

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 28th day of  
July, 2005.

The Staff of the Missouri Public  
Service Commission,

Complainant,

v.

The Willows Utility Company,

Respondent.

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**Case No. WC-2005-0494**

**ORDER GRANTING DEFAULT**

Issue Date: July 28, 2005

Effective Date: August 7, 2005

On June 17, 2005, the Staff of the Commission filed a complaint against The Willows Utility Company. Staff amended its complaint on June 24. In its amended complaint, Staff alleges that The Willows did not pay its annual assessment to the Commission for 2004 and 2005. The complaint also alleges that The Willows failed to file its annual report for 2003. Staff's complaint requests authority to bring a penalty action against The Willows in circuit court.

Staff's complaint does not allege the dollar amount of the assessments that The Willows failed to pay because Staff is concerned that unless the Commission orders that the assessment amounts may be made public, such disclosure might be improper.

For that reason, Staff asks the Commission to formally find that the Staff may publicly disclose the amount of the unpaid assessments.

On June 21, the Commission issued a Notice of Complaint that informed The Willows of Staff's Complaint and directed it to file an answer. The Notice of Complaint was delivered to The Willows by certified mail, return receipt requested, on June 23. The Willows' answer was due by July 21. That date has come and gone and The Willows has not filed an answer.

Commission Rule 4 CSR 240-2.070(9) provides that if a respondent fails to timely respond to a complaint, the Commission may deem the complaint admitted, and may enter an order granting default.<sup>1</sup> The Willows has failed to file a timely response to Staff's complaint. Therefore, the Commission finds that The Willows is in default and that Staff's allegations are admitted.

The Commission further finds that the amount of The Willows' annual Commission assessment should be public information. Therefore, Staff is advised that it may make that information available to the public.

**IT IS THEREFORE ORDERED:**

1. That default is hereby entered against The Willows Utility Company, and the averments of Staff's complaint are deemed admitted.
2. That the General Counsel of the Commission is directed to bring a penalty action against The Willows Utility Company, in circuit court.

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<sup>1</sup> That rule also allows the Commission to set aside a default order if the respondent files a motion to set aside the order within 7 days of the issue date of the order granting default, and if the Commission finds good cause for the respondent's failure to timely respond to the complaint.

3. That the Staff of the Commission shall treat the amount of The Willows Utility Company's unpaid annual assessments as public information.

4. That this order shall become effective on August 7, 2005.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

( S E A L )

Davis, Chm., Murray, Gaw, Clayton and Appling, CC., concur

Woodruff, Senior Regulatory Law Judge