

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

The Staff of the Missouri Public Service Commission,)	
)	
Complainant,)	
)	
vs.)	<u>Case No. WC-2017-0200</u>
)	
Ridge Creek Water Company, LLC,)	
Ridge Creek Development, L.L.C., and)	
Michael Stoner and Denise Stoner, individually.)	
)	
Respondents.)	

MOTION FOR EXPEDITED TREATMENT AND INJUNCTION

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”) and, pursuant to 4 CSR 240-2.080(14), for its *Motion for Expedited Treatment and Injunction* states as follows:

1. Staff re-alleges the averments found in its *Verified Complaint*, filed concurrently.
2. Section 386.390.1, RSMo., authorizes the Commission to hear and determine complaints:

Complaint may be made by the commission of its own motion, or by the public counsel or any corporation or person, chamber of commerce, board of trade, or any civic, commercial, mercantile, traffic, agricultural or manufacturing association or organization, or any body politic or municipal corporation, by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any corporation, person or public utility, including any rule, regulation or charge heretofore established or fixed by or for any corporation, person or public utility, in violation, or claimed to be in violation, of any provision of law, or of any rule or order or decision of the commission

3. The Commission has by rule authorized the Staff Counsel's Office to bring complaints on behalf of the Staff: "A complaint may also be filed by . . . the commission staff through the staff counsel"¹

Motion Statutory Injunction:

4. Section 386.360.1 RSMo., authorizes the Commission to pursue temporary, preliminary and permanent injunctions "[w]henver the commission shall be of the opinion that a *public utility*. . . *person or corporation* is failing . . . to do *anything required of it by law*. . . ."

5. Section 393.130.1, RSMo., requires every water corporation to "furnish and provide such service instrumentalities and facilities as shall be safe and adequate and in all respects just and reasonable."

6. Respondent Ridge Creek Water, as the certificated entity, is a water corporation and a public utility.

7. Respondent Ridge Creek Development is an uncertificated public utility and a water corporation as the owner of and having control over the drinking water wells used by Ridge Creek Water in its provision of water service to customers.

8. Respondents Mr. Mike Stoner and Ms. Denise Stoner are the persons responsible for the day-to-day operations of Respondents Ridge Creek Water and Ridge Creek Development.

9. Section 393.130.1 RSMo., provides that "[e]very . . . water corporation . . . shall furnish and provide such service instrumentalities and facilities as shall be safe and adequate and in all respects just and reasonable."

¹ Rule 4 CSR 240-2.070(1).

10. Respondents, in failing to repair the Main or Service Connection, have failed to provide such facilities that shall be safe and adequate for the provision of water to the customer, in violation of § 393.130.1 RSMo.

11. Respondents are a public utility, persons, and corporation in violation of § 393.130.1 RSMo, and accordingly are failing to do a requirement by law. Section 386.360.1 RSMo.

Motion for Expedited Treatment:

12. Pursuant to 4 CSR 240-2.080(14) a party may move for expedited treatment of a pleading.

13. On information and belief, a customer continues to be without a safe and adequate supply of water.

14. Pursuant to 4 CSR 240-2.080(14)(A) Staff respectfully requests the Commission act as soon as possible, preferably by today, January 20, 2017.

15. Pursuant to 4 CSR 240-2.080(14)(B), by an immediate action by the Commission's General Counsel pursuing an injunction against Respondents, the Customer will not be subject to inadequate, unsafe service for any longer than may be necessary for Respondents to fix the break. Moreover, the cost of repairing the line is a cost that Respondents would have incurred as a part of their responsibility to maintain safe and adequate service under the law, so the Respondents will not be harmed. Fixing the service main shall not have any negative effect on the other customers nor the general public.

16. This pleading was filed as soon as it could be completed, reviewed and verified.

WHEREFORE, Staff prays that the Commission will grant this motion for expedited treatment and motion for injunction, and as soon as possible issue an Order directing the Commission's General Counsel to seek in Circuit Court a preliminary and permanent injunction pursuant to § 386.360.1 RSMo., requiring Respondents to take the necessary action to provide safe and adequate service; as well as grant such other and further relief as is just in the circumstances.

Respectfully submitted,

/s/ Jacob Westen

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail on each of the parties listed in the Service List for this case maintained by the Commission's Data Center on this 20th day of January, 2017.

/s/ Jacob Westen