

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

In the Matter of a Motion for an        )  
Emergency Order Establishing a        )  
Temporary Moratorium on Utility       )  
Discontinuances to Protect Public     )  
Health and Safety Mitigating the       )  
Spread of the COVID-19 Pandemic.     )

**File No. AO-2021-0164**

**RESPONSE OF CSWR-AFFILIATED WATER AND  
WASTEWATER COMPANIES**

This response is filed by Confluence Rivers Utility Operating Company, Inc; Elm Hills Utility Operating Company, Inc.; Hillcrest Utility Operating Company, Inc.; Indian Hills Utility Operating Company, Inc.; Racoon Creek Utility Operating Company, Inc.; and Osage Utility Operating Company, Inc. (collectively, the CSWR-Affiliated Utilities). For the reasons stated below, the Commission should deny the relief requested by the Consumers Council of Missouri (Consumers Council) in its *Motion for an Emergency Order and Request for Expedited Treatment* (Motion).

1. On December 7, 2020, the Consumers Council filed its Motion asking the Commission to issue, on an expedited basis, an extraordinary order directing investor-owned electric, gas, and water utilities to implement a moratorium on service discontinuances and disconnections until at least March 31, 2021, “in order to protect the health and safety of the general public during the ever-worsening COVID-19 pandemic in Missouri.”

2. By order dated December 8, 2020, the Commission directed the Motion be sent to all Missouri investor-owned utilities and further directed interested parties wishing to respond to the Motion should do so by December 14.

3. The CSWR-Affiliated Utilities, a group of investor-owned water and wastewater companies that collectively serve approximately 5,000 Missouri customers, opposes the Consumer

Council's motion for two reasons. First, Missouri's investor-owned electric, gas, and water utilities, including the CSWR-Affiliated Utilities, already have reacted to the COVID-19 pandemic by implementing programs designed to relieve financial hardships experienced by some of their customers. Available evidence strongly suggests measures implemented by the CSWR-Affiliated Utilities have provided substantial relief to those customers. Second, the Consumers Council has presented no compelling evidence current programs are not achieving their intended results or that additional measures are necessary to replace or augment those programs. While concern regarding the pandemic's continuing adverse financial impact on some customers is justified, such concern alone is not sufficient to justify the extraordinary relief the Motion seeks.

4. On March 13, 2020, the CSWR-Affiliated Utilities voluntarily and unilaterally implemented a moratorium on utility service shut-offs for non-payment. The moratorium ultimately extended through October and included waiver of all late payment charges authorized under the companies' tariffs and Commission rules.

5. Prior to the moratorium's conclusion, the CSWR-Affiliated Utilities offered customers the opportunity to enter into extended payment plans (lasting up to one year) for past-due charges, and informed customers late payment charges would continue to be waived as long as their accounts remained current and they fulfilled terms of their respective payment plans.

6. In its November 23, 2020, *Staff Report* in File No. AW-2020-0356, the Commission Staff presented Company-specific information regarding the number of customers who accumulated past-due balances since the moratorium and the effect those balances have had on customers' ability to maintain utility service. Although not specifically reflected in that report, since the moratorium ended, an overwhelming majority of customers immediately paid all past due amounts. And of the fewer than 50 customers who requested extended payment plans, all are

current and are abiding by the terms of those plans. Therefore, as of the date of this filing, none of the CSWR-Affiliated Utilities has terminated service to a single customer for non-payment of balances accrued during the COVID-19-related moratorium.

7. Based on the facts presented in the preceding paragraph, steps CSWR-Affiliated Utilities already took to address financial hardships related to the pandemic clearly met customers' needs. Therefore, no new or additional programs, including the extended moratorium recommended by the Consumers Council, need be implemented at the current time. However, the CSWR-Affiliated Utilities will continue to monitor the situation, and if circumstances make an additional moratorium or other steps necessary the companies will take the initiative to implement those steps as it did last March. No justification exists for the Commission to adopt the one-size-fits-all solution proposed by the Consumers Council to a problem that currently does not exist.

THEREFORE, for all reasons stated in this response, the Commission should deny the Consumers Council's Motion.

Respectfully submitted,

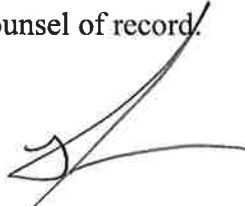


L. Russell Mitten #27881  
General Counsel  
1650 Des Peres Road, Suite 303  
St. Louis, MO 63131

ATTORNEY FOR THE  
CSWR-AFFILIATED UTILITIES

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served by electronic mail on this 14<sup>th</sup> day of December 2020, to all counsel of record.

A handwritten signature in black ink, consisting of a stylized 'L' followed by a horizontal line and a diagonal stroke.

L. Russell Mitten