

FILED

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

OCT 28 2013

Missouri Public  
Service Commission

In the Matter of a Proposed Rulemaking to )  
Amend 4 CSR 240-13 Service and Billing )  
Practices for Residential Customers )

File No. AX-2013-0091

**COMMENTS OF MISSOURI-AMERICAN WATER COMPANY**

**COMES NOW** Missouri-American Water Company ("MAWC"), by and through the undersigned counsel, and respectfully provides to the Missouri Public Service Commission ("Commission") the attached Comments in lieu of testimony.

MAWC incorporates by reference the comments filed by "Missouri Utilities" except as provided below. Further, MAWC adds the following additional comments to the specific rules.

**COMMENTS TO SPECIFIC RULES**

**4 CSR 240-13.015 – Definitions**

13.015 (1)(A) introduces a new phrase "initiation of service," which is not defined. This phrase could be subject to several interpretations. MAWC submits that it should be defined as the moment in which a utility actually starts providing utility service (water, gas, sewer or electricity) to the Applicant.

**4 CSR 240-13.035 – Denial of Service**

MAWC requests striking the words below and adding the underlined words in the proposed language change in 13.035(1):

When the utility refuses to provide service to an applicant for service, the utility shall inform the applicant verbally orally, ~~if recorded and retained~~, or written upon applicant request, unless otherwise specified.

There is disagreement over whether "recorded and retained" means a recording of the telephone call or if a recorded written note that a call was received would be sufficient under

Exhibit No. 2  
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this section. MAWC does not have the ability to record all calls. Requiring it to do so would require significant investment.

Lastly, 13.035(1) sets forth a certain method of contact, while subsection 13.035(1)(C)(1) under this section provides a different method of contact. MAWC submits that this section is confusing and inconsistent.

#### **4 CSR 240-13.045 – Disputes**

13.045 (6) adds a provision that if the parties cannot agree to the amount in dispute, the customer shall pay the “lesser of” an amount not to exceed fifty (50%) of the charge in dispute or an amount based on usage during a like period under similar circumstances. The new “lessor of” language is unnecessary. The current language represents a good balance between the customer and the utility.

#### **4 CSR 240-13.050 – Discontinuance of Service**

The newly added section 13.050(1)(C), which sets forth that water service may be shut off for non-payment of sewer service, simply reflects what has been in place for many years and is provided for under Missouri law. See RSMo 393.015 and 393.016. Filing a lien against the property or requiring the sewer utility to dig in a yard to shut off sewer service is unrealistic, expensive, and results in the property being condemned as uninhabitable by governing authorities.

Further, MAWC requests striking the words below and adding the underlined words in the proposed language change in 13.050(4):

Electronic notice may be sent to the customer if the customer has provided prior authorization to the utility to provide billing and notices electronically in place of any hard copy ~~written~~ and ~~verbal~~ oral notices; however, the utility shall provide at least one non-electronic ~~written~~ notification, via either hard copy sent at least

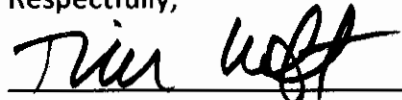
ninety-six hours prior to discontinuance or by phone call attempted at least  
twenty-four (24) hours prior to discontinuance of service.

These changes are for clarification and consistency with other provisions of Chapter 13.

Missouri Utilities has offered some changes to 13.050 with regard to the "door knocking" rule. MAWC believes that this rule has worked well and that there should be no change to the current language.

**WHEREFORE**, for the foregoing reasons, Missouri-American Water Company respectfully requests that the Commission accepts its comments and amend the Chapter 13 Rules with the changes set forth herein.

Respectfully,

A handwritten signature in black ink, appearing to read "Tim Luft", written over a horizontal line.

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