BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

CHARLES HARTER, )

 COMPLAINANT )

V. )CASE NO.WC2013-0468

 )SMALL FORMAL COMPLAINT

MISSOURI AMERICAN WATER COMPANY, )

 RESPONDENT )

COMPLAINANT’S RESPONSE TO RESPONDENT’S MOTION

FOR AUTHORITY TO TERMINATE SERVICE

 COMES NOW COMPLAINANT, and in response to respondent’s Motion for Authority to Terminate Service, states as follows:

1. Respondent is wrong when it asserts in paragraph 2 that the “total amount in dispute in this matter is $50”, because the amount in dispute is whether or not respondent can refuse to allow complainant a payment plan and whether or not once respondent agrees to allow complainant a payment plan and after complainant has made a payment pursuant to and at the agreement of respondent to activate a payment plan, it can then renege and unilaterally cancel the payment plan upon which the complainant now relies to avoid termination.
2. This error of respondent in paragraph 2 is made clear in paragraph 3, when respondent cites a “partial payment on May 1”, which must perforce demonstrate complainant’s willingness to participate in a payment plan if it were offered to him.
3. The Complaint in this matter alleges “Respondent refuses to honor its own budget payment agreements” and seeks as relief “to stop and not disconnect any customer who claims budget payment status until respondent can confirm, prove or allow such status”
4. Thus what is in dispute before the Commission is the refusal and failure of respondent to offer complainant a payment plan, not any amount.
5. As such, unless and until the respondent offers a payment plan, an amount is irrelevant,
6. The dispute is not settled and the bad act refusal of respondent is not excused, but rather reinforced, by respondent’s Motion, wherein it clearly refuses to allow a payment plan.
7. To terminate complainant under these facts would violate 4 CSR 240-13.9070(6) as the payment plan is a matter that is in dispute before the Commission.

WHEREFORE, Complainant prays that respondent not be allowed to take any step toward disconnection or termination of service to complainant while the above styled complaint is pending, unless or until it has first offered a payment agreement plan to complainant and complainant has failed or refused to pay pursuant to that plan.

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