

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

Anchor's Point Condominium Owners Association, Inc.,)	
)	
)	
Complainants,)	
)	
v.)	File No. WC-2020-0048
)	
TRR Management, LLC; Frank J. Steed, JR. d/b/a Steed Communities; JM Land Holdings, LLC; TRR Time Share, LLC; Carroll James Christiansen; Kimberling Inn, Inc.; and Kimberling Properties, Inc.,)	
)	
Respondents.)	

**ORDER GIVING NOTICE OF CONTESTED CASE
AND DIRECTING ANSWER**

Issue Date: August 28, 2019

Effective Date: August 28, 2019

On August 26, 2019, Anchor's Point Condominium Owners Association, Inc., (Complainants) filed a complaint with the Commission against TRR Management, LLC; Frank J. Steed, JR. d/b/a Steed Communities; JM Land Holdings, LLC; TRR Time Share, LLC; Carroll James Christiansen; Kimberling Inn, Inc.; and Kimberling Properties, Inc., (Respondents). A copy of the complaint accompanies this notice. The filing of a complaint requires the Commission to set a hearing.¹ The requirement of a hearing on such issues signifies a contested case.² A contested case is a formal hearing procedure, but it allows for waiver of procedural formalities and a decision without a hearing, including

¹ Section 386.390.5, RSMo 2016.
² Section 536.010(4), RSMo 2016.

by stipulation and agreement.³ The Commission's provisions for discovery are at Commission rule 4 CSR 240-2.090. Also, as an alternative to the formal evidentiary hearing procedure, the Commission offers mediation. Mediation is a voluntary process in which a neutral person assists the parties in exploring opportunities for settlement. Upon a request for mediation, the Commission may suspend the schedule set forth in this order.

Under Commission rule 4 CSR 240-2.070(15), Respondents shall have 30 days from the date of this notice to file a response to the complaint. A copy of the response shall be served upon the Complainants at their provided service address.

The Commission will also direct the Staff of the Commission to investigate the cause of this complaint and file a report of its findings with the Commission and all parties pursuant to Commission rule 4 CSR 240-2.070(11).

THE COMMISSION ORDERS THAT:

1. Respondents shall file a response to this complaint no later than September 27, 2019.
2. The Staff of the Commission shall investigate the cause of this complaint and file a report or request for additional time no later than October 11, 2019.
3. The Commission's Data Center shall send, by certified mail, a copy of this notice and order and a copy of the complaint to:

TRR Time Share, LLC
Legal Department
P.O. Box 670
11863 State Highway 13
Kimberling City MO 65686

TRR Management, LLC
Legal Department
P.O. Box 670
11863 State Highway 13
Kimberling City MO 65686

Steed Communities
Legal Department
129 Pinnacle Shores
Drive
Lampe MO 65681

³ Section 536.060, RSMo 2000; 4 CSR 240-2.115.

Kimberling Properties, Inc.
Legal Department
P.O. Box 159
11863 State Highway 13
Kimberling City MO 65686

Kimberling Inn, Inc.
Legal Department
P.O. Box 159
11863 State Highway 13
Kimberling City MO 65686

JM Land Holdings, LLC
Legal Department
P.O. Box 670
11863 State Highway 13
Kimberling City MO
65686

Carroll James Christiansen
Legal Department
299 County Road 4651
Berryville AR 72616

4. This order shall be effective when issued.

BY THE COMMISSION



Morris L. Woodruff

Morris L. Woodruff
Secretary

John T. Clark, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 28th day of August, 2019.

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

ANCHOR'S POINT CONDOMINIUM)
OWNERS ASSOCIATION, INC.,)
)
Complainants,)
)
v.) **File No.**
)
TRR MANAGEMENT, LLC;)
FRANK J. STEED, JR., d/b/a)
STEED COMMUNITIES;)
JM LAND HOLDINGS, LLC; TRR)
TIME SHARE, LLC; CARROLL)
JAMES CHRISTIANSEN;)
KIMBERLING INN, INC.; and)
KIMBERLING PROPERTIES, INC.)
)
Respondents.)

