

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

KAREN SMITH,	)	
	)	
Complainant,	)	
	)	
v.	)	Case Number: WC-2014-0161
	)	
MISSOURI-AMERICAN WATER	)	
COMPANY,	)	
	)	
Respondent.	)	

REPLY TO MISSOURI AMERICAN WATER COMPANY'S  
ANSWER AND MOTION TO DISMISS

Comes now Complainant and states:

1. That although Complainant agrees that the Public Service Commission cannot award her damages for the negligent and unworkmanlike actions of Respondent and that she should seek such damages in State Court, she would point out that the although she as a non-lawyer utilized the word damages, what she is actually looking for is restoration of her property to the state it was prior to the Respondent entering upon her property and cutting the gas line and water line, i.e., the Complainant merely wants the Respondent to restore her property to its condition prior to the Respondent's activities that caused her problems.
2. That Respondent indicates that the Complainant's address is 830 Harrison, when in fact it is 8930 Harrison.
3. That Complainant is at a loss to determine how Respondent cannot know that it damaged the gas line and water line on Complainant's property, i.e., Respondent's paragraph 6 when apparently the Respondent notified the gas company.
4. That if as per paragraph 8 of Respondent's Answer, if it had tried to rectify the issues involved here, and in fact investigated and attempted to address the issues herein that Complainant would have been contacted by Respondent and yet after a while none of her calls to Respondent were returned surely Respondent has records and should be able to respond in paragraph 10 other than they have no information concerning incoming calls. Complainant would add that the insurance company for Respondent indicated the Respondent had no duty to restore her property and it was after that that Respondent failed to respond to Complainant.

5. In as much as the Respondent has no idea of the facts per its response in paragraph 4. attached hereto is another copy of the facts previously provided by Complainant marked exhibit A and attached hereto as if set forth verbatim herein.
6. That attached hereto as Exhibit B are pictures reflecting the condition of her property prior to and following Respondent's activities concerning the curbs, driveway and yard. It should be noted that no expansion joint was placed between driveway and sidewalk as was present prior to Respondent's activities.

Wherefore, Complainant respectfully requests that in the event the Missouri Public Service Commission sees fit to dismiss the what it may deem a request for damages, i.e., monetary relief, that it does not dismiss the request for restoration of Complainant's property, to-wit: curbs, driveway and yard and whatever else the Missouri Public Service Commission would deem restoration even though Complainant erroneously referred to such restoration as damages.

Respectfully submitted,

**BERG, BORGMANN & WILSON, LLC**

/s/ Ronald F. Borgmann

**Ronald F. Borgmann, #24093**

**Attorney for Complainant**

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### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing was filed electronically and served either electronically or mailed postage prepaid the 22nd day of January, 2014 to:

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