

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>2</sup>

AUG 27 2008

The Staff of the Missouri Public Service  
Commission, )

Complainant, )

vs. )

Dale Whiteside and Whiteside Hidden  
Acres, L.L.C., )

Respondents. )

Missouri Public  
Service Commission

Case Number: WC-2008-0405

ANSWER

COMES NOW, Respondents, Dale Whiteside and Whiteside Hidden Acres, L.L.C., by and through Lisa C. Henderson, Attorney at Law, and for their answer to the Complaint filed herein, state as follows:

Introduction

1. For their answer to Paragraph 1, the Respondents state that they are the owners of a certain well which provides water service to Whiteside Hidden Acres, Holly Court Subdivision, Cedar Haven Subdivision, and Sportsman Retreat. Respondents deny all other allegations contained in Paragraph 1 which are not specifically admitted herein.

2. Respondents admit the allegations contained in Paragraph 2.

Respondent

3. Respondents admit that Respondent, Dale Whiteside, in his capacity as manager and/or member of Whiteside Hidden Acres, L.L.C., has on behalf of said limited liability company, managed and controlled a water well in Pittsburg, Missouri, as alleged in Paragraph 3.

4. Respondents admit the allegations contained in Paragraph 4.

5. Respondents admit the allegations contained in Paragraph 5.

6. No answer required.

Count I

7. Respondents admit the allegations contained in Paragraph 7.

8. Respondents admit that the water well which is the subject of this action serves sites in Whiteside Hidden Acres (formerly Western Trails Resort), Holly Court Subdivision, Cedar Haven Subdivision, Sportsman Retreat Subdivision, and one home outside of the above-identified areas, as alleged in Paragraph 8. Respondents deny all other allegations contained in Paragraph 8, not specifically admitted herein.

9. Admit that Respondent, Dale Whiteside, as manager and on behalf of Respondent, Whiteside Hidden Acres, L.L.C., sent the letter identified in Paragraph 9.

10. Admit that Respondent, Dale Whiteside, as manager and on behalf of Respondent, Whiteside Hidden Acres, L.L.C., sent the letter identified in Paragraph 10.

11. In response to Paragraph 11, Respondents admit that Exhibit "C", attached to the complaint purports to be water billing statements. Respondents deny all other allegations contained in Paragraph 11, which are not specifically admitted herein.

12. Respondents deny the allegations contained in Paragraph 12.

13. Respondent admits that Section 386.020(42) RSMo. (Supp. 2007) provides as is set forth in Paragraph 13 of the petition. Respondent does not admit of being a "water corporation" and specifically denies the same.

14. Paragraph 14 fails to plead any facts necessary of response by Respondent. Respondent does not object to a public hearing as requested by Complainant.

**WHEREFORE**, having fully answered, Respondents respectfully request that the Court find against Complainant and in favor of Respondents on the issues raised in Count I of the Complaint filed herein; that the relief requested in said complaint be denied, and the same be dismissed and held for naught; and for such additional relief as may appear just and proper in the premises.

## **Count II**

**COMES NOW**, Respondents, Dale Whiteside and Whiteside Hidden Acres, L.L.C., by and through Lisa C. Henderson, Attorney at Law, and for their answer to Count II of the Complaint filed herein, state as follows:

15. Respondents hereby incorporate by reference, their answers to the allegations contained in Paragraphs 1 through 14 of Count I above, as if the same were set forth in haec verbae.

16. Respondents admit that Section 393.120 RSMo. (Supp. 2007) provides as is set forth in Paragraph 16 of the petition. Respondents deny all other allegations contained in Paragraph 16 which are not specifically admitted herein, and Respondents specifically deny being a "water corporation" as that term is defined by statute.

17. Respondents admit that Section 393.130(1) RSMo. (Supp. 2007) provides as is set forth in Paragraph 17 of the petition.

18. Respondents admit that Section 393.140(11) RSMo. (Supp. 2007) provides as is set forth in Paragraph 18 of the petition.

19. Respondents admit that Section 393.150 RSMo. (Supp. 2007) provides as is set forth in Paragraph 19 of the petition.

**WHEREFORE**, having fully answered, Respondents respectfully request that the Court find against Complainant and in favor of Respondents on the issues raised in Count II of the Complaint filed herein; that the relief requested in said complaint be denied, and the same be dismissed and held for naught; and for such additional relief as may appear just and proper in the premises.

### Count III

**COMES NOW**, Respondents, Dale Whiteside and Whiteside Hidden Acres, L.L.C., by and through Lisa C. Henderson, Attorney at Law, and for their answer to Count III of the Complaint filed herein, state as follows:

20. Respondents hereby incorporate by reference, their answers to the allegations contained in Paragraphs 1 through 19 above, as if the same were set forth in haec verbae.

21. Respondents admit that Section 386.570 RSMo. (Supp. 2007) provides as is set forth in Paragraph 21 of the petition.

22. Respondents deny the allegations contained in Paragraph 22.

**WHEREFORE**, having fully answered, Respondents respectfully request that the Court find against Complainant and in favor of Respondents on the issues raised in Count III of the Complaint filed herein; that the relief requested in said complaint be denied, and the same be dismissed and held for naught; and for such additional relief as may appear just and proper in the premises.



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### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of Respondent's Answer was served upon the Secretary of the Public Service Commission, Post Office Box 360, Jefferson City, Missouri 65102-0360, and upon General Counsel's Office, Post Office Box 360, 200 Madison Street, Suite 800, Jefferson City, Missouri 65102 and upon Lewis R. Mills, Jr., Post Office Box 2230, 200 Madison Street, Suite 650, Jefferson City, Missouri 65102 by enclosing same in envelopes to all addressees at the above stated addresses, and depositing said envelopes in a U.S. Post Office mail box in Buffalo, Missouri on the 25th day of August, 2008.

  
Lisa C. Henderson