

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

The Staff of the Missouri Public Service
Commission,

Complainant,

v.

Central Jefferson County Utilities, Inc.,
Raintree Plantation, Inc.,
Jeremiah Nixon, Kenneth McClain,
Norville McClain, and the
Norville McClain Trust,

Respondents.

Case No. WC-2007-0394

The Staff of the Missouri Public Service
Commission,

Complainant,

v.

Central Jefferson County Utilities, Inc.,
Raintree Plantation, Inc.,
Jeremiah Nixon, Kenneth McClain,
Norville McClain, and the
Norville McClain Trust,

Respondents.

Case No. SC-2007-0396

ORDER CONSOLIDATING CASES

Issue Date: October 10, 2007

Effective Date: October 17, 2007

This order consolidates two pending cases pertaining to Respondents Central Jefferson County Utilities, Inc., Raintree Plantation, Inc., Jeremiah Nixon, Kenneth McClain, Norville McClain, and the Norville McClain Trust, which involve related questions of law and fact and would best be adjudicated together, rather than separately.

In Case No. WC-2007-0394, which was filed on April 13, 2007, the Staff of the Missouri Public Service Commission alleges that one or more of the Respondents have provided unsafe and inadequate water services to the residents of approximately 681 homes in the Raintree Plantation Subdivision in Jefferson County, Missouri. Staff seeks a Commission order finding that one or more of the Respondents have violated Section 393.130.1¹ and Commission Rule 4 CSR 240-60.020 by their conduct with respect to the Subdivision's water systems. Staff also seeks an order authorizing the Commission's General Counsel to seek monetary penalties in circuit court against one or more of the Respondents for the alleged violations pursuant to Sections 386.570 and 386.600.

In Case No. SC-2007-0396, which was also filed on April 13, 2007, Staff alleges that one or more of the Respondents have provided unsafe and inadequate sewer services to the residents of the same Subdivision. Staff seeks exactly the same relief as in Case No. WC-2007-0394.

Commission Rule 4 CSR 240-2.110(3) states that "[w]hen pending actions involve related questions of law or fact, the commission may order a joint hearing of any or all of the matters at issue, and may make other orders concerning cases before it to avoid unnecessary costs or delay." Likewise, Commission Rule 4 CSR 240-2.070(12) permits all matters upon which a complaint may be founded to be joined in a single hearing.

¹ All statutory references are to RSMo 2000.

At the conclusion of a recent motion hearing conducted on October 1, 2007, counsel for Central Jefferson County Utilities, Inc. made an oral motion to consolidate Case Nos. WC-2007-0394 and SC-2007-0396, and the Commission's General Counsel indicated that Staff had no objection to consolidating them.² The Commission finds that the two cases clearly involve related questions of both law and fact, and that consolidating them would avoid unnecessary delay in adjudication and promote uniformity and efficiency without impairing the substantive or procedural rights of any party. Accordingly, the motion is granted and the two cases will be consolidated.

IT IS ORDERED THAT:

1. Case No. SC-2007-0396 is hereby consolidated with Case No. WC-2007-0394 for all adjudicative purposes, including hearing and disposition. Case No. WC-2007-0394 will be the lead case and the style shall be "The Staff of the Missouri Public Service Commission, Complainant, v. Central Jefferson County Utilities, Inc., Raintree Plantation, Inc., Jeremiah Nixon, Kenneth McClain, Norville McClain, and the Norville McClain Trust, Respondents."

² Transcript of Oral Argument on Staff's Motion for Partial Summary Determination at 78. The judge did not rule on the motion at that time since Norville McClain, the Norville McClain Trust, and the Office of the Public Counsel were not represented at the hearing. *Id.* at 4, 78-79.

2. This order shall become effective on October 17, 2007.

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)

Benjamin H. Lane, Regulatory
Law Judge, by delegation of authority
under Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 10th day of October, 2007.