

in the same manner. This went on for years, until problems with the wells and the water quality began to occur more frequently, until January 2023, when the PSC Consumer Services Department started to receive complaints from homeowners accusing Mr. Blevins of raising their monthly water bills for no apparent reason.¹

About the same time as the complaints regarding the water bills came into the Consumer Services Department of the PSC, the Missouri Department of Natural Resources (“DNR”) contacted the Water, Sewer & Steam Department of the PSC with their concerns about Mr. Blevins’ well systems.² They had been receiving calls from some of the same residents complaining about their drinking water asking what DNR could do about regulating Mr. Blevins’ services. DNR does not regulate water utilities or rates, so they contacted the PSC asking Staff for advice.³ All DNR could do is test and regulate the water coming out of DNR certified wells, and issue violations for poor water quality.⁴ DNR could not do anything about the wells or well systems that were not regulated by their agency, but were still being used to supply water to residents. It was at this point that PSC Staff became involved and began investigating and spoke with the residents who were getting their water from Mr. Blevins’ well systems and the problems they had with the water, the wells, and the troubles they had getting Mr. Blevins to fix problems with the wells.⁵

What Staff found was an unregulated water utility owned and operated by Mr. Blevins, who was and continues to charge multiple homeowners monthly charges for

¹ See, Staff Exhibit 13C; Tr.V III, 425:12-25; 426:20-25.

² Tr.V III, 342:24-25; 343:1-4.

³ Tr.V III, 346:16-24.

⁴ Tr.V III, 347:9-21.

⁵ Tr.V III, 343:5-25.

water use based on no discernable rate formula or other mathematical calculations from wells Mr. Blevins may or may not even actually own, according to Pulaski County Recorders' or Mr. Blevins' own records. Furthermore, the water coming from those wells has and continues to pose health and safety concerns for the residents who use and consume the water Mr. Blevins is "selling" them. In fact, Mr. Blevins has failed to submit required bacteriological water testing samples to DNR since February of this year.⁶ DNR records show a pattern of violations dating back for years, and a pattern of Mr. Blevins' failure and inability to fix, maintain, and upgrade the wells, water lines, well houses, and appurtenances to keep the wells and water lines in working order so that the families that live there can have consistently safe and potable water.⁷

As a result of its investigation, Staff filed a Complaint against Mr. Blevins pursuant to its authority under § 386.390.1, RSMo, and 20 CSR 4240-2.070, alleging violations of chapter 386 and 393, RSMo, and asking for specific relief to be granted, including monetary penalties.⁸ Staff asks the Commission to hold Mr. Blevins accountable for those violations and for the harm that his actions and inactions caused and continue to cause the families living there that rely on water from Mr. Blevins currently unregulated and uncertificated water "utility." Mr. Blevins and his business enterprise is operating as a public water utility subject to the Commission's jurisdiction, control, and regulation pursuant to § 386.020(43), RSMo, and he is operating that water utility for gain without a certification or other authority from the Commission, in violation of § 393.170.2, RSMo,

⁶ Tr.VII, 254:6-9.

⁷ See, Staff Exhibit 10; Tr.VII, 227:8-10; 307:21-25.

⁸ *Staff Complaint*, Case No. WC-2023-0353, filed on April 10, 2023.

and in a manner that endangers and threatens the public health and safety, in violation of § 393.130.1, RSMo.

ISSUES

The *List of Issues and Position Statements* filed in this case listed the following seven issues:

1. Is Leon Travis Blevins a/k/a Travis Blevins and Patricia Blevins d/b/a Misty Mountain PWS a/k/a Misty Mountain PWS, Charity PWS, and Rolling Hills PWS (“Travis Blevins, et al.”) operating as a water corporation pursuant to § 386.020(59), RSMo, and a public utility pursuant to § 386.020(43), RSMo?

