

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Bridge Development Corporation,
Complainant,
vs.
St. Louis County Water Company,
Respondent.

)
)
)
)
)
)
)
)
)
)

Case No. WC-91-269

10-91

APPEARANCES: Patrick H. Gadell, Attorney at Law, 1830 Craig Park Court,
Suite 202, St. Louis, Missouri 63146, for Complainant.

David P. Abernathy, Assistant General Counsel, 535 North New
Ballas Road, St. Louis, Missouri 63141, for Company.

Thomas H. Luckenbill, Assistant General Counsel, P.O. Box 360,
Jefferson City, Missouri 65102, for Staff of the Missouri
Public Service Commission.

HEARING

EXAMINER: Janet L. Sievert

REPORT AND ORDER

Procedural History

This matter commenced on February 1, 1991, when Bridge Development Corporation (Bridge Development) filed a complaint with the Missouri Public Service Commission (Commission) alleging that St. Louis County Water Company (SLCWC) had improperly billed Bridge Development for water usage at two locations. Bridge Development requests that the Commission order St. Louis County replace the meters at both locations and adjust the bills to reflect usage comparable to previous years. Notice of the complaint was sent and SLCWC filed an answer on March 5, 1991 denying Bridge Development was improperly charged for water usage. The hearing in this matter was held on June 6, 1991. A briefing schedule was established. No parties filed briefs.

Findings of Fact

The Missouri Public Service Commission has arrived at the following findings of fact.

SLCWC is a public utility which provides water service primarily in St. Louis County, Missouri. Bridge Development is the corporate owner of two apartment buildings, each with sixteen units connected to a single water meter. The buildings are three-fourths occupied and the tenants do not pay for water usage. All parties agree that the August 6, 1990 water bill was three times as high and the October 16, 1990 water bill was four times as high for 9333 Koenig Circle as bills for the same period the previous year. The parties further agree that the August water bill at 4568 Karole Manor had increased 260% from 1989 to 1990.

The dispute in this case centers on whether the water bills in question are the results of inaccurate meters or internal problems on the property. The evidence presented establishes that SLCWC employees inspected the meters and searched for signs of internal or external leakage at both locations. At the inspections, a representative from Bridge Development was present. SLCWC found no indications of external leaks and believed internal leaks or careless water usage by the residents caused the high fluctuation in the water bills. However, undisputed evidence showed that the November 7, 1990 inspection of 4568 Karole Manor revealed the water, in an apartment where no one was present, was flowing freely. Bridge Development asserts that there are no internal leaks and believes resident water usage is not causing the dramatic fluctuation in the bills.

On December 3, 1990, the water meters were removed from both locations and on December 4, 1990, tested by SLCWC in its shop. Present at the testing were representatives of Bridge Development and the Staff of the Missouri Public

Service Commission (Staff). The evidence shows that the meters were tested on a test bench which is comprised of multiple meter sets, allowing multiple tests, a rotation rate of flow indicator and a Ford calibrated tank which has a sighted-glass and precisely measured volume of water. The meters were each tested at high flow and two low flow rates. Water meter accuracy is expressed in percent and is read from the scale on the calibrated tanks. Results of the test on the 1" meter, removed from 9333 Koenig Circle, were 100.2% at 20 gallons per minute, 101.2% at 4 gallons per minute, and 90% at .3 gallons per minute. The 5/8" meter, removed from 4568 Karole Manor, test results were 98.9% at 10 gallons per minute, 99.2% at 2 gallons per minute, and 88% at 1/4 gallon per minute. The test showed both meters to be functioning well within the Missouri Public Service Commission's specifications for accuracy, of plus or minus 5% (105% to 95%) when registering water at stream flow equivalent to approximately 1/10 and full normal rating under the average service pressure as established in Commission Rule 4 CSR 240-10.030(37). Even though the accuracy for both meters at the lowest flow rate (.3 gallons per minute) tested at less than 95%, the meters still fall within the specifications of 4 CSR 240-10.030(37). The evidence showed that at the flow rate of .3 gallons per minute a meter does not register all the water flowing through it. Therefore, the customer is using more water than the meter is registering. At the time that the meters were tested, the representatives of Bridge Development and the Staff were informed of the accuracy of the tests and the fact that the two meters were working properly. Neither representative disagreed nor objected to any of the findings.

The Commission finds that SLCWC is not at fault for the fluctuating water bills. Inspection of the properties found no external leaks. The meter tests demonstrate that the meters in question are functioning correctly and,

therefore, do not need to be replaced. The Commission finds further that SLCWC will not be required to adjust the bills in dispute as the meters were properly registering the correct amount of water usage.

Conclusions of Law

The Missouri Public Service Commission has arrived at the following conclusions of law.

St. Louis County Water Company is a Missouri corporation engaged as a public utility and a water corporation within the meaning of Chapter 393, RSMo 1986, subject to the jurisdiction of the Commission pursuant to Chapters 386 and 393, RSMo 1986, as amended.

Pursuant to Chapter 386.390(1), RSMo 1986, as amended, which sets forth in relevant part, that a complaint may be made by . . . person . . . setting forth any act or thing done or admitted to be done by any corporation, person or public utility including any rule, regulation or charge heretofore established or fixed by or for any corporation, person or public utility in violation, or claim to be in violation of any provision of law or of any rule or order or decision of the Commission . . . The Commission concludes, based upon the findings set out above, that St. Louis County Water Company is not in violation of 386.390 as the meters in question were functioning properly. Furthermore, St. Louis County Water Company will not be required to adjust the bills in question as the water meters were registering the correct amount of water usage. *In re: Laclede Gas Company v. Salem Gershman, 539 S.W.2d, 574 (Mo. App. 1976).* The Commission finds Bridge Development Corporation's complaint should be dismissed.

IT IS THEREFORE ORDERED:

1. That Bridge Development Corporation's complaint be hereby dismissed.

2. That this order shall become effective on October 22, 1991.

BY THE COMMISSION

Brent Stewart

Brent Stewart
Executive Secretary

(S E A L)

Mueller, Rauch, McClure and
Perkins, CC., Concur.
Steinmeier, Chm., Absent.

Dated at Jefferson City, Missouri,
on this 11th day of October, 1991.