

PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

ROB LEE,)	
)	
Complainant,)	
vs.)	Case No. WC-2009-0277
)	
MISSOURI-AMERICAN WATER CO.,)	
)	
Respondent.)	

**RESPONDENT'S RESPONSE TO COMPLAINANT'S
JULY 22, 2009 ADDITIONAL INFORMATION FILING**

COMES NOW, Respondent, Missouri-American Water Company (hereinafter "MAWC"), by and through its counsel, HeplerBroom LLC, and for its Response to Complainant's July 22, 2009 "Additional Information" filing, states as follows:

1. On two (2) separate occasions, Complainant has represented to this Commission that he does not wish to continue to pursue this case any further and has in fact requested that the continuation of the evidentiary hearing be cancelled.
2. However, Complainant continues to file "additional information" which he argues supports the allegations he has raised in this case.
3. If Complainant wished to submit this "additional information" into evidence, he should not have asked that the evidentiary hearing be cancelled. The evidentiary hearing would have been the appropriate forum at which to submit such information subject to Missouri Rules of Evidence.
4. Complainant's filing is an attempt to circumvent such rules and is inappropriate.

5. As such, MAWC requests that the Commission issue an order preventing Complainant from continuing to submit “information” in this matter until a decision is rendered on the evidence properly before the Commission.

6. Furthermore, Complainant’s allegations raised in this filing are based purely on his own speculation and are factually not accurate.

7. MAWC has not made repairs to its water main in front of 1204 Rhea as alleged in Complainant’s filing.

8. On June 24, 2009, MAWC shut off the water service to 1204 Rhea because a new residence had moved into the residence and had failed to establish a new account with MAWC.

9. On that date in order to shut off the service, the MAWC crew had to dig in order to discontinue service because the customer-owned T-head valve was broken.

10. The new resident then contacted St. Louis County to administer the repairs to the service line in order for the water service to be turned on to the residence which was done some time prior to July 16, 2009, which is the date MAWC re-established water service to the residence. According to St. Louis County records, the final inspection of the work was done on July 20, 2009, which is the same date Complainant noticed the “repair.”

11. There was never a report of a water main leak or break at that address over this time period.

12. Not surprisingly, the photographs dated July 13, 2009 showing surface water and standing water in a meter box submitted by Complainant were taken one day

following heavy rains in the area on July 12, 2009. After several days without rain, the meter box in Complainant's photographs taken on July 22, 2009 appears dry.

13. As stated above, there were no repairs to MAWC's water mains in the area, and thus no correlation between MAWC's mains and the disappearance of surface water in the area and reduced water intrusion into Complainant's basement.

WHEREFORE, MAWC requests that the Commission issue an Order prohibiting any further filings by Complainant in this matter until a decision is reached on the evidence properly before the Commission and any other relief that it deems just and proper.

HEPLERBROOM, LLC

By: /s/ Matthew H. Noce

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PROOF OF SERVICE

I hereby certify that I electronically filed on this 23rd day of July, 2009, the foregoing with the Missouri Public Service Commission using the ESIF system which will send notification of such filing to the following:

- Missouri Public Service Commission General Counsel Office (GenCounsel@psc.mo.gov)
- Office of the Public Counsel Mills Lewis (opcservice@ded.mo.gov)
- Missouri Public Service Commission Ritchie Samuel (Samuel.Ritchie@psc.mo.gov)
- Rob Lee (energyhealingarts@gmail.com)

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