The Commission has exclusive jurisdiction over all public utility corporations, including all water and sewer corporations within Missouri. §§ 386.020(43), (49), and (59), and 386.250, RSMo. It has the duty to determine, in the first instance, whether an entity, regardless of its corporate makeup, alleged to be offering utility services unlawfully, is a public utility subject to its jurisdiction.⁹

The issue central to this case is whether Mr. Blevins, doing business as Misty Water Works, and sometimes other names, including but not limited to The Outlaw Corral,¹⁰ owns, operates, controls, or manages any plant or property, dam or a water supply, canal, or power station, distributes or sells for distribution, or sells or supplies water for gain?¹¹ The answer, as shown by the evidence adduced at the hearing, is yes. Missouri courts have held that entities act as public utilities when they sell services

⁹ *State v. Carroll*, 620 S.W.2d 22, 24 (Mo.Ct. App. S.D. 1981); *State ex rel. & to the Use of Cirese v. Ridge*, 138 S.W.2d 1012, 1014-15 (Mo.banc 1940); *State ex rel. & to the Use of Kansas City Power & Light Co. v. Buzard*, 168 S.W.2d 1044, 1046 (Mo.banc 1943).

¹⁰ Tr.VII, 108:12-14, 22-25; 109:1-17; Tr.VIII, 420:9-25.

¹¹ See, § 386.020(59), RSMo

to the public for compensation and have undertaken the responsibility to provide such services to all members of the public within their capability.¹²

2. Is Travis Blevins, et al., engaging in the unlawful provision of water services to the public for gain, without certification or other authority from the Missouri Public Service Commission (“PSC” or “Commission”), in violation of § 393.170.2, RSMo?

Yes. According to Mr. Blevins’ own testimony and as determined by the Staff’s investigation, Mr. Blevins provides water to residents from wells he ostensibly owns or controls and charges users of that water a fee for such use.¹³ Regardless of whether he actually earns a profit is immaterial; he is not operating as a non-profit entity, but as a business, hoping to, but potentially failing, to make a gain from that sale, thereby operating as a water corporation without certification from the PSC.¹⁴

3. Should Travis Blevins, et al., be ordered to file an application with the Commission requesting a Certificate of Convenience and Necessity (CCN) as a water corporation and be regulated as a public utility?

When Staff filed its *Complaint* in this case, it initially sought to have Mr. Blevins file an application for a CCN. However, upon their investigation of how Mr. Blevins runs his business and operates the wells, and the condition of the wells, Staff determined and recommended that Mr. Blevins should not be granted a CCN.¹⁵ Not only did the Staff find that a CCN was not in the public interest, Mr. Blevins’ customers’ were not “presently

¹² *Osage Water Co. v. Miller County Water Authority, Inc.*, 950 S.W. 569, 574- 5 (Mo.App. S.D. 1997); *Hurricane Deck Holding Co. v. Public Service Comm’n*, 289 S.W.3d 260, 264-5 (Mo.App. W.D. 2009).

¹³ Tr. VIII, 365:3-25; 462:22-24; 548:8-14, 22-25.

¹⁴ Tr. VIII, 366:1-25.

¹⁵ Tr. VIII, 349:13-22.

receiving safe and adequate service,” and Staff could not verify that Mr. Blevins had an ownership interest in each and every well and easement that he operated.¹⁶ Mr. Blevins also indicated his desire to withdraw his CCN Application during the hearing in this case.¹⁷

4. Is Travis Blevins, et al., engaging in utility service in such a manner as to endanger public health, in violation of § 393.130.1, RSMo?

Not only did the DNR witnesses discuss the deficiencies, violations, and failures to follow through on compliance by Mr. Blevins related to the wells and well systems he currently owns and operates in this hearing, the evidence from the prior Receivership hearing¹⁸ was still relevant and admitted into the record to show that Mr. Blevins continues to operate an unsafe water service and fails to maintain safe drinking water for his “customers.”¹⁹ This failure to maintain and operate a safe water system is a “potential health risk” that should not be overlooked nor allowed to continue. As Staff witness Curt Gateley testified in that prior case, “Any company that [PSC Staff] oversees that would allow folks to be exposed to contaminated water for eight months will have a complaint filed before the Commission. That’s not acceptable. It’s not acceptable to anyone.... I would call it a callous disregard for customer safety and their health when you know you’re providing water that can make people sick.”²⁰

¹⁶ See, *Staff Recommendation* filed in *In the Matter of Leon Travis Blevins d/b/a Misty Water Works Application for a Certificate of Convenience and Necessity Authorizing it to Install, Own, Acquire, Construct, Operate, Control, Manage and Maintain a Water System in an area of Pulaski County, Missouri*, Case No. WA-2023-0418 on August 15, 2023.

