

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

The Staff of the Missouri Public Service Commission,)	
)	
Complainant,)	
)	
vs.)	<u>File No.: SC-2020-0002</u>
)	
Central Rivers Wastewater Utility, Inc.,)	
)	
Respondent.)	

ORDER RETITLING PLEADING AND SECOND NOTICE OF CONTESTED CASE AND ORDER DIRECTING FILING

Issue Date: August 21, 2019

Effective Date: August 21, 2019

On August 20, 2019,¹ the Commission's Staff filed a "Complaint" against Central Rivers Wastewater Utility, Inc., a copy of which is attached. The Staff had previously filed a "Complaint" on July 2. The Commission will retitle and hereafter refer to Staff's Complaint filed on August 20 as Staff's First Amended Complaint. The filing of any complaint requires the Commission to set a hearing.² The requirement of a hearing on such issues signifies a contested case.³ A contested case is a formal hearing procedure, but it allows for waiver of procedural formalities and a decision without an evidentiary hearing, including by stipulation and agreement.⁴ The Commission's regulations provide for discovery at 4 CSR 240-2.090.

¹ All date references will be to 2019, unless otherwise indicated.

² Section 392.240, RSSMO 2016

³ Section 536.010(4), RSMO 2016.

⁴ Section 536.060, RSMO 2016; 4 CSR 240-2.115.

THE COMMISSION ORDERS THAT:

1. Staff's pleading filed on August 20, 2019, is retitled "First Amended Complaint," and the Parties shall refer to this pleading as the First Amended Complaint in future filings.

2. Central Rivers Wastewater Utility, Inc., (the "Company"), shall file an answer to the First Amended Complaint filed on August 20, 2019, and attached to this notice no later than September 20, 2019.

3. The Commission's Data Center shall serve a copy of this order and Complaint upon the Company by certified mail, postage prepaid, at:

Evan L. Tripp
Registered Agent
2001 W. Jesse James Rd.
Excelsior Springs, MO 64024

4. This order will be effective when issued.



BY THE COMMISSION

A handwritten signature in dark ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Paul T. Graham, Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 21st day of August, 2019.

The Staff of the Missouri Public Service Commission,

Complainant,

V.

Central Rivers Wastewater Utility, Inc.

Respondent.

Case No. SC-2020-0002

COMPLAINT

COMES NOW the Staff of the Missouri Public Service Commission, and for its *Complaint*, states as follows:

Introduction

1. This matter concerns the failure of Central Rivers Wastewater Utility, Inc., to timely file an Annual Report for 2018 as required by § 393.140(6), RSMo., and Commission Rule 4 CSR 240-10.145(1).

Parties

2. Complainant is the Staff of the Missouri Public Service Commission, acting through the Staff Counsel's Office as authorized by Commission Rule 4 CSR 240-2.070(1).

3. Respondent Central Rivers Wastewater Utility, Inc., is a Missouri general business corporation in good standing. Its registered office is located at 2001 W Jesse James Rd. Excelsior Springs, MO 64024. Its registered agent is Evan L. Tripp, 2001 W Jesse James Rd. Excelsior Springs, MO 64024.

4. Respondent's official representative, per EFIS, is Mark Geisinger, P.O. Box 528, Kearney, MO 64060.

5. On information and belief, Respondent provides sewer service in Clay, Clinton, and Ray Counties, MO.

Jurisdiction

6. Respondent owns, operates, controls, or manages sewer systems, plants, or property, for the collection, carriage, treatment, and disposal of sewage for the public for gain.

7. Respondent Company is thus a sewer corporation pursuant to § 386.020(50), RSMo., and a public utility pursuant to § 386.020(43).

8. As a sewer corporation and public utility, Respondent Company is subject to the jurisdiction, regulation and control of the Commission pursuant to § 386.250(3), RSMo.

9. Section 386.390.1, RSMo. authorizes the Commission to entertain a complaint "setting forth any act or thing done or omitted to be done by any...public utility...in violation, or claimed to be in violation, of any provision of law, or of any rule, or order or decision of the commission."

10. Section 386.600, RSMo. provides, "an action to recover a penalty...under this chapter or to enforce the powers of the commission under this or any other law may be brought in any circuit court in this state in the name of the state of Missouri and shall be commenced and prosecuted to final judgment by the general counsel to the commission."

