

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 8<sup>th</sup> day of  
January, 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 TO DISMISS AND  
APPLICATION FOR REHEARING**

Issue Date: January 8, 2008

Effective Date: January 18, 2008

On December 13, 2007, 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, Universal Utilities, Inc. and Nancy Carol Croasdell and entered a default judgment against the Respondents 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, accompanied by a motion to dismiss.

Staff filed a response to the Application for Rehearing and Motion to Dismiss on December 31. In its response, Staff indicated it has obtained an order from the Circuit Court of Boone County finding the Respondents in contempt of the Commission's November 1 order to compel discovery and ordering the Respondents to comply with the Commission's discovery order by December 24. Staff indicates the Respondents have failed to comply with the Circuit Court's order.

The Respondents contend the Commission should rehear its order entering default judgment and instead dismiss Staff's complaint because as a matter of law the Commission lacks subject matter jurisdiction over the Respondents.

The Respondents allege the Commission lacks jurisdiction as a matter of law, but then proceed to describe factual allegations about the services they offer, claiming these facts establish that the Respondents are not operating a public utility in Missouri. The factual allegations made by the Respondents are precisely the sort of information that Staff sought to discover from the Respondents and which the Commission ordered the Respondents to disclose. The Respondents continue to refuse to supply that information to Staff in response to data requests, in defiance of a Commission order directing them to do so. Instead, they ask the Commission to simply accept their version of the facts and dismiss Staff's complaint.

Respondents' unproven factual allegations do not establish that as a matter of law this Commission lacks subject matter jurisdiction over the Respondents. The Commission will deny the Respondents' Motion to Dismiss.

Section 386.500.1, RSMo (2000), indicates the Commission shall grant an application for rehearing if “in its judgment sufficient reason therefor be made to appear.” The Respondents have not indicated a willingness to comply with the Commission’s discovery order and the Commission finds no reason to grant rehearing.

**IT IS ORDERED THAT:**

1. The Motion to Dismiss filed by Universal Utilities, Inc., and Nancy Carol Croasdell is denied.
2. The Application for Rehearing filed by Universal Utilities, Inc. and Nancy Carol Croasdell is denied.
3. This order shall become effective on January 18, 2008.

**BY THE COMMISSION**



Colleen M. Dale  
Secretary

( S E A L )

Davis, Chm., Murray, Clayton, and  
Appling, CC., concur.  
Jarrett, C., absent.

Woodruff, Deputy Chief Regulatory Law Judge