¹⁷ Tr. VII, 79:8-9; Tr. VIII, 549:2-12.

¹⁸ *Case No. WO-2024-0036*

¹⁹ Tr. VII, 281:3-12, 310:12-25; 311:1-12; See also, Staff Exhibit 9 and 10.

²⁰ Staff Exhibit 12, Tr. VIII, 25:17-22; 33:17-19.

5. Is Travis Blevins, et al., subject to penalties as provided by § 386.570, RSMo, due to its violations of chapter 393, RSMo?

Not only did Staff present evidence of Mr. Blevins' violations of law, Mr. Blevins admitted he broke the law when he continued to operate a water utility without certification or other authority from the PSC.²¹ Section 386.570, RSMo, permits the Commission to assess monetary penalties against any person or public utility found violating or failing to comply with commission laws, rules, or orders.²² Therefore, Mr. Blevins should be assessed monetary penalties for such offenses. However, Staff takes no position on the amount of penalties to assess.

6. Should Travis Blevins, et al., be ordered to submit all of the wells he owns to inspection by the Missouri Department of Natural Resources (DNR) and make such necessary and desirable improvements to each and every well operation and system, including, but not limited to Misty Mountain PWS, Charity PWS, Rolling Hills PWS, and all other such wells providing water services to homeowner residents, as DNR may recommend in order to safeguard the public health and safety and to maintain and operate its line, plant, system, equipment, apparatus, and premises in such a manner as to promote and safeguard the health and safety of its customers and the public, pursuant to and as authorized by § 386.310, RSMo?

Some of Mr. Blevins well systems are already subject to inspection by DNR, including the Misty Mountain PWS, Charity PWS, and Rolling Hills PWS. Those wells are considered "regulated systems," while the other wells that Mr. Blevins operates and/or

²¹ Tr. VIII, 365:3-10; 466:4-6; 548:8-25; 549:2-12; 595:13-21.

²² § 386.570.1, RSMo.

owns may not meet the “threshold to be a public water supply wither with the connections and/or the number of people served.”²³ Therefore, only some of his wells are currently being actively monitored by DNR. The remaining wells fall outside of DNR’s purview, but still “need to be dealt with.”²⁴ Since those other wells are not under the regulatory purview of the DNR, some entity, like the PSC, would have to make sure whoever is providing safe and adequate water service from those wells or well systems to residents.²⁵

7. Should the Commission authorize the Commission’s General Counsel to commence an action or proceeding in Circuit Court, pursuant to § 386.360, RSMo, for the purpose of having violations or threatened violations of Chapter 393, RSMo, stopped and prevented either by mandamus or injunctions and to specifically forthwith submit all of the wells Travis Blevins, et al., owns to inspection by MDNR and make such necessary and desirable improvements to each and every well operation and system, including, but not limited to Misty Mountain PWS, Charity PWS, Rolling Hills PWS, and all other wells owned by Respondents providing water services to homeowner residents, as MDNR may recommend in order to safeguard the public health and safety and to maintain and operate its line, plant, system, equipment, apparatus, and premises in such a manner as to promote and safeguard the health and safety of its customers and the public?

Having determined that Mr. Blevins was operating a water corporation without a certificate, Staff’s initial goal was to get Mr. Blevins to comply with PSC law, and to repair

²³ Tr. VII, 231:5-14.

²⁴ Tr. VII, 231:15-24; Tr. VIII, 559:12-20.

