

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

Cordney Jack Travis,)	
)	
Complainant,)	
)	
v.)	<u>File No. WC-2019-0324</u>
)	
Missouri-American Water Company,)	
)	
Respondent.)	

MOTION TO DISMISS COMPLAINT

COMES NOW Missouri-American Water Company (“MAWC”), by and through the undersigned counsel, and respectfully requests the Commission to dismiss this Complaint pursuant to 4 CSR 240-2.116 for Complainant’s failure to comply with the Commission’s *Order Adopting Procedural Schedule*.

1. On April 19, 2019, Mr. Travis (Complainant) filed a formal complaint against MAWC.
2. On July 23, 2019, Complainant, Staff and the undersigned counsel for MAWC participated in a prehearing conference and developed a mutually agreeable proposed procedural schedule to submit to the Commission.
3. On August 5, 2019, the Commission issued its *Order Adopting Procedural Schedule*. Per the ordered schedule, the Complainant was ordered to file his direct testimony on August 23, 2019.
4. To date, Complainant has failed to comply with the Commission’s Order and file direct testimony in this matter in support of his Complaint.
5. Commission regulation 4 CSR 240-2.116 (3) provides “[a] party may be dismissed from a case for failure to comply with any order issued by the commission....”

6. Further, 4 CSR 240-2.116 (4) provides “[a] case may be dismissed for good cause found by the commission after a minimum of ten (10) days notice to all parties involved.”

7. As Complainant has failed to support his Complaint by filing direct testimony as ordered by the Commission, good cause exists for the Commission to dismiss this matter.

WHEREFORE, MAWC requests the Commission dismiss this Complaint with prejudice.

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 all counsel of record, and to the Complainant by United States Postal Mail, postage prepaid, on this 27th day of August, 2019:

Missouri Public Service Commission
Staff Counsel Department
staffcounsel@psc.mo.gov
travis.pringle@psc.mo.gov

Missouri Office of the Public Counsel
opcservice@ded.mo.gov

Missouri-American Water Company
timothy.luft@amwater.com

Cordney J. Travis
1922 Damato Court
St. Louis, MO 63136-3744

/s/ Jennifer L. Hernandez