

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

Kim Sullens,)	
)	
Complainant,)	
)	
v.)	File No. SC-2009-0342
)	
Aqua Missouri, Inc.,)	
)	
Respondent.)	

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through the undersigned counsel, and in response to the Missouri Public Service Commission's (Commission) *Order Directing Filing Of Staff Status Report*, hereby files its *Staff Recommendation* respectfully stating the following:

Procedural History

1. On March 20, 2009, Kim Sullens (Complainant or Ms. Sullens) filed a formal *Complaint* against Aqua Missouri, Inc. (Company or Respondent). The Complainant alleges billing failures and disconnection violations by the Company.
2. On April 27, the Company filed its *Answer* out of time. On April 28, 2009, the Company filed a *Motion For Leave To File Answer Out Of Time*, which the Commission granted on April 30, 2009.
3. On May 4, 2009, the Commission directed Staff to file a status report to inform the Commission of a date by which Staff will file a recommendation. On May 7, 2009, Staff filed a *Status Report* indicating a recommendation would be filed on May 20, 2009.
4. Staff's Recommendation is Attached as Appendix A, which includes seven (7) schedules.

NP

Issue One—Service Charges While Sewer Service Was Disconnected

5. Complainant requests relief in the form of a reimbursement by the Company for service charges that were incurred while her sewer service was disconnected, January 20, 2009, through February 27, 2009 (period of disconnection).
6. From Staff's review of Schedule Six (6), **

**

Issue Two—Charges Incurred For Disconnection/Reconnection Of Service

7. While the Commission is void of authority to grant equitable relief, the Staff reviewed the *Complaint* to determine if the Company's approved tariff was violated. Complainant requests relief in the form of a reimbursement of the \$714.39 that was charged by the Company as estimated costs for disconnection/reconnection: \$577.00 for disconnection of main and lateral lines, installation of an elder valve in easement and reconnection to main, and installation of an elder valve plunger; \$59.14 as the invoice cost of the elder valve; and \$78.25 as employee labor costs. (*Answer*, at ¶ e). **

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8. Schedule Two (2), pages one and two, indicates **

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9. Review of the Respondent's records indicates **

**

10. Respondent's tariff, PSC MO No. 2, Sheet No. SR 4 (3) states "[t]he Customer will be charged the actual cost of disconnection or reconnection of their service line to the Company's sewer. This cost may not exceed the maximum amount of \$400.00 for either disconnection or reconnection. The maximum cost for both activities may not exceed \$800.00."

11. Also, Respondent's tariff, PSC MO No. 2, Sheet No. SRR 26, Rule 7 (c) states "[i]f the Company discontinues its service for any violation of these Rules and Regulations, then any monies due the Company shall become immediately due and payable."

12. While the Staff recommends the Commission **

**

WHEREFORE the Staff recommends the Missouri Public Service Commission issue an order finding: **

**

Respectfully submitted,

/s/ Jennifer Hernandez

Jennifer Hernandez

Legal Counsel

Missouri Bar No. 59814

Attorney for the Staff of the
Missouri Public Service Commission

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Jefferson City, MO 65102

(573) 751-8706 (Telephone)

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jennifer.hernandez@psc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on Kim M. Sullens, 3444 Horseshoe Road, Jefferson City, MO 65109, jckim64@aol.com ; Marc H. Ellinger, attorney for the Respondent, 308 E. High Street, Ste. 301, Jefferson City, MO 65101, mellinger@blitzbardgett.com ; and the Office of Public Counsel, 200 Madison Street P.O. Box 2230, Jefferson City, MO 65102, opcservice@ded.mo.gov this 20th day of May, 2009, either by hand delivery, electronic mail or First Class United States Mail, postage prepaid.