²⁵ Tr. VIII, 350:7-24

or upgrade his systems to a point where the consumers would obtain consistently safe and adequate drinking water until he could get a CCN.²⁶ However, when this did not happen, Staff took action to safeguard the consumers by petitioning the Commission for the appointment of an interim receiver under the authority of § 393.145.1 and .2, RSMo. It did so by filing its *Petition for an Interim Receiver and for an Order Directing the General Counsel to Petition the Circuit Court of Cole County for the Appointment of a Receiver for Misty Water Works and Motion for Expedited Treatment (Petition)* in August 2023.²⁷ An evidentiary hearing was held on that *Petition* in October 2023, and a decision is still pending. Staff continues to be in favor of this option as set forth in its brief.²⁸

An alternative to those actions would be to make many of the same determinations regarding Mr. Blevins failures to maintain and furnish safe and adequate water services to the public, but then order its General Counsel to commence an action in Circuit Court for an injunction pursuant to § 386.360, RSMo, for the purpose of having those violations or threatened violations of chapter 393, RSMo, stopped and prevented either by mandamus or injunctions and force Mr. Blevins to make such necessary and desirable improvements to each and every well operation and system, including, but not limited to Misty Mountain PWS, Charity PWS, Rolling Hills PWS, and all other wells owned by him providing water services to those homeowner residents.²⁹

²⁶ Staff Ex. 12, Tr. VIII, 27:8-18.

²⁷ *Petition for an Interim Receiver and for an Order Directing the General Counsel to Petition the Circuit Court of Cole County for the Appointment of a Receiver for Misty Water Works and Motion for Expedited Treatment*, Case No. WO-2024-0036, filed by Staff on August 15, 2023.

²⁸ Staff's *Post-Hearing Brief* was filed on December 5, 2023. There have been five *Status Reports* filed since then pursuant to the Commission's *Order Directing Staff File a Monthly Status Report*, the latest one having been filed on June 7, 2024.

²⁹ § 386.360.1, RSMo.

Ownership Interests of Travis Blevins, et al.:

In addition to the issues set forth in the Staff's *List of Issues* above, the Judge ordered "the ownership of the wells and the composition of the water systems" operated by Blevins, et al., to be addressed by the parties.³⁰ Mr. Blevins' ownership interests are intertwined in the issues raised by the Staff in its *Complaint*, in that it must first establish such ownership or control before it can prove any of the violation(s) of the applicable statutes and regulations.³¹ During the hearing, Staff and the Judge attempted to get answers to the question of which wells Mr. Blevins actually owned, and some clarity was achieved.³² However, Staff is unsure if any definitive mapping of which wells legally belong to Mr. Blevins can be definitively answered, as the Pulaski County, Missouri records provide only some answers.³³

For example, according to the County Collector's Office, Pulaski County assesses property taxes to Mr. Blevins for four separate well sites.³⁴ These are well sites Mr. Blevins purportedly owns. There are also two Warranty Deeds recorded in the Pulaski County land records transferring title to wells from Timothy A. and Tasha Keeth to Mr. and Mrs. Blevins (Instrument #2019903366) and from Mark R. and Jeanie M. Rowden to Mr. and Mrs. Blevins (Instrument #202207376).³⁵ These are two additional wells Staff can verify in the county records that Mr. Blevins also owns. Staff Exhibit 17C also contains a Well Transfer Agreement, entered into between Don W. and Judy E. Baker and Mr. Blevins (Instrument #201903096) purporting to

³⁰ See, *Order Setting Evidentiary Hearing*, Issued, May 20, 2024.

³¹ See, §§ 386.310.1, 386.020(43) and (59); 386.360.1; 393.130.1; and 393.170.2, RSMo.

³² See, Tr. V.III, pp. 577-593.

³³ See, Staff Exhibit 16 and 17C

³⁴ See, Staff Exhibit 16. Note that the taxes on two of the properties has been paid in full, but two of the properties have delinquent taxes due. One of those properties has been delinquent since 2021.

³⁵ See, Staff Exhibit 17C.

transfer “all rights and obligations concerning the water wells that supply water” to certain listed addresses in Dixon and Richland, Missouri. However, that document does not contain a legal description of any of the wells or of the rights that were purportedly transferred, nor does the document necessarily state whether the actual wells or land upon which the wells are located was also transferred. Therefore, the question of well ownership is not one Staff feels it can make with regard to that document. It is one for the Commission or a court to discern.

BURDEN OF PROOF

Generally, the burden of proof “rests on the party asserting the affirmative of an issue,” such as a violation of law or that a particular party acted imprudently or has engaged in unjust or unreasonable actions.³⁶ As such, Staff carries the initial burden of proof. In its pleadings, and by the documentary and testimonial evidence presented throughout the hearing, Staff offered evidence to establish that Mr. Blevins, operating as an individual and doing business under various unregistered business entity names, held himself out as a public water utility and engaged in the unlawful provision of water services subject to the Commission’s jurisdiction by selling water services to the public for gain without certification or other authority from the PSC, endangering the public health. For those actions, Mr. Blevins should be ordered to cease doing so and to make necessary repairs and improvements to the wells he owns and be subject to monetary penalties and civil remedies for such violations.³⁷

³⁶ See, *AG Processing, Inc. v. KCP & L Greater Missouri Operations Co.*, 385 S.W.3d 511, 514 (Mo. App. WD 2012)

³⁷ See, §§ 386.310, 386.360, 386.570, RSMo.

The Commission has exclusive jurisdiction over all public utility corporations, including all water corporations within Missouri. §§ 386.020(43) and (59), and 386.250, RSMo. It has the duty to determine, in the first instance, whether an entity, regardless of its corporate makeup, alleged to be offering utility services unlawfully, is a public utility subject to its jurisdiction.³⁸

Mr. Blevins is a private individual who owns and operates Misty Water Works. The business he runs is not a corporation and serves customers who buy the water from his wells for their residential use. Therefore, under the Commission's rules, Mr. Blevins can represent himself and does not need to be represented by an attorney at the PSC.³⁹ The courts have held that pro se litigants are held to the same standards as attorneys and must satisfy their burden of proof.⁴⁰ Pro se litigants are not entitled to any leniency and are to be treated the same as if they were represented by counsel.⁴¹ "Judicial impartiality, judicial economy, and fairness to all parties preclude courts from granting pro se litigants preferential treatment."⁴² The Western District Court of Appeals held in *Portwood-Hurt v. Hurt* that a lay person appearing pro se should be held to the same standard as counsel, and stated that a lay person's ignorance of the law did not give merit to a claim requiring the court to provide a pro se litigant with findings of facts and conclusions of law.⁴³ In *Tatum v. Tatum*, the court required pro se litigants to comply with all Supreme Court rules, including rules setting out the requirements for appellate

³⁸ *State v. Carroll*, 620 S.W.2d 22, 24 (Mo.Ct. App. S.D. 1981); *State ex rel. & to the Use of Cirese v. Ridge*, 138 S.W.2d 1012, 1014-15 (Mo.banc 1940); *State ex rel. & to the Use of Kansas City Power & Light Co. v. Buzard*, 168 S.W.2d 1044, 1046 (Mo.banc 1943).

³⁹ 20 CSR 4240-2.040

⁴⁰ *Pruett v. Pruett*, 280 S.W.3d 749, 751 (Mo.App. W.D. 2009).

⁴¹ *Morfin v. Werdehausen*, 448 S.W.3d 343, 349 (Mo.App. S.D. 2014).

⁴² *Id.*

⁴³ *Portwood-Hurt v. Hurt*, 988 S.W.2d 613, 620-21 (Mo.App. W.D. 1999).

briefs.⁴⁴ Pro se litigants are subject to the same procedural rules as a party represented by counsel.⁴⁵ As a pro se litigant, Mr. Blevins is to be held to the same standards that he would be held to if he was represented by an attorney.