COMPLAINT

1. Complainant's address is 11863 Highway 13; P.O. Box 843; Kimberling City, Missouri 65686.
2. The utility service complained of was received at the following addresses: 371 Anchors Point Lane, Units 400-464, Kimberling City, Missouri 65686; 393 Anchors Point Lane, Units 466-482, Kimberling City, Missouri 65686; and 407 Anchors Point Lane, Units 484-532, Kimberling City, Missouri 65686.
3. Respondents' addresses are as follows:
 - a. TRR Management LLC ("TRR Management"), 11863 State Highway 13; P.O. Box 670; Kimberling City, Missouri 65686.
 - b. Frank J. Steed, Jr., d/b/a Steed Communities ("Steed"), 129 Pinnacle Shores Drive; Lampe, Missouri 65681.

c. JM Land Holdings, LLC (“JM”), 11863 State Highway 13; P.O. Box 670; Kimberling City, Missouri 65686.

d. TRR Time Share, LLC (“TRR Time Share”), 11863 State Highway 13; P.O. Box 670; Kimberling City, Missouri 65686.

e. Carroll James Christiansen, 299 County Road 4651; Berryville, Arkansas 72616.

f. Kimberling Inn, Inc., 11863 State Highway 13; P.O. Box 159; Kimberling City, Missouri 65686.

g. Kimberling Properties, Inc., 11863 State Highway 13; P.O. Box 159; Kimberling City, Missouri 65686.

4. Complainant is a Missouri non-profit corporation in good standing, organized pursuant to the *Anchor’s Point Condominium Declaration of Condominium Ownership* recorded in the Stone County Recorder’s Office. Under § 448.3-102(4) of the Missouri Revised Statutes, Complainant may “institute, defend, or intervene in litigation or administrative proceedings in its own name on behalf of itself or two or more unit owners on matters affecting the condominium...”

5. Anchor’s Point is a condominium common interest community in Stone County, Missouri. Complainant brings this Complaint on behalf of all unit owners at Anchor’s Point (the “Unit Owners”).

6. Respondents either currently own and/or operate or formerly owned and/or operated a public utility under the jurisdiction of the Missouri

Public Service Commission (the “Commission”) pursuant to § 386.250 of the Missouri Revised Statutes.

7. Upon information obtained from the Missouri Department of Natural Resources and from recorded deed records in Stone County, Missouri, Respondents TRR Management, Steed, JM and TRR Time Share (the “Steed Respondents”) currently own, operate and control the water system that serves the Unit Owners at Anchor’s Point (the “Water System”).

8. None of the Steed Respondents is registered or authorized to operate as a for-profit water company by, through or under the Commission.

9. The land owned by the Unit Owners is adjacent to land owned by some or all of the Steed Respondents. All such land was formerly part of one larger, unified tract of land owned by Carroll James Christiansen (“Christiansen”), Kimberling Properties, Inc. (“Kimberling Properties”) and/or Kimberling Inn, Inc. (“Kimberling Inn” and, together with Christiansen and Kimberling Properties, the “Christiansen Respondents”).

10. The Christiansen Respondents developed the unified tract of land into various commercial units, condominium units and timeshare units and, in connection with that enterprise, the Christiansen Respondents sold condominiums to individual Unit Owners who then became members of the Anchor’s Point Condominium Owners Association. The Christiansen Respondents provided water to the Unit Owners, initially charging \$150 for water, maintenance on roads for ingress and egress, and use of the pool and tennis court.

11. The Christiansen Respondents conveyed the land where the Water System lies to the Steed Respondents on or about August 19, 2013, and assigned development rights to one or more of the Steed Respondents.

12. The Unit Owners at Anchor's Point currently own 67 units, compared to 105 timeshare units held and operated by the Steed Respondents, which are part of and receive water from the same Water System. Additionally, only five Unit Owners reside in their units full-time. Approximately 62 Unit Owners have an estimated occupancy of 20% for nine months each year and 50% for three months each year.

13. After purchasing the above-described land, the Steed Respondents, through TRR, began to send bills for water, sewer, and road maintenance to Complainant, and Complainant paid those invoices on behalf of and for the benefit of the Unit Owners.

14. While the payments from Complainant to the Steed Respondents were designated for water service, water reserves, sewer, common road reserves, and reserves for replacement of water infrastructure, the Steed Respondents have refused to provide Complainant with an accounting regarding replacement reserves and the actual costs associated with maintaining and operating the water lines and well system.

15. Additionally, the Steed Respondents have at times threatened to shut off water to the Unit Owners and began charging increased rates to the Unit Owners without explanation. On behalf of and for the benefit of the Unit

Owners, Complainant currently pays \$1,340.00 per month to the Steed Respondents for water and water system maintenance reserves.

