

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

The Staff of the Missouri Public)
Service Commission,)

Complainant,)

vs.)

Aqua Development Company)
d/b/a Aqua Missouri, Inc.,)

Respondent.)

Case No. SC-2010-0150, et al.

MOTION TO STAY AMENDMENT OF STAFF COMPLAINT

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through counsel, and submits this Motion to Stay Amendment of Staff Complaint as follows:

1. On March 3, 2010, the Missouri Public Service Commission (“the Commission”) issued its Order Directing Staff to Amend Its Complaints, directing Staff to amend the complaints filed in Case No. SC-2010-0150 et al. to include certain quality of service issues that surfaced at the local public hearings conducted in Case Nos. SR-2010-0023, WR-2010-0025, SR-2010-0026, and WR-2010-0027 (collectively referred to hereinafter as “the rate cases”).

2. Commission Rule 4 CSR 240-2.070(3) outlines the requisites for filing a formal complaint with the Commission:

[A] [f]ormal complaint may be made by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any person, corporation or public utility, including any rule or charge established or fixed by or for any person, corporation or public utility, in violation or claimed to be in violation of any provision of law or of any rule or order or decision of the commission.

3. On March 8, 2010, Staff filed with the Commission its Notice of Staff Report Regarding Quality of Service Issues (“Notice of Staff Report”), presenting the results of Staff’s

investigation into previously unknown yet potentially material issues presented by Aqua Missouri customers in testimony at the aforementioned local public hearings. The Notice of Staff Report and attached appendices are dedicated to a discussion of the quality of service delivered by the Company to its customers and of the Company's call center performance and general customer communication practices.

4. As contained in Appendix A of Staff's Notice of Staff Report, "Staff has reviewed the 2006, 2007, and 2008¹ DNR Water Quality Reports for each of the twelve (12) Aqua Missouri water supplies that provide water service to consumers in an area certificated by [the Commission] and states that no DNR drinking water violations are noted on any of these Water Quality Reports". Similarly, Staff reviewed water quality samples in the Company's White Branch and Ozark Mountain service areas² and states that although dissolved iron and water hardness (as calcium carbonate) are present at levels that may have "detectible aesthetic affects" that such contaminants are "secondary contaminants," as labeled by DNR, and as such have no enforceable limits.

5. In addition, as contained in Appendix B of Staff's Notice of Staff Report, Staff reviewed Company reporting of call center metrics, recordings of certain customer phone calls to the Company's call center, and documentation of interviews and call monitoring conducted at the Company's Kankakee Call Center and states that the Company is not in violation of any Commission rule or Company tariff provision related to call center performance or customer communications³⁴.

¹ The 2009 Water Quality Reports are not yet available from DNR.

² The majority of the comments received by Staff regarding quality of service issues were submitted by customers in the Company's White Branch and Ozark Mountain service areas.

³ Notwithstanding any relevant issues presented by Staff previously in this matter.

⁴ Though not a violation of Commission rules or Company tariffs, the EMSD staff does have concerns based on the materials reviewed by Staff about the qualitative performance of the Company's call center and plans additional follow-up steps with the Company.

6. In conclusion, as evidenced by the information regarding Staff's investigation contained in the Notice of Staff Report, Staff is presently unaware of acts or omissions of Aqua Missouri in respect to quality of service or customer communications that appear to be "a violation of any provision of law or of any rule or order or decision of the commission," as required by Commission Rule 4 CSR 240-2.070(3). Staff will be present to answer any questions that the Commission may have regarding these issues at the on-the-record presentation, scheduled in the rates cases for Friday March 12, 2010. As such, Staff requests that the Commission issue an order staying its Order Directing Staff to Amend Its Complaints until after the conclusion of the on-the-record presentation or in the alternative until such time as Staff obtains information indicating that the requirements of 4 CSR 240-2.070(3) have been satisfied.

WHEREFORE, Staff submits this Motion to Stay Amendment of Staff Complaint for the Commission's consideration in this matter and requests that the Commission issue an order as described above.

Respectfully submitted,

/s/ Eric Dearmont

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 9th day of March, 2010.

/s/ Eric Dearmont