DISCUSSION

The Staff's Complaint filed in this case contained two counts: (1) that Mr. Blevins was and continues to operate an unauthorized public water utility, and (2) that he is doing so in an unsafe manner such that the inadequate service his water corporation is providing to customers requires the Staff and/or the Commission to take steps to protect the public health.⁴⁶

Unauthorized Operation of a Public Water Utility

In addition to multiple witnesses testifying to the fact that Mr. Blevins provided water service to residents in certain neighborhoods in Pulaski County, Missouri from water wells he owns, controls, and services for a set monthly fee, Mr. Blevins readily admitted to doing so:

Q: Yes. So are – so you admit you're charging customers for water use out of the wells, some of the wells you own and some you don't own?

A: Obviously, yes, ma'am. I charge \$55 for, -- to everyone, and new ones coming in, we're going to start them at 60, because I see that more expenses.... I do charge them. I've never denied that I didn't.⁴⁷

As Staff witness Adam Stamp testified, "Mr. Blevins had willingly put himself in a situation to where he was responsible for water service to hundreds of his neighbors.

⁴⁴ *Tatum v. Tatum*, 577 S.W.3d 146, 149 (Mo.App. E.D. 2019).

⁴⁵ *Porter v. Santander Consumer USA, Inc.*, 590 S.W.3d 356, 357 (Mo. App. E.D. 20000019).

⁴⁶ See, *Staff Complaint*, Case No. WC-2023-0353, filed on April 10, 2023.

⁴⁷ Tr. VIII, 548:8-13; See also, 551:17-22.

He was charging them” a monthly fee for that water, and they were paying him.⁴⁸ Although Mr. Blevins apparently did not send out monthly bills or receipts for payment, he contracted with those residents for the payment of monthly charges for water use, like a water utility company would do with its customers.⁴⁹ In other instances, Mr. Blevins had no formal contract with the homeowners, but merely sent out demand letters informing them of their obligation to pay monthly fees for their water usage, as was the case with Mr. Jeff Grube, who testified at the hearing.⁵⁰

As stated in the *Hurricane Deck Holding Co.* case, “[T]he definitions depend upon an intent to supply water or sewer service for gain or compensation. Sending a bill to customers for the provision of water and sewer service meets the definition of operating a system for gain, regardless of whether any customer actually pays the bill.” The Court in that case agreed with the Commission that “for gain” means “the operation of a water or sewer system for the purpose of receiving compensation.” *Id.*, at 267. Just as in the *Hurricane Deck Holding Co.* case, it appears from the facts admitted by Mr. Blevins and discovered through Staff’s investigation that Mr. Blevins is holding himself “out to serve the public for compensation.”⁵¹ Like *Hurricane Deck*, the demand letters and “Agreements to Furnish Water” show requests for payment for a specific amount no later than a specific day of the month to be paid to Mr. Blevins, and that a late fee would be assessed if the payment is late.⁵² Under those facts, Mr. Blevins, acting individually, and as an unregistered business entity, like *Hurricane Deck*, is operating as a “public utility”

⁴⁸ Tr. VIII, 421:16-21; 422:1-22.

⁴⁹ See, *Staff Exhibit 14C*.

⁵⁰ See, Staff Exhibits 1, 2, and 3; Tr. VII, 104:1-10; 105:20-22.

⁵¹ *Osage Water Co. v. Miller County Water Auth., Inc.*, 950 S.W.2d 569, 574 (Mo.App. S.D.1997).

⁵² See, Staff Exhibits 1, 3, and 14C.

and should be subject to Commission regulation, treated like a public utility, and similarly be held responsible.

