

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

Cyndi Nealon,)	
)	
Complainant,)	
)	
v.)	File No. WC-2023-0273
)	
Missouri-American Water Company,)	
)	
Respondent.)	

MISSOURI-AMERICAN WATER COMPANY’S ANSWER

COMES NOW the Respondent, Missouri-American Water Company (“MAWC” or “Company”), pursuant to the *Order Directing Respondent to File an Answer*, issued herein on April 12, 2023, and 20 C.S.R. 4240-2.070, and for its Answer, respectfully states as follows to the Missouri Public Service Commission (“Commission”):

PROCEDURAL HISTORY

1. Ms. Nealon (“Ms. Nealon” or “Complainant”) filed a formal complaint (“Complaint”) with the Commission on February 28, 2023.
2. On March 3, 2023, the Commission issued an *Order Giving Notice of Case Filing, Directing Filing of Answer and Directing Staff Investigation* giving the Company until April 3, 2023 to file its Answer.
3. On April 3, 2023, the Company filed a *Request for Mediation in Lieu of Filing an Answer (“Request”)*.
4. On April 10, 2023, Complainant agreed to the Company’s *Request* and then withdrew the same on April 11, 2023.
5. On April 12, 2023, the Commission issued an *Order Directing Respondent to File an Answer* by April 19, 2023. This filing complies with that order.

ANSWER

6. MAWC admits that it provides service to 3416 Haas Ave, St. Louis, MO 63044.
7. MAWC admits that its office address is 727 Craig Rd. St. Louis, MO 63141, as alleged in paragraph 3 of Complaint.
8. MAWC admits that it is a public utility under the jurisdiction of the Missouri Public Service Commission as alleged in paragraph 4 of the Complaint.
9. MAWC admits that a water leak occurred at or near 3416 Haas Ave, St. Louis, MO on August 22, 2022.
10. MAWC admits that a main break occurred later in the night on August 22, 2022, at or near 3416 Haas Ave, St. Louis, MO.
11. MAWC denies that the amount at issue in this Complaint is \$60,000 as alleged in paragraph 5 of the Complaint.
12. MAWC is without sufficient information and therefore denies any allegation related to alleged damages or repairs to Complainant's personal property contained within paragraph 6 of the Complaint.
13. MAWC admits that its Tariff, PSC MO no. 13, Original Sheet No. 11, Rule 3 addresses "Liability of the Company." MAWC denies that it was negligent in any regard related to this Complaint and further denies that it failed to properly maintain its system. MAWC further denies any allegation contained within paragraph 7 of the Complaint that is not specifically admitted.
14. MAWC admits that Ms. Nealon contacted the Company during the course of the leak, main break and after the leak and main break were addressed by the Company as alleged in paragraph 8 of the Complaint. MAWC denies further allegations contained within that paragraph.

15. MAWC denies any allegation contained within the Complaint that is not specifically admitted herein.

AFFIRMATIVE DEFENSE

16. MAWC asserts that Ms. Nealon fails to state a claim upon which relief may be granted, as the Commission is not authorized to award damages.

17. MAWC denies violating any of the Company's tariff, Commission Rule or statute in regard to this matter.

WHEREFORE, MAWC requests that the Commission accept this Answer and further relief as is just and proper under the circumstances.

Respectfully submitted,

MISSOURI-AMERICAN WATER COMPANY

/s/ Rachel L. Niemeier

Tim Luft, #40506
Rachel Niemeier, #56073
Corporate Counsel
Missouri-American Water Company
727 Craig Road
St. Louis, MO 63141
(314) 996-2390 (telephone)
tim.luft@amwater.com
Rachel.niemeier@amwater.com

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic mail or U.S. Mail on April 19, 2023, to the following:

Office of the Staff Counsel
Governor Office Building
Jefferson City, MO 65101
staffcounsel@psc.mo.gov

Office of the Public Counsel
Governor Office Building
Jefferson City, MO 65101
opcservice@opc.mo.gov

Ms. Cyndi Nealon
3416 Haas Ave.
St. Louis, MO 63044
cfit_n@yahoo.com

/s/ Rachel L. Niemeier