/s/ Jennifer Hernandez

REPORT OF THE STAFF
Appendix A

IS

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SCHEDULE 1

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SCHEDULE 2

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Schedule 3

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Schedule 4

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IN ITS ENTIRETY

FORM NO. 13 P.S.C. MO. No. 2

3rd (Revised) SHEET No. SR1

Canceling P.S.C. MO. No. 2

2nd (Revised) SHEET No. SR1

AQUA MISSOURI, INC. – JEFFERSON CITY AREA
Name of Issuing Corporation

For Missouri Certificated Service Area

Sewer Division

Rules and Regulations

Governing Rendering of Service

SCHEDULE OF RATES

A. Application – The following monthly sewer service charges will be in effect for Customers of Aqua Missouri, Inc. – **Jefferson City Area**, located within the Company's Cole and Callaway Counties, Missouri service areas.

Residential	Flat Rate	\$ 44.79 per unit +
Mobile Homes Within a Mobile Home Park	Flat Rate	\$ 38.06 per unit +
Multi-Family	Flat Rate	\$ 38.06 per unit +
Commercial and Industrial	Metered Rate	\$ 44.79 for the first 7,000 gallons or part thereof of water usage and \$6.408 for each additional 1,000 gallons +

All applicable Federal, State and local taxes shall be added in addition to the above charges.

A surcharge in accordance with Rule 10 for an excess strength waste discharge may be applied.

* Indicates new rate or text

+ Indicates change

DATE OF ISSUE July 3 2008

DATE EFFECTIVE September 7, 2008

ISSUED BY Terry Rakocy President 5400 Business Highway 50, Jefferson City, MO
Name of Officer Title Address

FILED
Missouri Public
Service Commission
SR-2008-0267

{ Original
~~Revised~~
Original
~~Revised~~

SHEET No. SR 4

Cancelling P.S.C.MO. No. All Previous Schedules

SHEET No.

Capital Utilities, Inc.

For Missouri Certificated Service Area

Name of Issuing Corporation

Community, Town or City

Sewer Division

121-051 (APR 92)

Rules and Regulations
Governing Rendering of Service

APR 27 1992

MISSOURI
Public Service CommissionSCHEDULE OF SERVICE CHARGES (continued)

Hotels, room.....\$ 75
 Laundromats, machine.....\$250
 Motels, room.....\$ 75
 Nursing homes, resident.....\$ 90
 Restaurants - paper service.....\$800
 Restaurants - full service, seat.....\$ 40
 Swimming pools, per 15 sq. ft. of pool
 area.....\$ 10
 Service station.....\$500
 Taverns, bars, and cocktail lounges
 seating capacity.....\$ 5

* Garbage grinders \$1,500 additional

The CIAC charge shall be based upon the ultimate waste discharge design capacity of a Customer's facility. If modifications are made or additional facilities are constructed beyond the original ultimate design, an additional charge shall be due based upon the amount of the increase in discharge capacity. In no event shall any CIAC charge be less than \$300.00

- (2) An inspection fee of \$75.00 per service connection will be charged to each Customer making application for connection to the Company's sewer.

- (3) The Customer will be charged the actual cost of disconnection or reconnection of their service line to the Company's sewer. This cost may not exceed the maximum amount of \$400.00 for either disconnection or reconnection. The maximum cost for both activities may not exceed \$800.00.

*Indicates new rate or text

+Indicates change

FILED

MAY 27 1992

92-195

MO. PUBLIC SERVICE COMM.

DATE OF ISSUE April 27, 1992
month day yearDATE EFFECTIVE May 27, 1992
month day year

ISSUED BY

Milton E. Leeds

name of officer

President, P.O. Box 7017, Jefferson City, Mo.

title

address

FORM NO. 13

P.S.C.MO. No. _____

2

{ Original } SHEET No. ERR 26
~~Revised~~Cancelling P.S.C.MO. No. All Previous Schedules{ Original } SHEET No. _____
~~Revised~~

Capital Utilities, Inc.