16. The Commission has jurisdiction over the subject matter of this Complaint pursuant to § 386.250(3) of the Missouri Revised Statutes, under which the Commission has jurisdiction over “all water corporations, and to the land, property, dams, water supplies, or power stations thereof and the operation of the same within this state.”

17. By statute, a “water corporation” is defined as, “every corporation, company, association, joint stock company or association, partnership and person, their lessees, trustees, or receivers appointed by any court whatsoever, owning, operating, controlling or managing any plant or property, dam or water supply, canal, or power station, distributing or selling for distribution, or selling or supplying for gain any water.” Section 386.020, RSMo.

18. Further, a “water system” is defined as, “all reservoirs, tunnels, shafts, dams, dikes, headgates, pipes, flumes, canals, structures and appliances, and all other real estate, fixtures and personal property, owned, operated, controlled or managed in connection with or to facilitate the diversion, development, storage, supply, distribution, sale, furnishing or carriage of water for municipal, domestic or other beneficial use.” Section 386.020(60), RSMo.

19. The Christiansen Respondents caused the ownership of the Water System to be transferred to the Steed Respondents without proper

authorization from the Commission, as required by § 393.190(1) of the Missouri Revised Statutes.

20. Neither the Christiansen Respondents nor the Steed Respondents has obtained a Certificate of Convenience and Necessity from the Commission, as required by § 393.170(2) of the Missouri Revised Statutes. In spite of this, the Christiansen Respondents and the Steed Respondents have charged Complainant for operational costs of the Water System facilities and for other undocumented services. Additionally, both the Steed Respondents and the Christiansen Respondents have tried to establish rates for water service without obtaining proper authorization from the Commission to do so.

21. The Commission has jurisdiction over Respondents (a) because Respondents currently own or have owned the Water System that provides water to the Unit Owners, (b) because Respondents have sold or supplied water to the Unit Owners for gain, and (c) because the Water System is devoted to public use.

22. Complainant has been in direct contact with all Respondents regarding the Water System, and with the Steed Respondents regarding the supply and distribution of water and the rates charged for such service.

WHEREFORE, Complainant respectfully requests the following relief:

A. That the Commission exert jurisdiction in this case;

B. That the Commission require the Steed Respondents and/or the Christiansen Respondents to obtain a Certificate of Convenience and Necessity from the Commission;

C. That the Commission prohibit Respondents from terminating or cutting off water service to the Unit Owners; and

D. Such other and further relief as the Commission deems just and proper.

HUSCH BLACKWELL LLP

/s/ J. Michael Bridges

J. Michael Bridges, MBN 41549

Laura C. Robinson, MBN 67733

901 St. Louis Street, Suite 1800

Springfield, MO 65806

(417) 268-4000

(417) 268-4040 FAX

michael.bridges@huschblackwell.com

laura.robinson@huschblackwell.com

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 28th day of August 2019.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

August 28, 2019

File/Case No. WC-2020-0048

Missouri Public Service Commission

Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Office of the Public Counsel

Marc Poston
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opc@ded.mo.gov

Anchor's Point Condominium Owners Association, Inc.

J. Michael Bridges
901 St. Louis Street, Ste. 1800
Springfield, MO 65806
michael.bridges@huschblackwell.com

Anchor's Point Condominium Owners Association, Inc.

Laura Robinson
901 St. Louis St., Suite 1800
Springfield, MO 65806
laura.robinson@huschblackwell.com

Carroll James Christiansen JM Land Holdings, LLC

Legal Department
299 County Road 4651
Berryville, AR 72616

Legal Department
11863 State Highway 13
P.O. Box 670
Kimberling City, MO 65686

Kimberling Inn, Inc.

Legal Department
11863 State Highway 13
P.O. Box 159
Kimberling City, MO 65686

Kimberling Properties, Inc. Steed Communities

Legal Department
11863 State Highway 13
P.O. Box 159
Kimberling City, MO 65686

Legal Department
129 Pinnacle Shores Drive
Lampe, MO 65681

TRR Management, LLC

Legal Department
11863 State Highway 13
P.O. Box 670
Kimberling City, MO 65686

TRR Time Share, LLC

Legal Department
11863 State Highway 13
P.O. Box 670
Kimberling City, MO 65686

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.