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STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a Session of the Public Service  
Commission held at its office  
in Jefferson City on the 7th  
of December, 1999.

Herbert Hanneman,	)	
	)	
Complainant,	)	
	)	
v.	)	<u>Case No. SC-2000-256</u>
	)	
Capital Utilities, Inc.,	)	
	)	
Respondent.	)	

**ORDER OF DEFAULT**

Herbert Hanneman filed a formal complaint with the Missouri Public Service Commission on September 29, 1999 against Capital Utilities, Inc. (Capital Utilities). Mr. Hanneman alleges that Capital Utilities has attempted to collect delinquent bills owed by a former tenant from the owner of the property, in violation of Capital Utilities' tariffs. Mr. Hanneman seeks a determination that Capital Utilities is not allowed to pass the delinquent tenant bill or tenant late charges to the owner of the property.

On October 1, 1999, the Commission issued a Notice of Complaint to Capital Utilities by certified mail requiring Capital Utilities to answer within 30 days from the date of the notice (October 30, 1999). On October 11, Capital Utilities responded to the Notice of Complaint by sending a letter to the Commission signed by Garah F. Helms, Area Manager

for Capital Utilities. The letter asked that Mr. Hanneman's complaint be referred for mediation.

Upon receiving Capital Utilities' request for mediation, the Commission on October 19, issued a Notice Directing Response to Mediation Request. That notice informed Mr. Hanneman that he could accept or decline the opportunity to mediate by writing to the Commission's secretary. That notice also indicated that if Mr. Hanneman declined the mediation request or did not respond within 15 days, the Commission would proceed with this case by requiring Capital Utilities to file its answer to Mr. Hanneman's complaint.

Mr. Hanneman did not respond to the Commission's notice and therefore, on November 5, the Commission issued an Order Directing Respondent to File Answer. That order directed Capital Utilities to file its answer no later than November 22. Capital Utilities has not filed its answer to Mr. Hanneman's complaint.

Pursuant to 4 CSR 240-2.070(9) if the respondent in a complaint case fails to file an answer within the time period allowed, the respondent is in default and the allegations of the complaint are deemed admitted by the respondent. The Commission finds that Capital Utilities is in default and the allegations in the complaint are deemed admitted by Capital Utilities.

**IT IS THEREFORE ORDERED:**

1. That Capital Utilities, Inc., is in default and that all allegations set forth in the complaint are deemed admitted.
2. That the relief requested by Herbert Hanneman is granted.

3. That Capital Utilities, Inc., shall not collect from Joe and Loretta Hanneman the Sewer Charges of \$89.49 and the Sewer Penalty of \$35.00 owed for services provided to their tenant at 2516 Rosebud Circle, Sedalia, Missouri.

4. That this order shall become effective on December 17, 1999.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read "Dale Hardy Roberts". The signature is written in a cursive, somewhat stylized script.

Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

( S E A L )

( Lumpe, Ch., Crumpton, Murray,  
Schemenauer, and Drainer, CC., concur

Woodruff, Regulatory Law Judge

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COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION