

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

Rhonda Martin,)	
)	
Complainant,)	
)	
v.)	File No. WC-2016-0079
)	
Missouri-American Water Company,)	
)	
Respondent)	

**MOTION FOR LEAVE TO LATE FILE ANSWER,
RESPONSE TO MOTION FOR DEFAULT, AND ANSWER**

COMES NOW Missouri-American Water Company (MAWC or Company), by and through counsel and, as its Motion for Leave to Late File Answer, Response to Motion for Default, and Answer, states as follows to the Missouri Public Service Commission (Commission):

**MOTION TO LATE FILE ANSWER
AND RESPONSE TO MOTION FOR DEFAULT**

1. On October 2, 2015, the Commission issued its Notice of Contested Case and Order Directing Filings ordering, among other things, that MAWC file its answer no later than November 2, 2015.
2. On October 5, 2015, Timothy Luft entered his appearance on behalf of MAWC in this matter.
3. On November 5, 2015, the Staff of the Commission (Staff) filed its Motion for Default Determination. Upon receipt of this motion, MAWC realized that it had inadvertently failed to file an answer by November 2, 2015.

4. MAWC apologizes for its failure to file this answer. The failure resulted because of other demands related to the many cases pending before this Commission. As can be seen from counsel Luft's early entrance of appearance, there has been no intent to ignore the Commission or this. Further, if MAWC's Motion for Leave to Late File is granted, the answer, as found below, will be filed only four days out of time. As no procedural schedule has yet been ordered in this case, that four day delay will not prejudice any party.

5. Moreover, while Staff's motion requests that an order of default be entered, no such default has been granted at this time.¹ Commission Rule 4 CSR 240-2.050(3) states that "When an act is required or allowed to be done by order or rule of the commission at or within a specified time, the commission may . . . (B) After the expiration of the specified period, permit the act to be done where the failure to act was the result of excusable neglect or for other good cause shown."

6. The timing of this motion and the public interest in a substantive review of the subject complaint should provide good cause for a grant of the motion to late file. In the alternative, the failure to file an answer, given the mere four days that have elapsed since the filing date and counsel's early acknowledgement of this case, should be deemed excusable neglect.

7. Accordingly, MAWC moves the Commission for an order granting it leave to late file its answer.

¹ If a default were entered, Respondent would have seven (7) days from the entry of such order to move that it be set aside for good cause. 4 CSR 240-2.070(10).

ANSWER

8. MAWC admits that it provides service to Rhonda Martin at the identified address. (Complaint, para. 1 and 2)

9. MAWC admits that it is as public utility and that its address for payment purposes is P.O. Box 94551, Palatine, IL 60094-4551. (Complaint, para. 3 and 4) AMWC further states that its mailing address for purposes of this case is that of the undersigned counsel.

10. MAWC admits that the Complainant has alleged the amount at issue to be \$2,000. (Complaint, para. 5)

11. To the extent necessary, MAWC denies the allegations and disagrees with the requested relief found in Complaint, para. 6.

12. MAWC denies the allegations contained in Complaint, para. 7.

13. MAWC admits that its representatives have had contact in regard to Complainant's account, but denies the remaining allegations contained in Complaint, para. 8.

14. MAWC is without knowledge sufficient to form a belief as to what witnesses Complainant may call to testify or what records she may subpoena. (Complaint, para. 9 and 10)

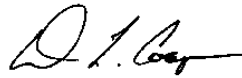
15. MAWC denies the allegations contained in Complaint, para. 11. MAWC further states that the same meter that was in use during the period in question remains in place and appears to be recording correctly.

16. Except as expressly admitted in this answer, MAWC denies each and every allegation contained in the Complaint.

17. Further answering and as an affirmative defense, MAWC states that it has acted in accordance with its tariffs and that its tariffs are prima facie just and reasonable.

WHEREFORE, MAWC prays the Commission grant its motion to late file an answer and grant such other relief as the Commission deems reasonable and just.

Respectfully submitted,



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**ATTORNEYS FOR MISSOURI-AMERICAN
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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic mail on November 6, 2015, to the following:

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