

C SERVICE COMMISSION
BOX 360
PERSON CITY MO 65102

12-91)



FIRST CLASS



FILED³

SEP 22 2016

Missouri Public
Service Commission

8-29-14
~~1st NOTICE~~
~~2nd NOTICE~~
~~RETURNED~~
9/7
9/13

Ridge Creek Water Company, LLC
Denise Stoner
18499 Hwy 133
PO Box KK
Dixon, MO 65459

NIXIE 654293018-1N 09/16/16
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD
RETURN TO SENDER



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

The Staff of the Missouri Public Service Commission,)	
)	
Complainant,)	
)	
v.)	<u>Case No. WC-2016-0347</u>
)	
Ridge Creek Water Company, LLC,)	
)	
Respondent.)	
)	
CERTIFIED MAIL)	

**ORDER GIVING NOTICE OF CONTESTED CASE AND DIRECTING
RESPONDENT TO FILE ANSWER**

Issue Date: August 26, 2016

Effective Date: August 26, 2016

The Staff of the Missouri Public Service Commission filed a formal complaint against Ridge Creek Water Company, LLC ("Ridge Creek"), a public utility regulated by the Commission. A copy of the complaint accompanies this notice. This is a contested case¹ pursuant to Section 386.390, RSMo 2000.

The Commission will set a 30-day deadline for Ridge Creek to file an answer. In the alternative, Ridge Creek may file a written request that the complaint be referred to a neutral third-party mediator for voluntary mediation. Upon receipt of requests for mediation, the 30-day time period shall be tolled while the Commission ascertains whether Staff is also willing to submit to voluntary mediation. If Staff agrees to mediation, the time within which answers are due shall be suspended pending the

¹ A "[c]ontested case' means a proceeding before an agency in which legal rights, duties or privileges of specific parties are required by law to be determined after hearing." Section 536.010.4, RSMo Supp. 2013.

resolution of mediation. Additional information regarding the mediation process is enclosed. If Staff declines to mediate the dispute, Ridge Creek will be notified in writing that the tolling has ceased and will also be notified of the date by which answers must be filed. That period is usually the remainder of the original 30-day period.

As required by Section 536.067(2)(f), RSMo 2000, the Commission informs the parties that the Commission's provisions governing procedures before the Commission, including provisions relating to discovery, are found at Commission rule 4 CSR 240-2.090.

THE COMMISSION ORDERS THAT:

1. The Commission's Data Center shall send, by certified mail, a copy of this notice and order and a copy of the complaint to the following:

Attn: Ridge Creek Water Company, LLC
Mark W. Comley
601 Monroe Street, Suite 301
Jefferson City, MO 65101

And Denise Stoner
P.O. Box KK
18499 Hwy. 133
Dixon, MO 65459

2. Ridge Creek Water Company, LLC, shall file an answer to the complaint or request mediation no later than Monday, September 26, 2016. All pleadings (the answer, the notice of satisfaction of complaint, or request for mediation) shall be filed using the Commission's Electronic Filing and Information System or by mail to the Secretary of the Commission.

3. This order shall be effective when issued.

BY THE COMMISSION



Morris L. Woodruff

Morris L. Woodruff
Secretary

Kim S. Burton, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 26th day of August, 2016.

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

The Staff of the Missouri Public Service Commission,
Complainant,
v.
Ridge Creek Water Company, LLC
Denise Stoner
P.O. Box KK
18499 Hwy. 133
Dixon, MO 65459,
Respondent.

Case No. WC-2016-_____

COMPLAINT

COMES NOW the Staff of the Missouri Public Service Commission, through the undersigned counsel, and pursuant to Section 386.390 RSMo (2000)¹ and 4 CSR 240-2.070(1), files this Complaint with the Missouri Public Service Commission against Respondent, Ridge Creek Water Company, LLC, for violation of the Commission's statutes and rules relating to the filing of annual reports. In support of its Complaint, Staff respectfully states the following:

Introduction

1. This matter concerns Respondents failure to timely file an annual report as required by Section 393.140(6), RSMo and Commission Rule 4 CSR 240-3.640.

¹ All statutory references are to RSMo 2000, as currently supplemented.

Parties

2. Complainant is the Staff of the Missouri Public Service Commission, acting through the Staff Counsel's Office as authorized by Commission Rule 4 CSR 240-2.070(1).

3. Respondent Ridge Creek Water Company, LLC ("Ridge Creek" or "Company") is an active Missouri limited liability company. Respondent's official representative, as listed in EFIS, is Denise Stoner, P.O. Box KK, 18499 Hwy. 133, Dixon, MO 65459. This Commission granted Respondent a Certificate of Convenience and Necessity ("CCN") authorizing the Company to provide water service to the public for gain on September 12, 2015, in WA-2015-0182, and its most recent tariff sheet revisions became effective on October 22, 2015, in WA-2015-0182. Pursuant to that CCN, Respondent provides water service to approximately 136 residential customers in Pulaski County, Missouri.

General Allegations

4. Respondent owns, controls and manages water sources and other plant and infrastructure by which they sell water to the public for gain and are therefore a "water corporation" as defined by § 386.020(59), RSMo and a "public utility" as defined by § 386.020(43), RSMo, and thus are subject to the jurisdiction of this Commission pursuant to § 386.250(3), RSMo.

5. Section 386.390.1, RSMo authorizes the Commission to entertain a complaint "setting forth any act or thing done or omitted to be done by any...public utility...in violation, or claimed to be in violation, of any provision of law, or of any rule, or order or decision of the commission."