For Missouri Certificated Service Area

Name of Issuing Corporation

Community, Town or City

Sewer Division

DISCONTINUEDRules and Regulations
Governing Rendering of Service

APR 27 1992

MISSOURI
Public Service CommissionRule 7 DISCONTINUANCE OF SERVICE BY COMPANY

- (a) The Company reserves the right to discontinue services for any of the following reasons:
- (1) For failure to comply with these Rules and Regulations.
 - (2) For nonpayment of utility bill. (See Rule 9)
 - (3) For resale of sewer service.
 - (4) For an unauthorized sewer connection to Company sewers.
- (b) Discontinuance of service to a premises for violation of these Rules and Regulations shall not prevent the Company from pursuing any lawful remedy by action at law or otherwise for the collection of monies due from the Customer.
- (c) If the Company discontinues its service for any violation of these Rules and Regulations, then any monies due the Company shall become immediately due and payable.
- (d) The Company has the right to refuse or to discontinue service to any premises to protect itself against fraud or abuse.
- (e) At least thirty (30) days prior to physical discontinuance of service, the Company will mail a written notice to the Customer and to the property owner if different than the

*Indicates new rate or text
+Indicates change

FILED

MAY 27 1992

92 - 105

MO. PUBLIC SERVICE COMM.

DATE OF ISSUE April 27, 1992
month day yearDATE EFFECTIVE May 27, 1992
month day yearISSUED BY Milton E. Leeds
name of officerPresident, P.O. Box 7017, Jefferson City, Mo.
title address

Cancelling P.S.C.MO. No. All Previous Schedules

{Original}

SHEET No.

Capital Utilities, Inc.

Name of Issuing Corporation

For Missouri Certificated Service Area

Community, Town or City

Sewer Division

Rules and Regulations

Governing Rendering of Service

APR 21 1992

Rule 7 DISCONTINUANCE OF SERVICE BY COMPANY
(continued)

Customer by registered or certified mail, return receipt requested, with a copy thereof forwarded to the Public Service Commission. Said notice shall state the violation and service may be discontinued at any time after the expiration of the notice period, provided satisfactory arrangements for continuance of the service have not been made by the Customer and the Company. This thirty (30) day notice may be waived where discharge of materials which might be detrimental to the health and safety of the public or cause damage to the sewer system of the Company is discovered. In the event of discontinuance of service to protect health and safety as above provided, the Customer and the Public Service Commission shall be notified immediately thereof with a statement concerning the reasons for such discontinuance.

- (f) Reconnection of any Customer disconnected by authority of this rule will be made subject to payment of the cost as provided in the Schedule of Service Charges of both reconnection and disconnection.
- (g) Tenants or owners of the rental property shall be given the opportunity to pay delinquent bills in lieu of disconnection of service.

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92-795

MO. PUBLIC SERVICE COMM.

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month day year

ISSUED BY

Milton E. Leeds

name of officer

President, P.O. Box 7017, Jefferson City, Mo.

title

address

Cancelling P.S.C.MO. No. All Previous Schedules

{Original}

SHEET No. _____

Capital Utilities, Inc.

For Missouri Certificated Service Area

Name of Issuing Corporation

Community, Town or City

Sewer Division

Rules and Regulations
Governing Rendering of Service

Rule 9 BILLS FOR SERVICE

- (a) The charges for sewer service shall be at the rates specified in the applicable tariffs on file with the Missouri Public Service Commission. The point of assumption of sewer service shall be at the service connection. Service charges for connection or disconnection are set forth in the Schedule of Service Charges.
- (b) A Customer who has made application for service to a premises shall be held liable for all service furnished to such premises until the customer notifies the Company in writing to discontinue service.
- (c) A Customer is liable for payment for all service charges for sewer service to a premises from the date of connection until the date of disconnection. At least five (5) days prior to disconnection, the Customer shall notify the Company of the date, place, and time of disconnection.
- (d) Bills for sewer service will be mailed or delivered to the Customer's last address as shown by the records of the Company, prior to the first of the billing periods but failure to receive the bill will not relieve the Customer from the obligation to pay the same.
- (e) Payments shall be made at the office of the Company or at such other places conveniently located as may be designated by the Company or by ordinary mail. However, payment must be received by the close of business on the date due.

