BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Staff of the Missouri Public Service Commission,	)	
Complainant,	)	
vs.	)	**File No. WC-2014-0018**
Consolidated Public Water Supply District, C-1 of Jefferson County, Missouri,	)	
and	)	
City of Pevely, Missouri,	)	
Respondents.	)	

ANSWER AND AFFIRMATIVE DEFENSES OF
RESPONDENT CONSOLIDATED PUBLIC WATER SUPPLY DISTRICT,
C-1 OF JEFFERSON COUNTY, MISSOURI

COMES NOW Respondent, Consolidated Public Water Supply District, and for its Answer to Complainant's Complaint, states as follows:

1. Respondent denies each and every allegation of Paragraph 1.

2. Respondent admits the allegations of Paragraph 2.

3. Respondent admits the allegations of Paragraph 3.

4. Respondent admits the allegations of Paragraph 4.

5. Respondent admits the allegations of Paragraph 5.

6. Respondent admits the allegations of Paragraph 6.

7. Respondent admits the allegations of Paragraph 7.

8. Respondent denies each and every allegation of Paragraph 8.

9. Respondent denies each and every allegation of Paragraph 9.

10. Respondent admits the allegations of Paragraph 10.

11. Respondent denies each and every allegation of Paragraph 11.

Count I

12. Respondent restates each and every response to the allegations of Paragraphs 1-11 above.

13. Respondent admits that it entered into an agreement. Further answering, Respondent denies that Commission has any authority or jurisdiction over that agreement. Therefore, Respondent denies each and every other allegation of Paragraph 13.

14. Respondent denies each and every other allegation of Paragraph 13.

WHEREFORE, Respondent prays for an Order by this Commission dismissing this Complaint, and for such other and further relief which may in the premises be just and proper.

Count II

15. Respondent restates each and every response to the allegations of Paragraphs 1-14 above.

16. Respondent admits that there was litigation between the Respondents in Case No. 12JE-CC01024. Respondent denies each and every other allegation of Paragraph 16.

17. Respondent denies each and every allegation of Paragraph 17.

18. Respondent denies each and every allegation of Paragraph 18.

19. Respondent denies each and every allegation of Paragraph 19.

WHEREFORE, Respondent prays for an Order by this Commission dismissing this Complaint, and for such other and further relief which may in the premises by just and proper.

Count III

20. Respondent restates each and every response to the allegations of Paragraphs 1-19 above.

21. Respondent denies each and every allegation of Paragraph 21.

22. Respondent admits that it has not made any application to the Commission regarding any agreement between Respondents. Respondent denies each and every other allegation of Paragraph 22.

23. Respondent denies each and every allegation of Paragraph 23.

WHEREFORE, Respondent prays for an Order by this Commission dismissing this Complaint, and for such other and further relief which may in the premises be just and proper.

Affirmative Defenses

24. The Commission has not previously exercised any authority under § 247.172 RSMo. 2000, to govern agreements the type of which the Respondents are alleged have entered.

25. The Commission has not previously exercised any authority with respect to the alleged agreement since November 12, 2007.

26. The Commission and Complainant have not given any prior notice to the Respondents that it intended to enforce § 247.172 RSMo. 2000, so as to have any application to the alleged agreement.

27. The Commission and the Complainant have failed to give § 247.172 RSMo. 2000 its most liberal interpretation despite the fact that it contains penal provisions.

28. Respondent had the right to rely on the procedures and methods of the Commission as administered as to agreements which are the subject of Complainant's allegations.

29. Any fine imposed as a result of this Complaint would be borne by Respondent and its citizens.

30. No citizen of the State of Missouri has made any complaint regarding the agreement between the Respondents.

31. The Commission lacks jurisdiction over the subject matter of the Complaint.

32. Enforcement of § 247.172 RSMo. 2000 as the Complainant seeks would violate the due process rights of the Respondent pursuant to the Fourteenth Amendment to the United States Constitution and Article 1, Section 10 of the Missouri Constitution.

33. Complainant and the Commission are stopped to enforce § 247.172 RSMo. 2000, as sought in the Complaint.

34. Complainant may not seek to enforce § 247.172 RSMo. 2000, as set out in this Complaint by reason of laches.

35. The Commission lacks jurisdiction pursuant to the plain language of § 247.172 RSMo. and the enabling statute of the Commission.

WHEREFORE, Respondent prays the Commission dismiss Complainant's Complaint, and for such other and further orders as are just under the circumstances.

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By /s/ Bianca L. Eden
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was mailed by U.S. Mail on this 10th day of December, 2013, unless served electronically via EFIS to:

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/s/ Bianca L. Eden