

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

Roman Dzurinskiy,)	
)	
Complainant,)	
)	<u>Case No. WC-2010-0215</u>
v.)	
)	
Missouri-American Water Company)	

STAFF RESPONSE TO ORDER DIRECTING FILING

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through the undersigned counsel, and files this *Response* with the Commission, respectfully stating the following:

1. On January 19, 2010, Mr. Roman Dzurinskiy (Complainant) filed a *Complaint* against Missouri-American Water Company with the Commission.

2. On March 12, 2010, the Staff filed its *Staff Investigation And Recommendation (Investigation)* and attached a *Memorandum* detailing its investigation and findings regarding the *Complaint*. The Staff marked its filing as highly confidential pursuant to 4 CSR 240-2.070(10) and 4 CSR 240-2.135(B)1.

3. On April 5, 2010, the Complainant filed a response to the Staff's *Investigation*, in part, requesting removal of the highly confidential designation from the Staff's documents, and mediation of the *Complaint*.

Removal of "HC" Designation and Mediation

4. Section 386.480 RSMo (2000) allows the Commission to release the Staff's *Investigation* and attached *Memorandum* "...on order of the commission...." The Staff does not object to the release of its *Investigation* or *Memorandum* should the Commission decide to do so,

as the information previously marked highly confidential by rule relates only to the Complainant and does not reveal highly confidential information about any other customers.

5. 4 CSR 240-2.125(2) allows the parties to participate in mediation of a complaint “for the purpose of identifying the issues and attempting a resolution.” The Staff does not object to the Complainant’s request for mediation.

6. Should mediation proceed, the Staff desires to remain an active party due to the highly technical issues and policy implications of this case. As such, the Staff requests that the presiding officer assigned include the Staff in relevant conversations and the setting of the mediation schedule.

WHEREFORE, the Staff submits this *Response* stating (1) it does not object to the removal of the highly confidential designation from the *Staff Investigation And Recommendation* and the attached *Memorandum*; (2) the Staff does not object to the mediation of the *Complaint*; and (3) the Staff requests that the presiding officer assigned include the Staff in relevant conversations and the setting of the mediation schedule.

Respectfully submitted,

/s/ Jennifer Hernandez
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Missouri Bar No. 59814

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via first class U.S. postal mail, postage prepaid, on Roman Dzurinskiy, 32 Crabapple Ct. St. Louis MO 63132; electronic mail on Kenneth Jones, attorney for Missouri American Water Company at kenneth.jones@amwater.com; and the Office of Public Counsel at opcservice@ded.mo.gov this 16th day of April, 2010.

/s/ Jennifer Hernandez