

The Staff of the Missouri Public Service Commission,

Complainant,

v.

The Willows Utility Company  
Paul Liechty  
P.O. Box 140099  
Dallas, TX 75214,

Respondent.

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**Case No. WC-2016-**

**Case No. SC-2016-**

**COMES NOW** the Staff of the Missouri Public Service Commission, through the undersigned counsel, and pursuant to Section 386.390 RSMo (2000)<sup>1</sup> and 4 CSR 240-2.070(1), files this Complaint with the Missouri Public Service Commission against Respondent, The Willows Utility Company, 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:

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

<sup>1</sup> 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, The Willows Utility Company ("Willows" or "Company") is a Missouri corporation in good standing. Respondent's official representative, as listed in EFIS, is Paul Liechty, P.O. Box 140099, Dallas, TX 75214. This Commission granted Respondent a Certificate of Convenience and Necessity ("CCN") authorizing the Company to provide water and sewer service to the public for gain on December 13, 1979, in WA-80-86, and its most recent tariff sheet revisions became effective on April 1, 1980, in JS-2002-0260. Pursuant to that CCN, Respondent provides water and sewer service to approximately 186 residential and commercial customers in Greene County, Missouri.

## **General Allegations**

4. Respondent owns, controls and manages water sources and other plant and infrastructure by which it sells water to the public for gain and is therefore a "water corporation" as defined by § 386.020(59). Respondent also owns, controls and manages sewer systems, plants or property for the collection, carriage, treatment and disposal of sewage for the public for gain and are therefore a "sewer corporation" as defined by §386.020(50), RSMo. It is a "public utility" as defined by § 386.020(43), RSMo, and thus is 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 Willows 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 Willows 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 Willows 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**

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### **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**