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

Don Colter & Leona C. Welch)	
)	
Complainant)	
)	
vs.)	<u>CASE NO. SC-98-331</u>
)	
Capital Utilities)	
)	
Respondent.)	

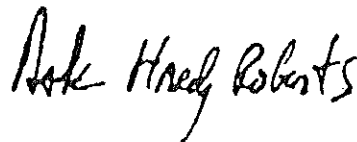
NOTICE OF COMPLAINT

Rick Helms
Capital Utilities
312 Lafayette
Jefferson City, Missouri 65101
CERTIFIED MAIL

Don Colter and Leona C. Welch filed a complaint with the Missouri Public Service Commission against Capital Utilities on February 4, 1998, a copy of which is enclosed. Commission rule 4 CSR 240-2.070 allows the Respondent 30 days after notice to file an answer stating legal and factual defenses, and/or describing the measures taken to satisfy the complaint. The Respondent shall file an answer on or before March 9, 1998, with the Secretary of the Missouri Public Service Commission, P. O. Box 360, Jefferson City, MO 65102, and send a copy to the Complainant. A copy of this Notice was sent to the Complainant by First Class mail.

BY THE COMMISSION

(SEAL)



**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

Dated at Jefferson City, Missouri,
on this 6th day of February, 1998.

Copy to: Don Colter & Leona C. Welch
 4001 Greenbriar
 Jefferson City, Missouri 65109

Roberts, Chief Regulatory Law Judge

BEFORE THE PUBLIC SERVICE COMMISSION OF THE
STATE OF MISSOURI

FILED

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MISSOURI
PUBLIC SERVICE COMMISSION
JAN 27 1998

DON COLTER & LEONA C. WELCH)
(your name))
Complainant)

vs.

) Case No. SC-98-331

CAPITAL UTILITIES)
(company name))
Respondent.)

COMPLAINT

Complainant resides at 4001 GREENBRIAR, JEFFERSON CITY, MO 65109

1. Respondent, CAPITOL UTILITIES
(company name)
of JEFFERSON CITY, MO, is a public utility under the jurisdiction of
the Public Service Commission of the State of Missouri.

2. As the basis of this complaint, complainant states the following facts:

SEE ATTACHMENT

AS THE BASIC OF THIS COMPLAINT, COMPLAINT STATES THE FOLLOWING FACTS & THE COMPLAINANT HAS TAKEN FOLLOWING STEPS TO PRESENT THIS COMPLAINT TO THE RESPONDENT:

On December 24, 1998 at 8:05 I was awoken by the doorbell. It was Herb Haaf Heating. The serviceman went to the basement to work on the heat pump. At that time there was nothing happening at that time. I went back to bed. I had to pick up a family member up at the K.C. airport early am and got to bed at 4:30am. Again at 8:45am. I got up to use the bathroom when I smelt this terrible odor. Entering the basement the odor was traumatic. Then I saw sewage coming up through the floor drains and was starting to flowing very quickly into the other rooms of the basement. (family room, bedroom, bathroom). Immediately I called Don, crying and screaming frantically for him to come home immediately, which he did. Upon his arrival he told me to call Capitol Utilities, that it had to be the main sewer. He said it didn't take a rocket scientist to know if we weren't flushed any water out of our house and water was coming in that it was not our system.....

The office girl took the message and paged Rick Helms, owner of the utility company. I called four times asking where he was, after 1hr. & 10 minutes the phone rings. It's Mr. Helms. He is asking me what is the address it is that he is suppose to be at. Appaused at his unprofessional way of doing his job, not getting the address, calling me to get the address, then pleading with him to please get over here, he laughs and said, well I am over here on Rt. CC and it might be consoling to you to know your property on cc is okay. He also added, I'm sure it's not my system messing up, but I will come over and check it out. When he pulled up, he his attitude expressed anything but concerned. He did not know where the manholes where. He was looking across the street. Don had to go get him and show him where the manholes are. When he lifted up the lid, he said "Oh my God we differently have a problem." Then he said "Well I don't have a crew on duty today, its Christmas eve.....Don came unglued, he told him you better blanked, blank get a crew out here and get your community sewer unstopped so it quits coming in our basement. He also said he would have to dig down and find out were the problem is.

At this point Don and I were both exchaunted from working as fast and hard as we could to pump as much sewage out as we could. Using a shop vacuum, filling it, Don continuously carrying it out to the backyard, emptying it, and as fast as we could do it again and again. Another 1hr and 10 minutes later he arrived with his equipment and another man to clear the lines. By this time Don & I were exhausted, traumatized, nauseated, mentally and physically fatigued.

We were having the entire family our for Christmas dinner this evening. Needless to say, we had to canceled. That was the beginning of devastation for us. Today is the 30th day and we are still unable to use our downstairs. (We purchased a big screen television on December 18th, just 5 days before this tragedy happened and have not been able to watch it. Our greatest wish is getting to watch the Super Bowl in our family room with the big screen T.V. !!!!!!!!!!!!!!!

Don C. Helms

WHEREFORE, COMPLAINANT NOW REQUEST THE FOLLOWING RELIEF:

Our request to the Commission is to find the company negligent because of improper maintenance. And that the Commission order the company to make periodic inspection. And that the Commission order company to find out if the sewer line has been damaged as a result of massive construction being done directly behind and across from our home. Our biggest nightmare is that can happen again!

Lena C. Lulak

3. The complainant has taken the following steps to present this complaint to the respondent:

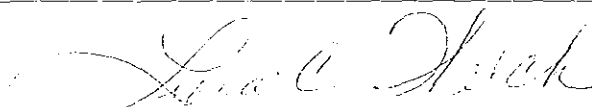
SEE ATTACHMENT

WHEREFORE, Complainant now requests the following relief:

SEE ATTACHMENT

JANUARY 30, 1998

Date



Signature of Complainant

RECEIVED

FEB 09 1998

COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION