

PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

ROB LEE,)	
)	
Complainant,)	
vs.)	Case No. WC-2009-0277
)	
MISSOURI-AMERICAN WATER CO.,)	
)	
Respondent.)	

RESPONDENT'S RESPONSE TO
COMPLAINANT'S 2nd REQUEST FOR INFORMATION FROM MAWC

COMES NOW Respondent, Missouri-American Water Company (hereinafter "MAWC"), by and through its counsel, HeplerBroom LLC, and for its Response to Complainant's 2nd Request for Information from MAWC, states as follows:

1. Provide a map of the water system owned or maintained by Missouri American Water Company within one quarter mile radius of my home at 11119 Carl, St. Louis Mo 63138.

RESPONSE: Respondent states it has previously produced a copy of said map to Complainant in the civil action styled Rob Lee v. Missouri-American Water Co., pending in Division 15 of St. Louis County Circuit Court, Cause No. 08SL-CC001242. Subject to that, Respondent states see attached.

2. All records of any leak testing performed on the water system in the lat (sic) 70 years within one quarter mile radius of my home at 11119 Carl, St. Louis Mo 63138. If no records exist please state how MAWC has verified the integrity of is (sic) aging water system.

RESPONSE: Respondent objects to this request in that it seeks information that is wholly irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. In his Complaint, Complainant has alleged that ongoing leaks exist in Respondent's infrastructure in Complainant's neighborhood and asks the Commission to order Respondent to repair such leaks. Therefore, any evidence of past leak testing conducted by Respondent on its infrastructure in Complainant's neighborhood is irrelevant as to issues set forth in the Complaints filed in this case and would not lead to the discovery of admissible evidence.

Subject to said objection, and without waiving same, Respondent states it has previously produced to Complainant said records for the previous ten (10) year period in the civil action styled Rob Lee v. Missouri-American Water Co., pending in Division 15 of St. Louis County Circuit Court, Cause No. 08SL-CC001242, as well as in this action.

3. A list of all complaints within one quarter mile radius of my home at 11119 Carl, St. Louis Mo 63138 in the last 19 years and the action taken to resolve each complaint.

RESPONSE: Respondent objects to Complainant's use of the term "complaints" in that it is overly broad and vague. Respondent further incorporates its objections and response to Request #2.

4. The year each section of of (sic) the water system was installed.

RESPONSE: Respondent objects to said data request in that Complainant fails to limit said request to a specified area. Subject to said objection, Respondent states as follows:

Sections of Respondent's water main on McQuay were installed in 1941, 1955, and 1969;

Sections of Respondent's water main on the relevant portions of Larimore were installed in 2006 and 2007;

Respondent's water main on Aspen Woods was installed in 1973; and

Respondent's water main on Coal Banks was installed in 1947.

5. Actions being implemented to reduce unaccounted water.

RESPONSE: Respondent has a main replacement annual budget of approximately \$30,000,000.00. Respondent has also implemented a scheduled meter replacement and testing program. Respondent investigates and/or correlates mains in its distribution system where leaks are suspected to have occurred. Respondent repairs leaks that have occurred in its infrastructure. Respondent tracks authorized use of fire hydrants through use of permits. Respondent conducts inspections of its distribution storage tanks. Respondent calibrates distribution system flow meters at production facilities. Respondent maintains an accounting of the estimated water lost and/or utilized during construction and maintenance activities. Respondent conducts annual fire hydrant inspections.

6. Convert the total amount of "Non-revenue Water" to the total number of gallons of "Non-revenue Water" for this system.

RESPONSE: Respondent objects to said data request in that it is overly broad and unduly burdensome due to Complainant's failure to limit his request to a specific time period. Respondent further objects in that the records requested are wholly irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Respondent states the only information available to it with regards to "non-revenue water" is measurements for its system as a whole. Respondent is unable to calculate the "non-revenue water" for Complainant's neighborhood. As such, the information sought by Complainant is irrelevant and not discoverable.

HEPLERBROOM, LLC

By: /s/ Matthew H. Noce

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PROOF OF SERVICE

I hereby certify that I electronically filed on this 26th day of May, 2009, the foregoing with the Missouri Public Service Commission using the ESIF system which will send notification of such filing to the following:

- Missouri Public Service Commission General Counsel Office (GenCounsel@psc.mo.gov)
- Office of the Public Counsel Mills Lewis (opcservice@ded.mo.gov)
- Missouri Public Service Commission Ritchie Samuel (Samuel.Ritchie@psc.mo.gov)
- Rob Lee (energyhealingarts@gmail.com)

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