

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

Staff of the Missouri Public Service Commission,)	
)	
Complainant,)	
)	
v.)	<u>File No. WC-2016-0141</u>
)	
Smithview H2O Company,)	
John Kuhle and Kuhle H2O Company,)	
)	
Respondents.)	

**ORDER DIRECTING STAFF TO EXPLAIN WHETHER COMPLAINT SHOULD
BE DISMISSED**

Issue Date: April 27, 2017

Effective Date: April 27, 2017

On December 8, 2015, the Staff of the Commission filed a complaint with the Missouri Public Service Commission against Smithview H2O Company, John Kuhle, and Kuhle H2O, LLC. Staff alleged that the Respondents have failed to provide safe and adequate services, have failed to file their annual reports, and have not payed their annual assessments to the Commission. Respondents' answer to Staff's complaint was due by January 11, 2016, but no answer has been filed. Indeed, it appears that service of process has not been obtained on the Respondents.

Staff filed status reports on April 6, 2016, June 20, 2016, October 18, 2016, and again on January 26, 2017, indicating it is working with the company to resolve the concerns raised in the complaint. In those reports, Staff explains that a contract operator is operating and maintaining the water system and is handling business matters, and that the

system is now operating in compliance with the requirements of the Division of Natural Resources.

It appears that the problems that caused Staff to file its complaint have largely been resolved and that the complaint can be dismissed without prejudice to its refiling. Further, Commission Rule 4 CSR 240-2.116(2) permits the Commission to dismiss a case for lack of prosecution if no action has occurred in the case for 90 days and no party has filed a pleading requesting a continuance beyond that time. But before dismissing the complaint, the Commission will give Staff an opportunity to explain whether the complaint should be dismissed.

THE COMMISSION ORDERS THAT:

1. No later than May 5, 2017, Staff shall file a pleading explaining whether this complaint should be dismissed.
2. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Morris L. Woodruff, Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 27th day of April, 2017.