

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

Staff of the )  
Missouri Public Service Commission, )  
 )  
Complainant, )  
 )  
v. )  
 )  
Noel Water Company, Inc., )  
 )  
and )  
 )  
Dan M. Harmon, President, )  
 )  
101 Foster Street )  
Noel, MO 64854 )  
CERTIFIED MAIL )  
 )  
Respondents. )

**File No. WC-2011-0144**

**NOTICE OF CONTESTED CASE**

Issue Date: November 22, 2010

The Commission is giving notice of the commencement of a contested case. On November 19, 2010, the complainant filed the complaint, a copy of which accompanies this notice. Such filing vested the right to a pre-decision evidentiary hearing in the respondent,<sup>1</sup> so that filing instituted a contested case.<sup>2</sup>

A contested case is a formal hearing procedure, but the law allows waiver of procedural formalities and a decision without a hearing,<sup>3</sup> including by stipulation and

---

<sup>1</sup> Section 386.390.5, RSMo 2000; *Jamison v. Dept. of Soc. Servs.*, 218 S.W.3d 399, 408-09 (Mo. banc 2007); *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976).

<sup>2</sup> Sections 536.063(1), RSMo 2000; Section 536.010(4), RSMo Supp. 2009.

<sup>3</sup> Sections 536.060, RSMo 2000.

agreement.<sup>4</sup> Provisions governing discovery are at the Commission's regulation 4 CSR 240-2.090. The Commission's regulations<sup>5</sup> require the filing of an answer not later than December 22, 2010.

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 filing date set forth in this order.

**BY THE COMMISSION**

( S E A L )



Steven C. Reed  
Secretary

Dated at Jefferson City, Missouri,  
on this 22<sup>nd</sup> day of November 2010.

Jordan, Senior Regulatory Law Judge

---

<sup>4</sup> *Id.* and 4 CSR 240-2.115.

<sup>5</sup> 4 CSR 240-2.070(7) and (8).