

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

**In the Matter of the Request of the Staff)
of the Missouri Public Service)
Commission for an Order Directing the)
General Counsel to Petition the Circuit)
Court of Cole County for the)
Appointment of a Receiver for Rogue)
Creek Utilities, Inc., and for the)
Appointment of an Interim Receiver.)**

Case No. WO-2007-0344

**MOTION FOR ORDER FINDING
RESPONDENT ROGUE CREEK UTILITIES, INC. IN DEFAULT**

COMES NOW the Staff of the Missouri Public Service Commission and, for its Motion for Order Finding Default, states to the Missouri Public Service Commission as follows.

1. On March 21, 2007, the Staff filed its Application for an Order Directing the General Counsel to Petition the Circuit Court of Cole County for the Appointment of a Receiver for Rogue Creek Utilities, Inc., and Appointing an Interim Receiver (“the Application”).

2. On March 22, 2007, the Commission issued its Notice of Application and Order Directing Response (“the Notice”), by which it notified Respondent Rogue Creek Utilities, Inc. of the Application, and notified Respondent that its failure to respond to the Application by no later than April 23, 2007, may result in the Commission granting all of the Staff’s requests for relief. The Commission mailed the Notice to Respondent by certified mail and the Notice was delivered to Respondent on March 27, 2007. See the certified mail receipt, Document No. 4 in the EFIS file for this case.

3. On April 23, 2007, William J. Rummel, in his capacity “as sole shareholder and last registered agent of Rogue Creek Utilities, Inc. (statutory trustee for the corporation to wind up its

affairs)” filed his Answer and Consent to Application to Petition Circuit Court for Receiver (“the Answer and Consent”).

4. The Staff thereafter filed a pleading entitled “Staff’s Response to Order Directing Filing,” in which it questioned whether the Answer and Consent was filed on behalf of Respondent Rogue Creek Utilities, Inc., or only on behalf of William J. Rummel.

5. Subsequently, on May 21, 2007, Mr. Rummel’s attorney, Kevan L. Karraker, entered his appearance on behalf of Mr. Rummel, individually. No counsel appeared for Rogue Creek Utilities, Inc. On June 4, 2007, Mr. Karraker filed an Amended Entry of Appearance on behalf of Mr. Rummel in his individual capacity and not for or on behalf of Rogue Creek Utilities, Inc.

6. Respondent Rogue Creek Utilities, Inc. has not filed any pleading in response to the Staff’s Application.

7. Commission Rule 4 CSR 240-2.070 (9) provides that if the respondent in a complaint case fails to file a timely answer, the complainant’s averments may be deemed admitted and an order granting default entered.

8. The Staff therefore requests that the Commission find Respondent Rogue Creek Utilities, Inc. in default and enter an order consistent with the stipulation of all of the other parties, which is being filed contemporaneously herewith.

WHEREFORE, the Staff prays that the Commission enter its order finding Respondent Rogue Creek Utilities, Inc. in default.

Respectfully submitted,

/s/ **Keith R. Krueger**

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Certificate of Service

I hereby certify that copies of this Motion have been mailed with first-class postage, hand-delivered, transmitted by facsimile or transmitted via e-mail to all counsel and/or parties of record this 11th day of June 2007.

/s/ **Keith R. Krueger**