

BEFORE THE PUBLIC SERVICE COMMISSION OF THE
STATE OF MISSOURI

FILED²
FEB 7 2000

Missouri Public
Service Commission

JOHN FREIBERGER

(your name)

Complainant,

VS.

ST. LOUIS COUNTY WATER CO.

(company's name)

Respondent.

Case No. WC-2000-480

COMPLAINT

1. Complainant resides at 4120 CHARBONIER RD.

FLORISSANT, MO. 63031

2. Respondent, ST. LOUIS COUNTY WATER COMPANY, 535 N. NEW

(Company's name and address)

BALLAS RD., SAINT LOUIS, MO. 63141-6875, is a public utility under the
jurisdiction of the Public Service Commission of the State of Missouri.

3. As the basis of this complaint, complainant states the following facts: ONLY FIVE
RESIDENTS ON CHARBONIER RD. ARE WILLING TO PAY TO EXTEND
A WATER MAIN THAT WILL PROVIDE WATER SERVICE FOR EIGHT
RESIDENTS. ACCORDING TO THE EXTENSION RULE OF ST. LOUIS
COUNTY WATER COMPANY'S TARIFF, THE THREE RESIDENTS WHO
ARE NOT WILLING TO PAY FOR THE WATER MAIN WILL BE ABLE
TO HOOK ON LATER AT A MUCH LOWER COST - APPROXIMATELY
\$8000 PER RESIDENT FOR THE FIVE WILLING TO PAY NOW VS.
\$2000 FOR EACH RESIDENT THAT HOOKS ON LATER.

4. The Complainant has taken the following steps to present this complaint to the respondent:
WE ASKED ST. LOUIS COUNTY WATER CO. IF THEY COULD CHANGE
THEIR EXTENSION RULE TO MAKE IT MORE FAIR FOR THIS
PARTICULAR SITUATION. THE WATER COMPANY TOLD US THEY
HAD TO FOLLOW THE RULE THAT ALLOWED PERSONS TO HOOK
ON LATER FOR THE PER FOOT COST TIMES SIXTY. FOR THE
CHARBONIER RD. WATER MAIN EXTENSION, THIS AMOUNTS TO ABOUT
\$2000. ($\$40,000 / 1200\text{ft} \times 60\text{ft} = \2000)

WHEREFORE, complainant now requests the following relief: RESIDENTS WILLING
TO PAY NOW WOULD PAY THE ENTIRE COST OF THE WATER MAIN.
EACH RESIDENT HOOKING ON TO THE MAIN LATER WOULD PAY
AN AMOUNT TO EQUALIZE EVERYONE'S SHARE (eg. THE SIXTH
RESIDENT TO HOOK ON PAYS ONE-SIXTH THE TOTAL COST, THE
SEVENTH RESIDENT TO HOOK ON PAYS ONE-SEVENTH, ETC.)
THE AMOUNT PAID BY EACH ADDITIONAL RESIDENT IS REIMBURSED
TO PRIOR PAYERS IN SUCH A WAY AS TO MAKE THE COST OF EACH
TAP EQUAL. THIS MAY REQUIRE REIMBURSING SOME ORIGINAL
PAYERS MORE THAN OTHERS BECAUSE SOME ORIGINAL PAYERS
WILL PAY A LARGER PORTION OF THE COST THAN OTHER
ORIGINAL PAYERS. THIS REIMBURSEMENT AGREEMENT
WOULD REMAIN IN EFFECT FOR FIFTEEN (15) YEARS.

1-12-2000

Date

John Treiberg

Signature of Complainant



Commissioners

SHEILA LUMPE
Chair

HAROLD CRUMPTON

CONNIE MURRAY

ROBERT G. SCHEMENAUER

M. DIANNE DRAINER
Vice Chair

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DONNA M. KOLILIS
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DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE
General Counsel

Information Sheet Regarding Mediation of Commission Formal Complaint Cases

Mediation is process whereby the parties themselves work to resolve their dispute with the aid of a neutral third-party mediator. This process is sometimes referred to as "facilitated negotiation." The mediator's role is advisory and although the mediator may offer suggestions, the mediator has no authority to impose a solution nor will the mediator determine who "wins." Instead, the mediator simply works with both parties to facilitate communications and to attempt to enable the parties to reach an agreement which is mutually agreeable to both the complainant and the respondent.

The mediation process is explicitly a problem-solving one in which neither the parties nor the mediator are bound by the usual constraints such as the rules of evidence or the other formal procedures required in hearings before the Missouri Public Service Commission. Although many private mediators charge as much as \$250 per hour, the University of Missouri-Columbia School of Law has agreed to provide this service to parties who have formal complaints pending before the Public Service Commission at no charge. Not only is the service provided free of charge, but mediation is also less expensive than the formal complaint process because the assistance of an attorney is not necessary for mediation. In fact, the parties are encouraged not to bring an attorney to the mediation meeting.

The formal complaint process before the Commission invariably results in a determination by which there is a "winner" and a "loser" although the value of winning may well be offset by the cost of attorneys fees and the delays of protracted litigation. Mediation is not only a much quicker process but it also offers the unique opportunity for informal, direct communication between the two parties to the complaint and mediation is far more likely to result in a settlement which, because it was mutually agreed to, pleases both parties. This is traditionally referred to as "win-win" agreement.

The traditional mediator's role is to (1) help the participants understand the mediation process, (2) facilitate their ability to speak directly to each other, (3) maintain order, (4) clarify misunderstandings, (5) assist in identifying issues, (6) diffuse unrealistic expectations, (7) assist in translating one participant's perspective or proposal into a form that is more understandable and acceptable to the other participant, (8) assist the participants with the actual negotiation process, (9) occasionally a mediator may propose a possible solution, and (10) on rare occasions a mediator may encourage a participant to accept a particular solution. The mediator will not possess any specialized knowledge of the utility industry or of utility law.

In order for the Commission to refer a complaint case to mediation, the parties must both agree to mediate their conflict in good faith. The party filing the complaint must agree to appear and to make a good faith effort to mediate and the utility company against which the complaint has been filed must send a representative who has full authority to settle the complaint case. The essence of mediation stems from the fact that the participants are both genuinely interested in resolving the complaint.

Because mediation thrives in an atmosphere of free and open discussion, all settlement offers and other information which is revealed during mediation is shielded against subsequent disclosure in front of the Missouri Public Service Commission and is considered to be privileged information. The only information which must be disclosed to the Public Service Commission is (a) whether the case has been settled and (b) whether, irrespective of the outcome, the mediation effort was considered to be a worthwhile endeavor. The Commission will not ask what took place during the mediation.

If the dispute is settled at the mediation, the Commission will require a signed release from the complainant in order for the Commission to dismiss the formal complaint case.

If the dispute is not resolved through the mediation process, neither party will be prejudiced for having taken part in the mediation and, at that point, the formal complaint case will simply resume its normal course.

Date: January 25, 1999



Dale Hardy Roberts
Secretary of the Commission