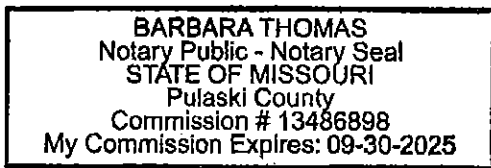
STATE OF MISSOURI)
) ss.
COUNTY OF PULASKI)


NOW, on this 1st day of February, 2024, before me personally appeared Leon Travis Blevins and Patricia Blevins, Husband and Wife, to me known to be the persons described in the above and foregoing as Respondents and who, being first duly sworn, state that the above is true and correct according to their best knowledge, information and belief.


Leon Travis Blevins, Respondent


Patricia Blevins, Respondent

Subscribed and sworn to before me this 1st day of February, 2024.




Barbara Thomas - Notary Public

My Commission Expires: September 30, 2025

Leon T Blevins, Medical condition;

My medical conditions have taken a lot of time and effort away from other business and personal responsibilities day to day. Also the medical conditions with my spouse, Patricia Blevins, takes additional daily time and effort to tend too.

From at least a year ago, I have had surgical procedures with my heart and vascular conditions, and I am currently dealing with these medical issues on a daily basis. At my age of 80 years, stress has been a major issue I deal with on a daily basis with the many requirements from the Department of Natural Resources and the Public Service Commission, concerning the issues of water wells and distribution of water to users.

I have only 2 working arteries around my heart, which have Stint Implants. My left leg has been swollen now for over a year.

I am currently going thru doctors to improve (monitor) treatment for my heart and vascular conditions thru the Veterans Hospital In Columbia Missouri with cardiology and vascular doctors.

My last most recent visit with the vascular clinic doctor was January 30, 2024. My next cardiology clinic visit is scheduled for February 15, 2024.

My primary medical treatment is through the white clinic at the VA hospital in Columbia Missouri.



Patricia Blevins, Medical condition;

I am a cancer survivor. I had throat cancer in 2018. I had 7 weeks radiation and 7 weeks of chemo, destroyed my airway.

I have a permanent trachi. I aspirate so I have pneumonia a lot. I have to suction trachi 3 to 4 times a days. I have to do breathing treatments every 4 to 6/hrs. I am on oxygen nearly all the time.

I also have COPD with chronic bronchitis. I have a feeding tube. I take a lot of meds twice a day morning and evening. I have chronic constipation from all the meds. I have had GI bleeds my blood has gotten down to 5 had to have 2 transfusions.

Both of my knees are shot, they want to do a replacement, but for now I am taking shots every three months.

Travis and I are the only one to take care of each other, daily, my meds are time consuming as we have to crush all pills and put them in feeding tube.

I have multiple doctors. I see Dr. Kreite (ENT) Dr. Sabrono (pulmonary) Dr. Voigt (feeding tube) Dr. Leon (urinary) Charline McMillan (primary care) Dr. Jones (shots knee). Dr. Anderson (feet). I will be having surgery in March or April on my right foot. I see Dr. Anderson weekly. I also have congestive heart failure (Dr. Morrison)

I don't know anything about these wells, I don't know how many there are, or where they are located I don't even know why my name is on papers.



Service alerts

Last update: Jan. 30, 2024, 5:30 p.m. ET

USPS service alerts have information for consumers, small businesses and business mailers about postal facility service disruptions caused by weather-related and other natural disasters, special events, or other changes impacting service.

Visit www.ready.gov or www.llsfo.gov to prepare for hurricanes and severe weather.

Severe Weather Affecting Mail Delivery

ALERT: Multiple severe weather events are impacting the processing, transportation, and delivery of mail and packages across the U.S. Due to these weather events, please allow additional time for final delivery of your item.

Service disruptions

Residential customers and small businesses can find out if mail is being delivered, or if their Post Offices are open. Business mailers get more detailed information about USPS mail processing facilities, and the operating status of delivery units, as well as any impacts on mail delivery overseas.



Residential customers

- [Current delivery issues](#)
- [Change delivery address](#)
- [Put mail delivery on hold](#)



Business mailers

- [Current processing/delivery issues](#)
- [Not accepting drop shipments](#)
- [Mail Service Disruption Report](#)
- [Service alert mapping](#)



International

- [Delivery issues around the world](#)
- [International Posts Action Log](#)

Contact us

Residential customers

Residential customers should check this Mail Service Disruptions website first for current, frequently-updated information about whether mail is being delivered to your neighborhood or if your local Post Office is open. Or you can call our customer service center at 1-800-ASK-USPS (800-275-8777).

Business mailers

Contact the Business Service Network *headquarters* communications manager for additional information or to report a disruption. Email us at mailserviceupdate@usps.gov.

Need more support? Have questions? Contact your *local* Business Service Network or visit [PostalPro](#).



Informed Delivery®

See what mail is coming before it arrives. Sign up now





James Thomas <jimthomasattorney@gmail.com>

snow days

1 message

Cyndi Wray <cwrap@dixonr1.com>
To: jimthomasattorney@gmail.com

Wed, Jan 31, 2024 at 12:12 PM

Mr. Thomas,

The Dixon R1 School district was closed on the following dates due to inclement weather or roads, in January 2024.

January 9, 10, 12, 16, 22 and 23rd .

January 18th was an early out release due to a water main break in the City of Dixon.

Cyndi Wray
Superintendent's Office
Dixon R1 Schools

