

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 24th day of
June, 2008.

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

Case No. WC-2008-0331

**ORDER GRANTING STAFF'S MOTION FOR PRODUCTION
OF BOOKS, ACCOUNTS, PAPERS OR RECORDS OF
UNIVERSAL UTILITIES, INC., AND NANCY CAROL CROASDELL**

Issue Date: June 24, 2008

Effective Date: July 4, 2008

On April 10, 2008, the Staff of the Commission filed a Complaint for Failure to Produce Books, Accounts, Papers or Records for Examination against the above-listed respondents. The gravamen of the complaint is that Respondents have failed to answer data requests the Commission previously ordered Respondents to answer.

The Commission gave Respondents notice of the complaint on April 15, which stated that Respondents had thirty days from the date of the notice to respond. Respondents failed to answer the complaint.

Further, on May 20, 2008, Staff filed Staff's Motion for Production of Books, Accounts, Papers or Records of Universal Utilities, Inc., and Nancy Carol Croasdell. Staff noted that on

January 3, 2008, in Commission Case No. WC-2008-0079, the Commission had already ordered Respondents to give Staff their records no later than January 7, 2008, and that Respondents have yet to comply with the Commission's order.

Commission Rule 4 CSR 240-2.080(15) allows parties ten days to respond to motions, unless otherwise ordered by the Commission. The Commission issued no order overriding the ten-day response deadline, so Respondents were required to answer Staff's motion no later than May 30. Once again, Respondents failed to respond. Therefore, the Commission will take up Staff's motion unopposed.

Missouri Rule of Civil Procedure 55.09 provides that "specific averments in a pleading to which a responsive pleading is required . . . are admitted when not denied in the responsive pleadings." Because Respondents have failed to respond, they have failed to deny Staff's allegations. Therefore, the Commission finds that Staff's allegations in its April 10 complaint are admitted.

Further, the Commission finds that on January 3, 2008, it ordered Respondents to produce their books, accounts, papers and records to the Commission Staff at 10:00 a.m. on January 7, 2008 in Commission Case No. WC-2008-0079, and that Respondents have failed and refused to obey that Commission order.

IT IS ORDERED THAT:

1. Staff's Motion for Production of Books, Accounts, Papers or Records of Universal Utilities, Inc., and Nancy Carol Croasdell is granted.
2. Respondent's Universal Utilities, Inc., and Nancy Carol Croasdell have failed and refused to comply with the Commission's January 3, 2008 order in Case

No. WC-2008-0079, entitled Order Compelling Universal Utilities and Nancy Carol Croasdell to Produce Books, Accounts, Papers or Records.

3. The specific averments contained in the April 10, 2008 Complaint for Failure to Produce Books, Accounts, Papers or Records for Examination filed by the Staff of the Commission are admitted.

4. Respondents Universal Utilities, Inc., and Nancy Carol Croasdell shall produce any books, accounts, papers or records regarding its operations in the State of Missouri at the General Counsel's Offices at Room 810, 200 Madison Street, Jefferson City, Missouri 65102 on July 10, 2008, at 10:00 a.m., as authorized by Section 386.450 RSMo (2000).

5. This order shall become effective on July 4, 2008.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', is written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Davis, Chm., Murray, Clayton,
Jarrett, and Gunn, CC., concur.

Pridgin, Senior Regulatory Law Judge