

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

The Staff of the Missouri Public Service Commission,)	
)	
)	
Complainant,)	Case No. WC-2008-0331
)	
v.)	
)	
Universal Utilities, Inc., and Nancy Carol Croasdell,)	
)	
Respondents.)	

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

COMES NOW the Staff of the Missouri Public Service Commission (Staff), and pursuant to Section 386.450 RSMo (2000), and Missouri Rule of Civil Procedure 55.09, request the Missouri Public Service Commission (Commission) to order Respondent Universal Utilities, Inc. (Universal) and Respondent Nancy Carol Croasdell (Respondent Croasdell), to produce any books, accounts, papers or records regarding their operations in the State of Missouri. For said Motion, Staff states the following:

1. On December 13, 2007, the Commission found that Universal and Respondent Croasdell have been operating in violation of Section 393.170 RSMo (2000), by providing water and sewer services without Commission authority since January 31, 2003.
2. Section 386.450 RSMo (2000) authorizes the Commission to require any public utility to produce records demanded by the Public Counsel or the Commission.
3. Missouri Rule of Civil Procedure 55.09 states “[s]pecific averments in a pleading to which a responsive pleading is required.....are admitted when not denied in the responsive pleadings.”

Procedural History In WC-2008-0079

4. Included in its December 13, 2007 Order, the Commission issued a finding that Universal and Respondent Croasdell are water corporations, sewer corporations, and public utilities at each and every location they operate in Missouri.

5. On December 28, 2007, Staff filed a motion asking the Commission to order Universal and Respondent Croasdell to produce books, accounts, papers, or records regarding their operations in Missouri.

6. In its January 3, 2008 Order Compelling Universal Utilities And Nancy Carol Croasdell to Produce Books, Accounts, Papers or Records, the Commission ordered that “at 10:00 a.m. on January 7, 2008, at Room 810 of the Commission’s Offices, 200 Madison Street, Jefferson City, Missouri 65102, Universal Utilities, Inc. and Nancy Carol Croasdell shall produce any books, accounts, papers or records kept by them in any office or place within or without this state, or at their option, verified copies in lieu thereof, so that examination thereof may be made by the Commission or its Staff.”

7. On January 22, 2008, Universal and Respondent Croasdell filed Respondents’ Motion for Reconsideration of the Commission’s January 3, 2008 Order compelling production of books and papers.

8. On February 7, 2008, the Commission issued its Order denying Respondents’ Motion for Reconsideration stating “the Commission has already rejected the Respondents’ contention that the Commission has no jurisdiction over them....and will not revisit that issue.”

9. Counsel for Universal and Respondent Croasdell were made aware of the possibility that they would be required to produce documents when Staff filed its Motion for a Commission Order Compelling Production of Books, Accounts, Papers or Records of Universal Utilities, Inc., and Nancy Carol Croasdell on December 28, 2007, but made no response to Staff’s motion until they filed Respondents’ Motion For Reconsideration on January 22, 2008.

10. As of the date of this filing, Universal and Respondent Croasdell have yet to comply with the January 3, 2008 Order Compelling Universal Utilities and Nancy Carol Croasdell to Produce Books, Accounts, Papers or Records.

Procedural History in WC-2008-0331

11. On April 10, 2008, Staff filed its Complaint For Failure To Produce Books, Accounts, Papers Or Records For Examination in Case No. WC-2008-0331.

12. The Staff's Complaint requests the Commission issue a finding that Universal and Respondent Croasdell have failed and refused to comply with the Commission's January 3, 2008 Order Compelling Universal Utilities and Nancy Carol Croasdell to Produce Books, Accounts, Papers, or Records in Case No. WC-2008-0079.

13. The Staff's Complaint also requests the Commission authorize the General Counsel to seek penalties in the Circuit Court for Universal's and Respondent Croasdell's continuing violation of the Commission's lawful order in Case No. WC-2008-0079.

14. On April 15, 2008, the Commission sent its Notice Of Complaint, allowing Universal and Respondent Croasdell thirty days to file an answer or to file notice that the Complaint has been satisfied.

15. Pursuant to the Missouri Rule of Civil Procedure 55.09, "[s]pecific averments in a pleading to which a responsive pleading is required.....are admitted when not denied in the responsive pleadings."

16. The thirty day period has elapsed, and Universal and Respondent Croasdell have not filed notice or an answer to Staff's Complaint, therefore, the specific averments contained in Staff's Complaint must be deemed admitted.

WHEREFORE, Staff respectfully requests the Commission issue a finding that Universal and Respondent Croasdell have failed and refused to comply with the Commission's January 3, 2008 Order Compelling Universal Utilities and Nancy Carol Croasdell to Produce

Books, Accounts, Papers or Records in Case No. WC-2008-0079; find the specific averments contained in Staff's April 10, 2008 Complaint are admitted; and order in the present case, Case No. WC-2008-0331, Universal and Respondent Croasdell to 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 a date and time determined by the Administrative Law Judge assigned to this case, for the purpose of the examination of said books, accounts, papers or records, in accordance with Section 386.450 RSMo (2000).

Respectfully submitted,

/s/ Jennifer Hernandez

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CERTIFICATE OF SERVICE

I certify that on this 20th day of May, 2008, the foregoing instrument was served via electronic mail, first-class mail, or hand delivery upon all parties of this cause.

/s/ Dawn M. Carafeno