

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 7th day of
February, 2008.

The Staff of the Missouri Public Service Commission,)	
)	
)	
Complainant,)	
)	
v.)	
)	
Universal Utilities, Inc., and)	
Nancy Carol Croasdell,)	
)	
Respondents.)	

Case No. WC-2008-0079

**ORDER DENYING MOTION FOR RECONSIDERATION OF ORDER
COMPELLING PRODUCTION OF BOOKS AND PAPERS**

Issue Date: February 7, 2008

Effective Date: February 7, 2008

On September 13, 2007, the Staff of the Commission filed a complaint against Universal Utilities, Inc., and Nancy Carol Croasdell alleging the Respondents were unlawfully providing water and sewer service to the public for gain without the required authorization from this Commission. On December 13, the Commission issued an Order Striking Answer and Entering Default Judgment as a Sanction for Refusal to Comply with Discovery Order.

By that order, the Commission struck the answer of the Respondents and entered a default judgment against them as a sanction for their refusal to comply with the Commission's Order Granting Staff's Motion to Compel Discovery. As a result, the

Commission found that the facts alleged in Staff's First Amended Complaint were established. The Commission authorized its Staff to file an action in circuit court to collect penalties against the Respondents as allowed by Sections 386.570 and 386.600, RSMo 2000.

On December 21, the Respondents filed a timely application for rehearing of the December 13 order, accompanied by a motion to dismiss. On January 8, the Commission denied that motion to dismiss and the application for rehearing.

Meanwhile, on December 28, while the Respondents' application for rehearing and motion to dismiss were still pending, Staff filed a motion asking the Commission to compel the Respondents to produce certain books, accounts, papers or records regarding their operations in Missouri. Staff asked that the Respondents be required to produce those documents at the Commission's office on January 7. The Respondents did not reply to Staff's motion to compel. The Commission issued an order on January 3, compelling the Respondents to produce the documents sought by Staff on January 7, as requested by Staff. On January 22, the Respondents filed a motion asking the Commission to reconsider its January 3 order compelling the production of documents.

The Respondents contend reconsideration is appropriate because the Commission has no jurisdiction to issue any order concerning the Respondents and because they did not have time to comply with the January 3 order before its January 7 effective date. The Commission has already rejected the Respondents' contention that the Commission has no jurisdiction over them in a previous order and will not revisit that issue. The Respondents' plea of insufficient time to comply with the Commission's January 3 order is also unpersuasive. The Respondents were made aware of the possibility that they would be

required to produce documents when Staff filed its motion to compel on December 28, but made no response to that motion until they filed their motion for reconsideration on January 22. The Commission will not reconsider its Order Compelling Universal Utilities and Nancy Carol Croasdell to Produce Books, Accounts, Papers or Records.

IT IS ORDERED THAT:

1. The Motion for Reconsideration filed by Universal Utilities, Inc., and Nancy Carol Croasdell is denied.
2. This order shall become effective on February 7, 2008.

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, Clayton, Appling,
and Jarrett, CC., concur.

Woodruff, Deputy Chief Regulatory Law Judge