Respondent Failed to File a 2018 Annual Report

11. Section 393.140(6) RSMo., states:

Require every person and corporation under its supervision and it shall be the duty of every person and corporation to file with the commission an annual report, verified by the oath of the president, treasurer, general manager or receiver, if any, thereof. The verification shall be made by said official holding office at the time of the filing of said report, and if not made upon the knowledge of the person verifying the same, shall set forth the sources of his information and the grounds of his belief as to any matters not stated to be verified upon his knowledge. The report shall show in detail the amount of its authorized capital stock and the amount thereof issued and outstanding; the amount of its authorized bonded indebtedness and the amount of its bonds and other forms of evidence of indebtedness issued and outstanding; its receipts and expenditures during the preceding year; the amount paid as dividends upon its stock and as interest upon its bonds; the names of its officers and the aggregate amount paid as salaries to them and the amount paid as wages to its employees; the location of its plant or plants and system, with a full description of its property and franchises, stating in detail how each franchise stated to be owned was acquired; and such other facts pertaining to the operation and maintenance of the plant and system, and the affairs of such person or corporation as may be required by the commission. Such reports shall be in the form, cover the period and be filed at the time prescribed by the commission. The commission may, from time to time, make changes and additions in such forms. When any such report is defective or believed to be erroneous, the commission shall notify the person or corporation making such report to amend the same within a time prescribed by the commission. Any such person or corporation which shall neglect to make any such report or which shall fail to correct any such report within the time prescribed by the commission shall be liable to a penalty of one hundred dollars and an additional penalty of one hundred dollars for each day after the prescribed time for which it shall neglect to file or correct the same, to be sued for in the name of the state of Missouri. The amount recovered in any such action shall be paid to the public school fund of the state. The commission may extend the time prescribed for cause shown.

12. Commission Rule 4 CSR 240-10.145(1) provides in pertinent part:

All electric, gas, water, sewer, and steam heating utilities shall submit an annual report to the commission on or before April 15 of each year, except as otherwise provided in this rule.

13. Respondent Company's 2018 Annual Report was due on April 15, 2019. Respondent neither filed the required report nor requested an extension of the due date prior to April 15, 2019, per Commission Rules 4 CSR 240-10.145(6)(A)¹ or (7)(A)².

14. On May 9, 2019, Respondent contacted Staff, asking for an extension. Staff explained the extension request was out of time and not in compliance with Commission Rules 4 CSR 240-10.145(6)(A) or (7)(A). Respondent informed Staff that they would be filing soon.

15. As of the date of this filing, Respondent has not filed a 2018 Annual Report.

16. Respondent is therefore in violation of § 393.140(6) RSMo. and Commission Rule 4 CSR 240-10.145(1).

WHEREFORE, Staff respectfully requests the Commission give notice to the Respondent as required by law and, after the opportunity for hearing, issue an order that finds the Respondent has violated § 393.140(6), RSMo., and Commission Rule 4 CSR 240-10.145(1) as set out above, and thereupon authorize its General Counsel to seek in Circuit Court the penalties allowed by law; and grant such further relief as is just under the circumstances.

¹ "Submitting a written request, which states the reason for the extension, to the attention of the secretary of the commission prior to April 15..."

² "Filing a pleading, in compliance with the requirements of Chapter 2 of 4 CSR 240-2, which states the reason for and the length of the extension being requested, with the commission prior to April 15..."

Respectfully submitted,

/s/ Travis J. Pringle

Missouri Bar No. 71128

Legal Counsel

Attorney for the Staff of the

Public Service Commission

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(573) 751-9265 (Fax)

Travis.Pringle@psc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing were mailed, electronically mailed, or hand-delivered to all counsel of record this 20th day of August, 2019.

/s/ Travis J. Pringle

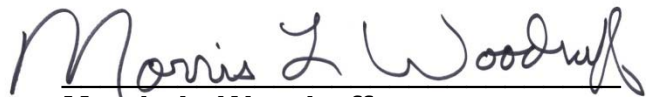
STATE OF MISSOURI

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 21st day of August 2019.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

August 21, 2019

File/Case No. SC-2020-0002

**Missouri Public Service
Commission**

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**Central Rivers Wastewater
Utility, Inc.**

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**Missouri Public Service
Commission**

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

Sincerely,



**Morris L. Woodruff
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.