Protection of the Public Health and Failure to Provide Safe and Adequate Service

The PSC Staff became involved in this case based on customer complaints regarding Mr. Blevins' business practices and concerns from DNR that "Mr. Blevins was operating a utility company without a certificate from the [PSC]."⁵³ Not only did the homeowners complain about the quality of service they were receiving, but many of their concerns revolved around how they were being billed and whether Mr. Blevins even owned the wells from which the homeowners were getting their water.⁵⁴ This became evident when the Staff hosted a public "open house" for the residents being served by Mr. Blevins' systems in June 2023 in Waynesville, Missouri. Not only were there "a lot of service complaints, of course, which has been a common theme. But they also could not understand why every single person was paying a different amount. Even customers that were on the same water system."⁵⁵

Evidence of the lack or failure of service quality and Mr. Blevins' failure to adequately maintain the system of wells such that his customers receive dependably safe and reliable water service was a theme throughout the testimony of several witnesses. For example, Mr. Grube described the well house that serviced his neighborhood as "it just became an eyesore for our community, and it just kept rolling down that same hill. We had service interruptions that really started to upset us and have no response to those, as well as the increased rate hikes with not maintenance."⁵⁶

⁵³ See, Staff Exhibit 13C; Tr. VIII, 343:1-4.

⁵⁴ See, Staff Exhibit 13C; Tr. VIII, 426:20-23; 439:14-16.

⁵⁵ Tr. VIII, 439: 14-19.

⁵⁶ Tr. VII, 102: 3-8.

As far as DNR was concerned, their investigation of Mr. Blevins' systems began in June 2022 when a team went "to the Misty Mountain area ... to investigate some concerns we had about health-based issues with the water."⁵⁷ Through their testimony and by the various documents contained in Staff Exhibit 10, the DNR witnesses detailed their attempts and frustrations at trying to get Mr. Blevins to repair the various wells he operates, come into and remain in compliance with DNR regulations and health and safety standards for well-maintenance and drinking water quality, and understand the need for such compliance and regulation. Unfortunately, it continues today, unresolved and set to be referred to the Attorney General's Office for Mr. Blevins' failure to bring those water systems into compliance with DNR's safety regulations, among other requirements meant to keep the water potable for those using wells.⁵⁸ DNR witness Jackie Johnson summed up her concerns with Mr. Blevins' ability to come into full compliance as such, "it's hard to believe that he's going to follow through on things when he says he will and he doesn't meet the deadlines."⁵⁹

The Staff's investigation further reinforced the testimony and documented safety violations. Mr. Stamp visited the well houses and walked the premises of the wells to see for himself what the homeowners complained about, and what DNR meant by some of the information contained in their reports.⁶⁰ He found well houses in disrepair and answered calls and received texts from Blevins' customers about outages and poor water quality.⁶¹ For example, Mr. Stamp described some of his sites as "fairly well kept,"⁶²

⁵⁷ Tr. VII, 307: 21-24.

⁵⁸ Tr. VII, 290:2-25; 302:17-25; 303:1-16.

⁵⁹ Tr. VII, 291: 17-19; *See also*, 290:2-25.

⁶⁰ Tr. VIII, 440:18-25.

⁶¹ Tr. VIII, 441:7-13.

⁶² Tr. VIII, 442:24-25.

while others were “very dirty, unkept [sic].... Some are exposed to where – well, for example maybe don’t have roofs,... a lot of exposed wiring all over the place, can potentially make for a hazardous situation. And just general uncleanliness, trash in the well houses.”⁶³ What Mr. Stamp found at Mr. Blevins’ system was “not typically” what he sees or expects of a water utility.⁶⁴ Mr. Blevins, acting as a water utility corporation is failing to meet his obligations under § 393.130.1, RSMo, which requires “every ...water corporation ...[to] furnish and provide such service instrumentalities and facilities as shall be safe and adequate and in all respects just and reasonable.”

Based on the foregoing reasons, and as supported by the evidence presented at the hearing, Staff contends it has met its burden of proof to establish that Mr. Blevins is unable and/or unwilling to provide safe and adequate water service to the residents served by the well systems owned and operated by him.

WHEREFORE, Staff submits this Post-Trial Brief for the Commission’s consideration and information.

Respectfully submitted,

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⁶³ Tr. VIII, 443: 2-14.

⁶⁴ Tr. VIII, 444:2-16.

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 2nd day of August, 2024, to parties of record.

/s/ Carolyn H. Kerr