

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

Louis DeFeo,	)	
	)	
Complainant,	)	
	)	
v.	)	<b><u>File No. WC-2021-0075</u></b>
	)	
Missouri-American Water Company,	)	
	)	
Respondent.	)	

**Complaint’s Statement of Direct Testimony**

**QUESTIONS:**

- Did the Company through its employee fail to correctly bill the Customer by refusing to consider actual evidence of water usage offered by the Customer but rather relied solely on the bias that meters are always accurate?
- Did the Company through its employee fail to respect Customer’s right to appeal by failing to inform the Customer of his right to file an informal complaint with the PSC which is required?
- Did the PSC representative handling the informal complaint error by refusing to consider actual evidence of water usage offered by the Customer but rather relied solely on the bias that meters are always accurate?
- Did the PSC representative handling the informal complaint error by failing to inform the Customer of his right to file a formal complaint?

Note: Exhibits will be identified per the Procedural Schedule.

Customer received a bill dated April 3, 2020, covering the service period of March 4, 2020 to April 2, 2020. The amount due was \$129.76 an amount which was twice the amount of recent

monthly bills. The use for the period was 19,100 gallons. The immediate prior bill was \$58.49 with a usage of 7,900 gallons. On April 21, 2020, customer called the Company mainly for advice on how to identify the source of the higher use. Customer was advised to check toilets for leaks. No leaks were found. Customer paid the bill.

Subsequently Customer received a bill dated May 8, 2020, covering the service period of April 3 to May 4, 2020. The amount was \$232.62 an amount almost four times the March bill. The usage on the May bill was 35,400 gallons.

In response to PSC staff request for data, "WC-2021-0075 - [DR 0011](#) - CONFIDENTIAL Please detail the Company's policy for leak notifications for customers with AMR meters. Please also explain how this process differs from customers with AMI meters. Data Request submitted by Ben Rankin ([ben.rankin@psc.mo.gov](mailto:ben.rankin@psc.mo.gov))" the Company stated

MASW response:

"The system will trigger a service order to verify a reading if the usage is six times higher than the same time the previous year. A letter will generate if the usage is two times higher than the same time the previous year." No such letter was received by the Customer.

On May 21 Customer again called the company and Gail Cook, Field Service Representative for the Company, and the customer and Cook visited. Cook interviewed the customer asking such questions as does the customer have an automatic irrigation system. (Customer does not have an automatic water use system.) Each of the three visits by the Field Representer were interviews and not inspections. To Customer's recollection he made no inspection of either the house or pool house. The only inspection mentioned in his report to the Company was inspecting the meter. (Data requested by PSC)

Cook and the Customer met on June 9, 2020. Cook informed that the meter had been tested in place and was found to be accurate. Cook provided an electronic copy of the Data Log covering the water service in bi-hourly units from March 5, 2020, to June 9, 2020. (Exhibit). For the first time it was clear to the Customer that the alleged usage was not a steady leak over a 30-day period but a sudden spike which lasted 73 hours over a four-day period which disappeared as suddenly and dramatically as it started. The spike started on April 1, 2020, at 14:53 a Wednesday and end on April 4, 2020 at 14:52 a Saturday. To visualize this, Customer read the electronic version of the Data Log into Excel Spreadsheet and had Excel turn it into a line graph. (Exhibit.)

Customer volunteers at the Samaritan Center Legal Care on weekdays coordinating the Legal Care pro bono program, Due to the COVID pandemic, he has worked remotely from home from March 1, 2020 so he was at home during the days of the spike and noticed no large water flow.

Cook returned the next day and informed that his supervisor told him that he had spent too much time meeting with the Customer and that he would not be meeting with the Customer further, but

the Customer could call his supervisor (Nate Hart) if he wished and provided the supervisor's business card. As he left, he expressed that he could not explain where the 43,000 gallons went.

Customer consulted with an internationally recognized hydrologist at Washington University, St Louis. He studied the information provided by the Company (Data Log), supervised tests on Customer's water flow etc. and analyzed the situation. He has testified by affidavit. (Exhibit)

Customer reached Nat Hart after he returned from vacation, and they spoke by phone. Hart expressed that the meter reading was accurate. He was not interested in seeing the affidavit of the expert hydrologist (Exhibit) or to listen to the physical evidence which challenged the meter reading. He did not inform the Customer of his right to make an informal complaint to the PSC.

Customer proceeded to file an Informal Complaint with the PSC. He received an unsigned letter dated July 13 from the Consumer Services Department stating they were investigating, and it would take "up to 30 days." After not hearing from them in 30 days, Customer called the PSC Department and asked for the status. Subsequently he spoke with the "investigator." Apparently, he called the Company after Customer's request for a report. His response was the same as the Company's supervisor. The PSC person refused to consider the hydrologist expert opinion or physical evidence contradicting the meter. He did not inform the customer that he had the right to file a "formal complaint."

After self-research Customer learned of his right to file a Formal Complaint and did so.

Following the Formal Complaint, Customer was visited by David Spratt, Utility Operations Technical Specialist. He thoroughly investigated Customer's complete water system including the pool and including measuring the rate of flow of the water and photographing the pool house interior. Customer requests that Mr. Spratt's report be available to offer in evidence.

Customer has no irrigation system, no water adding system, no system that automatically turns water on except humidifiers on furnaces and an ice maker on a refrigerator.

Customer has an indoor swimming pool which is 36' by 18' and averages 4.1 feet in depth. The capacity is 20,000 gallons of water. The pool has no automatic equipment to add water. The only way to add water is manually with a garden hose. Water is continuously recirculated through a filter system. The pool is not like a bathtub with a drain in the bottom with a stopper. With a bathtub when you open the stopper, the tub will empty. The pool has no drain. The only way to empty the pool is to pump the water out. The pool has never been emptied since it was constructed in 2000. The pool will lose some water by evaporation and through small leaks in the vinyl liner. About once every 5 days the pool is topped off by adding one-inch of water with a garden hose.

Customer's pool has the capacity to hold 20,000 gallons of water. If 43,000 gallons of water were added, the water would be 12 feet deep, not 4 feet. The result would be a flood, the water would run out the patio doors onto the ground outside creating a pond. Like any flood, any material subject to damage by water such as sheet rock would show it. There is no such damage.

Experience in other communities has demonstrated that meters including SMART meters are not perfect. The City of San Diego which operates its own water service converted to SMART meters. The experience was so bad that they offered customers the option of the return of their old meter. The public report on their experience is available at <https://www.nbcsandiego.com/news/local/city-water-department-knew-of-smart-meter-problems-despite-public-denials/2040012/>

Customer has provided evidence which contradicts the Company's meter readings

There is a bias among Company staff, some PSC staff handling informal complaints and some staff writing reports for the Commission that meters are always right to the point of refusing to consider contradictory evidence. This bias is contrary to the law and regulations and prior rulings of the Commission. There is also a failure to inform customers of their rights.

**WHEREFORE**, the Complainant submit Complainant's Statement of Direct Testimony to the Commission.

Respectfully submitted,

**/s/ Louis DeFeo**

Louis DeFeo, Complainant

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing has been transmitted by electronic mail, to all counsel of record, this 14th day of October 2021.

**/s/ Louis DeFeo**