

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

Claude Scott,)	
)	
Complainant,)	
)	
v.)	<u>File No. WC-2020-0407</u>
)	
Missouri-American Water Company,)	
)	
Respondent.)	

MAWC’S RESPONSE TO COMPLAINANT’S CORRESPONDENCE

COMES NOW the Respondent Missouri-American Water Company (“MAWC”), by and through the undersigned counsel, and files this response to Complainant’s correspondence. MAWC respectfully states to the Missouri Public Service Commission (“Commission”) as follows:

1. Complainant emailed Staff Counsel on Wednesday, February 17, 2021, after the close of business and stated that he will not be available for the evidentiary hearing scheduled for Friday, February 19, 2021.
2. While the Complainant did not specifically ask for a continuance of the hearing, the correspondence was filed in EFIS as a “*Motion to Suspend Evidentiary Hearing.*” To the extent that the Commission considers this as a request for continuance of the hearing, MAWC objects to any continuance.
3. Complainant filed this *Complaint* on June 22, 2020, after his first complaint, Case No. WC-2020-0194, was dismissed for failure to appear at the scheduled prehearing conference and failure to comply with a Commission order to show good cause for his failure to appear. The evidentiary hearing has already been continued twice— first on November 10, 2020 at the Commission’s discretion, and then again on January 14, 2021, at the request of the Complainant.

It is important to note that the Complainant's request for continuance filed on January 14, 2021, was also on the eve of hearing scheduled the next day, January 15, 2021.

4. Attached is correspondence between the parties from January 14 to January 20, 2021. On January 14, 2021, the Complainant indicated by email that "My proposed date for an evidentiary hearing is February 19, 2021." See Attachment A, p. 2 (highlight added for reference). The Staff of the Commission then filed the parties' *Joint Proposed Dates For Hearing* on January 22, 2021, indicating that Complainant's preferred hearing date was February 19, 2021.

5. On February 3, 2021, the Commission issued its *Notice of Evidentiary Hearing*, and scheduled the hearing for February 19, 2021, as the Complainant requested. And yet again on the eve of hearing the Complainant is filing to continue this matter once again. As the Complainant specifically agreed to the hearing date, has had adequate notice of the scheduled hearing on February 19, 2021, and has failed to timely file a request for continuance, MAWC objects to any other continuances in this matter.

WHEREFORE, MAWC objects to continuance of the evidentiary hearing scheduled on February 19, 2021. Further, if Complainant fails to participate in the evidentiary hearing, MAWC asks the Commission to dismiss the *Complaint* with prejudice pursuant to Rule 20 CSR 4240-2.116(3) and (4).

Respectfully submitted,

BRYDON, SWEARENGEN & ENGLAND P.C.

By: /s/ Jennifer L. Hernandez
Jennifer L. Hernandez #59814
312 E. Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
Telephone: (573) 635-7166
Facsimile: (573) 635-0427
E-mail: jhernandez@brydonlaw.com

**ATTORNEYS FOR MISSOURI-AMERICAN
WATER COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been transmitted by electronic mail to Complainant and counsel of record, as well as to the Complainant by U.S. Postal Mail, postage prepaid, this 18th day of February 2020.

/s/ Jennifer L. Hernandez

From: [Pringle, Travis](#)
To: [Jennifer Hernandez](#); [CLAUDE SCOTT](#)
Subject: RE: Proposed dates for hearing WC-2020-0407
Date: Wednesday, January 20, 2021 11:06:35 AM
Attachments: [01_22 Joint Proposed Evidentiary Date.docx](#)

Good morning all,

Please see the attached draft for our filing on Friday. Mr. Scott, I have noted in the pleading that you would prefer February 19. Jennifer, let me know once your client has confirmed availability.

Thanks,

Travis Pringle
Missouri Public Service Commission
Associate Counsel
(573) 751-4140
Travis.Pringle@psc.mo.gov

CONFIDENTIALITY NOTICE: This e-mail message including attachments, if any, is intended only for the person(s) or entity to which it is addressed and may contain confidential and/or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. If you are the intended recipient but do not wish to receive communications through this medium, please so advise the sender immediately.

From: Jennifer Hernandez <jhernandez@brydonlaw.com>
Sent: Thursday, January 14, 2021 9:37 PM
To: CLAUDE SCOTT <[REDACTED]>; Pringle, Travis <Travis.Pringle@psc.mo.gov>
Subject: Re: Proposed dates for hearing WC-2020-0407

Thank you for the clarification Mr. Scott regarding your attorney.

You have had the material you claim as "new" since at least September of last year. Having access to the material all this time allowed you adequate time to consult counsel way before the 11th hour before the hearing had you wanted to do so. I intend to file our position with the commission.

Jennifer

Get [Outlook for Android](#)

From: CLAUDE SCOTT <[REDACTED]>
Sent: Thursday, January 14, 2021, 9:04 PM
To: Jennifer Hernandez

Subject: Re: Proposed dates for hearing WC-2020-0407

Ms. Hernandez,
Consulting with an attorney is simply a routine process which I use all the time to review numerous documents such as the amount sent to me. This does not mean that I have hired the attorney. This attorney is not involved in this case.

You will not hear from him at any time.

My proposed date for an evidentiary hearing is February 19, 2021.

I will be the only one you and the Public Service Commission are speaking to.

If this is acceptable, please confirm by email.

Thank you
Claude Scott
Complainant

On Thu, Jan 14, 2021, 3:53 PM Jennifer Hernandez <jhernandez@brydonlaw.com> wrote:

I will have to check our calendars and get back to you Travis.

Mr. Scott, please let me know your attorney's information immediately. I, as well as Travis, will no longer be able to communicate directly with you after you have hired an attorney.

Thank you.

Jennifer

Get [Outlook for Android](#)

From: Pringle, Travis <Travis.Pringle@psc.mo.gov>

Sent: Thursday, January 14, 2021 3:36:01 PM

To: Jennifer Hernandez <jhernandez@brydonlaw.com>; 'CLAUDE SCOTT' <[REDACTED]>

Subject: Proposed dates for hearing WC-2020-0407

Good afternoon all,

Per today's order, the Commission needs us to propose three potential dates after February 16, 2020 to hold the evidentiary hearing. After consulting with Staff and the Commission's calendar, the earliest date we can propose is February 19. After that, the calendar is full until March 15. I would like to propose February 19, March 19, and March 26 as potential hearing dates (all dates fall on a Friday). Let me know if these dates are acceptable to you, and I'll get the filing together on behalf of the parties.

Thanks,

Travis Pringle

Missouri Public Service Commission

Associate Counsel

(573) 751-4140

Travis.Pringle@psc.mo.gov

CONFIDENTIALITY NOTICE: This e-mail message including attachments, if any, is intended only for the person(s) or entity to which it is addressed and may contain confidential and/or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. If you are the intended recipient but do not wish to receive communications through this medium, please so advise the sender immediately.