*Indicates new rate or text
+Indicates change

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MO. PUBLIC SERVICE COMM.

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month day yearDATE EFFECTIVE May 27, 1992
month day year

ISSUED BY

Milton E. Leeds

name of officer

President, P.O. Box 7017, Jefferson City, Mo.

title

address

{ Original
~~REVIEWED~~
Original
~~REVIEWED~~

SHEET No. SRR 30

Cancelling P.S.C.MO. No. All Previous Schedules

{ Original
~~REVIEWED~~

SHEET No.

Capital Utilities, Inc.

Name of Issuing Corporation

For Missouri Certificated Service Area

Community, Town or City

Sewer Division

Rules and Regulations
Governing Rendering of Service

APR 27 1992

Rule 9 BILLS FOR SERVICE (continued)

- (f) A separate bill shall be rendered for each Customer's sewer service.
- (g) The Company shall have the right to render bills in advance of the billing period and such bills shall be due and payable on the due date indicated on the bill. The Company shall have the right to charge Customers on a billing period basis in arrears when the sewer charges are based on water usage.
- (h) Neither the Company nor the Customer will be bound by bills rendered under mistake of fact as to the quantity of service rendered or as a result of clerical error.
- (i) All bills for sewer service become delinquent after the due date stated on the bill and, as such, are subject to a delinquent charge as noted in the Schedule of Service Charges. Service may be discontinued thirty (30) days after written notice by certified mail from the Company. The Company shall have the right to charge to the Customer's account reasonable costs and fees incurred in collecting the delinquent amount.
- (j) When bills are rendered for a period of less than a complete billing period due to the connection or termination of service, the billing shall be the monthly minimum service charge amount based on the water used at the commodity (water usage) rate. If a flat rate service charge system is applicable, the billing shall be for the proportionate part of the billing period charge.

*Indicates new rate or text
+Indicates change

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MO. PUBLIC SERVICE COMM.

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ISSUED BY

Milton E. Leeds
name of officerPresident, P.O. Box 7017, Jefferson City, Mo.
title address

Canceling P.S.C. MO. No.

{Original} SHEET No. SRR 31AQUA MISSOURI, INC.
Name of Issuing CorporationFor Missouri Certificated Service Area

Sewer Division

Rules and Regulations
Governing Rendering of Service

Rule 9 BILLS FOR SERVICE (continued)

- (k) The landlord or leaser shall be considered the Customer receiving sewer service for all rented or leased multi-family dwellings. The sewer service billing for each unit within the multi-family dwelling will be sent to the landlord or leaser who is then responsible for payment.
- (l) If a Customer is a tenant residing in a single family dwelling, the Company will require the owner of the property to be ultimately responsible for payment of bills for service, provided the Company has made reasonable and timely efforts to collect bills due from the Customer. All notices of delinquent bills or disconnection shall also be sent to the owner of the property.
- (m) In the event of an undercharge due to errors in bill calculation, estimation or taxation, an adjustment shall be made for the entire period that the undercharge can be shown to have existed not to exceed twelve (12) monthly billing periods. The customer may request to pay for this undercharge over a period of time not to exceed the number of months for which an adjustment was made. When there is evidence of tampering or diversion found, the Company will calculate the billing adjustment for the entire period during which the condition existed. *
- (n) As the result of the settlement in case SR-2008-0267 the Company shall not back-bill customers that are newly identified, i.e. customers that were on Aqua Missouri's system but were not receiving bills, at any time up to and including the conclusion date of the physical audit that will take place in the fourth quarter of 2008. *

* Indicates new rate or text

+ Indicates change

DATE OF ISSUE July 3, 2008

DATE EFFECTIVE September 7, 2008

ISSUED BY Terry Rakocy President 5400 Business Highway 50, Jefferson City, MO
Name of Officer Title Address

Schedule 6

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Schedule 7

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