BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

CHARLES HARTER, )

 COMPLAINANT )

V. )CASE NO.WC-2015-0311

 )SMALL FORMAL COMPLAINT

MISSOURI AMERICAN WATER COMPANY, )

 RESPONDENT )

COMPLAINANT’S OPPOSITION TO

RESPONDENT’S MOTION FOR SUMMARY DETERMINATION

 COMES NOW complainant and in Opposition to Respondent’s Motion for Summary Determination, states that Respondent claims that the issue of leaks was disposed of in the prior case between the parties WD-2013-0468 and that decision now serves as res adjudicata. However that is the opposite of what the Commission actually determined, which was that the issue of leaks was not at issue in that case and the Commission refused to consider or rule in any way on the issue of leaks, stating in the Order Denying Request for Temporary Stay 12-5-2013:

As part of his request, Complainant informs the Commission that he has fixed a

major leak in his home. He then attributes any overbilling by Missouri-American Water

Company to leaks in his home. The Commission refers Complainant to the last paragraph of page 9, continuing over to page 10, of the Report and Order issued on November 26. Therein, the Commission points out that leaks have no bearing on the issue of billing.

Wherefore, complainant prays respondent’s Motion be denied and a hearing ensue.

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I certify service on counsel for respondent by EFIS on 7-1-15, CAH