

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

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

**JOINT LIST OF ISSUES, LIST OF WITNESSES AND ORDER OF CROSS
EXAMINATION**

COME NOW the Staff of the Missouri Public Service Commission (Staff), Mr. Roman Dzhurinskiy (Complainant), and Missouri-American Water Company (Missouri-American or Company), collectively known herein as the “Parties”, and by and through the undersigned counsel respectfully file this *Joint List Of Issues, List Of Witnesses And Order Of Cross Examination* with the Commission. On September 3, 2010, the Parties filed a *Joint Proposed Procedural Schedule* with the Commission that contained proposed dates for the filing of a joint list, as well as a proposed hearing date. On September 9, 2010, the Commission issued an order that adopted the agreed upon dates of November 1, 2010, for the filing of the joint list, and November 15, 2010, for an evidentiary hearing. In compliance with the Commission’s order, the Parties submit the following issues for the Commission’s decision:

LIST OF ISSUES

The Complainant adopts the following list of issues for the Commission’s decision:

1. Whether Missouri-American explained how water in the Complainant’s plumbing can overcome the pressure in the Company’s main at a pressure of approximately 45 psi, to move backwards through the meter and re-enter the Company’s main?

2. Whether Missouri-American explained why the ratcheting movement on the Complainant's meter does not occur overnight, approximately between 11 pm and 6 am each night?

3. Whether Missouri-American explained what plumbing problem in the Complainant's home causes the ratcheting effect on the meter and the method the Company applied to determine this, and the association between that effect and the meter registering correctly?

4. Whether Missouri-American explained why the water meter did not register backflow of water, and should the Company know in what instances the meter will not register the backflow.

5. Whether Missouri-American requires a customer to pay for water twice if additional water is not used or a customer does not have a leak?

6. Whether the meter used to measure the Complainant's water usage accurately measures water usage when water moves through the meter in both the forward and backward direction? If the meter does not read accurately in either direction:

a. What is the variance;

b. Should the Company credit the Complainant's account for past overcharges, and in what amount if any; and

c. Should the Company make adjustments to each of the Complainant's future quarterly bills, and in what amount if any?

7. Whether Missouri-American has or has known about issues (ratcheting like the Complainant's) at different properties, and if so, how the Company resolved the issue(s).

The Staff and Missouri-American adopt the following issues for the Commission's decision:

8. Was the Complainant overbilled?
9. Was there a ratcheting or a backward movement on the flow indicator of the meter owned by the Company and located at the Complainant's residence to measure his water usage, and if so, what was the cause of it?
10. Who has the responsibility to install a device to prevent water from leaving a customer's service line backwards through the meter?
11. Did Missouri-American violate any provision of its tariff, any law, or any Commission order or rule in respect to the allegations contained in the Complaint?

LIST OF WITNESSES

12. The Complainant intends to call himself and Ms. Zina Dzhurinskiy, his wife, as witnesses.
13. Counsel for Missouri-American intends to call Company employees Peter Matschiner and Derek Linam as witnesses.
14. Counsel for the Staff intends to call Steve Loethen as a witness.

ORDER OF DIRECT AND CROSS EXAMINATION

15. The Complainant will present his direct case first, followed by Missouri-American, then the Staff.
16. Missouri-American will cross examine any witness for the Complainant's direct case first, followed by any cross examination from the Staff.
17. The Complainant will cross examine any witness for Missouri-American's direct case first, followed by any cross examination from the Staff.

18. The Complainant will cross examine any witness for the Staff's direct case first, followed by any cross examination from Missouri-American.

WHEREFORE, the Parties submit this *Joint List Of Issues, List Of Witnesses And Order Of Cross Examination* for the Commission's information and consideration, and in compliance with the Commission's September 9, 2010 order.

Respectfully submitted,

/s/ Jennifer Hernandez

Jennifer Hernandez
Associate Staff Counsel
Missouri Bar No. 59814

Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751- 8706 (Telephone)
(573) 751-9285 (Fax)
jennifer.hernandez@psc.mo.gov

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 1st day of November, 2010.

/s/ Jennifer Hernandez