

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

ORDER GRANTING MOTION FOR LEAVE TO FILE RESPONSE
OUT OF TIME

Issue Date: July 2, 2007

Effective Date: July 2, 2007

On April 13, 2007,¹ the Staff of the Missouri Public Service Commission filed the instant complaint against Central Jefferson County Utilities, Inc. ("CJCU"), Raintree Plantation, Inc. ("Raintree"), Jeremiah Nixon ("Jeremiah"), Kenneth McClain ("Kenneth"), Norville McClain ("Norville"), and the Norville McClain Trust ("McClain Trust"). In general terms, the complaint alleges that the Respondents have provided unsafe and inadequate water services to approximately 681 residents of the Raintree Plantation Subdivision in Jefferson County, Missouri.

CJCU filed its Answer and Affirmative Defenses on May 18. On May 21, Raintree filed its Answer and Affirmative Defenses and a Motion to Dismiss. On the same day,

¹ All dates specified in this order refer to the year 2007.

Jeremiah and Kenneth filed their joint Answer and Affirmative Defenses and a joint Motion to Dismiss. Norville and the McClain Trust filed their joint Answer and Affirmative Defenses on June 4, as well as a joint Motion to Dismiss.

On June 15, Staff filed its Reply and Suggestions in Opposition to Respondents' Affirmative Defenses and Motions to Dismiss. Also on June 15, Staff filed a motion seeking leave to file that pleading out of time,² explaining that Staff was unable to file it any earlier due to the press of other Commission business and that none of the various Respondents were prejudiced by the delay. More than ten days have passed, and neither the Office of the Public Counsel nor any of the Respondents have opposed Staff's motion.

Since the pleadings to which Staff responded on June 15 are lengthy and fairly involved and Staff's explanation for the relatively minor delay in filing its Reply and Suggestions in Opposition is reasonable, Staff's motion will be granted.

IT IS ORDERED THAT:

1. Staff's motion for leave to late-file its Reply and Suggestions in Opposition to Respondents' Affirmative Defenses and Motions to Dismiss is granted.
2. This order shall become effective on July 2, 2007.

(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 2nd day of July, 2007.

BY THE COMMISSION



Colleen M. Dale
Secretary

² Under Commission Rule 4 CSR 240-2.080(15), parties are "allowed not more than ten (10) days from the date of filing in which to respond to any pleading unless otherwise ordered by the commission."