6. Section 386.600, RSMo provides, “an action to recover a penalty...under this chapter or to enforce the powers of the commission under this or any other law may be brought in any circuit court in this state in the name of the state of Missouri and shall be commenced and prosecuted to final judgment by the general counsel to the commission.”

COUNT ONE

Respondents failed to submit Ridge Creek’s 2015 annual report

7. Complainant hereby adopts by reference and re-alleges the allegations set out in Paragraphs 1 through 6, above.

8. Section 393.140(6), RSMo requires every water corporation to file with the Commission an annual report, and Rule 4 CSR 240-3.640(1) requires the annual report to be filed with the Commission on or before April 15 of each year.

9. Respondents did not file Ridge Creek’s 2015 annual report by April 15, 2016.

10. On April 27, 2016, Staff mailed a letter to the Company notifying Respondent that the Commission had not received the Company’s 2015 annual report and that the Respondents would be subject to legal action if the Company did not file its 2015 annual report by May 15, 2016.

11. As of the date of this filing, Respondents have failed, omitted, or neglected to file Ridge Creek’s calendar year 2015 annual report.

12. Section 393.140(6), RSMo states, “[a]ny such person or corporation which shall neglect to make any such report or which shall fail to correct any such report within the time prescribed by the commission shall be liable to a penalty of one hundred

dollars and an additional penalty of one hundred dollars for each day after the prescribed time for which it shall neglect to file or correct the same...”

WHEREFORE, Staff respectfully requests the Commission give notice to the Respondent as required by law and, after the opportunity for hearing, issue an order for Count One that finds the Respondent failed, omitted, or neglected to file an annual report for 2015 and authorizes the General Counsel's Office to bring a penalty action against the Respondents in circuit court as provided in Sections 386.600 and 393.140(6), RSMo.

Respectfully submitted,

/s/ Marcella L. Mueth

Marcella L. Mueth

Assistant Staff Counsel

Missouri Bar No. 66098

Attorney for the Staff of the

Missouri Public Service Commission

P. O. Box 360

Jefferson City, MO 65102

(573) 751-4140 (Telephone)

(573) 751-9265 (Fax)

Marcella.Mueth@psc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing were mailed, electronically mailed, or hand-delivered to all counsel of record this 20th day of June, 2016.

/s/ Marcella L. Mueth



Commissioners
DANIEL Y. HALL
Chairman
STEPHEN M. STOLL
WILLIAM P. KENNEY
SCOTT T. RUPP
MAIDA J. COLEMAN

Missouri Public Service Commission

POST OFFICE BOX 360
JEFFERSON CITY MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
<http://www.psc.mo.gov>

SHELLEY BRUEGGEMANN
General Counsel
MORRIS WOODRUFF
Secretary
WESS A. HENDERSON
Director of Administration
and Regulatory Policy
CHERLYN D. VOSS
Director of Regulatory Review
KEVIN A. THOMPSON
Chief Staff Counsel

Information Sheet Regarding Mediation of Commission Formal Complaint Cases

Mediation is a process where the parties work together to try to resolve their dispute with the aid of a neutral party, the mediator. The mediator's role is help the parties talk to each other. The mediator may offer suggested solutions, but the mediator has no authority to tell the parties what they must do or to determine who "wins." Instead, the mediator simply works with both parties to help them reach an agreement.

Typically, at a mediation session the parties meet for an off-the-record discussion. The mediation session is not a formal proceeding like a hearing and no attorney is required to participate. The Regulatory Law Judges at the Public Service Commission are trained mediators and this service is offered to parties who have formal complaints pending before the Public Service Commission at no charge. If mediation is agreed to by the parties, the Commission will send notice of who the mediator will be and that person will set up the first meeting.

There cannot be a mediation unless both parties to the complaint agree to try in good faith to resolve the dispute. If both parties agree to mediate the complaint, the only information about the mediation that will be disclosed to the Commission is (a) whether the case has been settled and (b) whether the mediation effort was considered to be helpful. The Commission will not ask what was discussed during the mediation.

If the dispute is settled at the mediation, the Commission will require a signed release from the party filing the complaint before the formal complaint case can be dismissed. If the dispute is not resolved through the mediation process, neither party will be penalized for having taken part in the mediation and the formal complaint case will simply pick up where it left off.

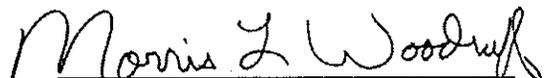
Morris L. Woodruff
Secretary

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 26th day of August 2016.


Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

August 26, 2016

File/Case No. WC-2016-0347

**Missouri Public Service
Commission**
Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Office of the Public Counsel
James Owen
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opcservice@ded.mo.gov

**Missouri Public Service
Commission**
Jacob Westen
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
Jacob.Westen@psc.mo.gov

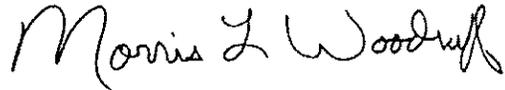
**Ridge Creek Water Company,
LLC**
Mark W Comley
601 Monroe Street., Suite 301
Jefferson City, MO 65102-0537
comleym@ncrpc.com

**Ridge Creek Water Company,
LLC**
Legal Department
18499 Highway 133
Dixon, MO 65459

**Ridge Creek Water Company,
LLC**
Denise Stoner
18499 Hwy 133
PO Box KK
Dixon, MO 65459
dstoner@windstream.net

Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.