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**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 4th
day of December, 1997.

Philip Crow,)	
)	
Complainant,)	
)	
v.)	<u>Case No. SC-97-386</u>
)	
Stoddard County Sewer Company,)	
Respondent.)	

ORDER DISMISSING COMPLAINT AND CLOSING CASE

On March 17, 1997, Philip Crow (Complainant) filed a complaint against Stoddard County Sewer Company (Respondent or Company). Complainant requested that the Commission determine how much of an overpayment he made to the Company. Complainant alleged that in January of 1997 Respondent improperly demanded payment for eight years of service. Complainant states that he has not been contacted by the Company for over eight years, and he was not informed by the real estate company when he bought his property that he was to pay for sewer service. Complainant alleged that after the Company threatened to disconnect his sewer service, Complainant paid the Company \$1,140.00 on February 27, 1997, for payments which accrued over the period from December 1, 1988, to March 31, 1997. Complainant stated that if a statute of limitation applies, then he should obtain a refund from the Company.

On June 6 Staff filed its report of investigation. Staff reported that from approximately October of 1988 to October of 1995, the Company did not issue delinquency notices. Mr. Bien sold the stock of the

Company in October of 1988; however, the new owners failed to take possession of the Company and foreclosure procedures began. Mr. Bien felt obligated to operate and maintain the system rather than abandon it, and he did not know if he had authority to take action concerning delinquent accounts.

According to Staff's report, Complainant owed \$1,117.20 for ninety-eight months from December of 1988 through January of 1997 at \$11.40 per month, and a payment of \$1,140.00 was made to bring the account current through March of 1997. Staff recommended that the Commission dismiss this complaint. Staff reported that no Commission rule sets a limit regarding how far in the past the Company can pursue collection of accounts. Staff stated that if past bills are pursued in civil court, then the court would need to decide if any statute of limitation applies.

On October 23 Respondent filed an answer to the complaint as requested by the Commission at the October 14 show-cause hearing. Respondent's answer stated that Complainant has paid his account in full and that if Respondent has violated any regulation of the Commission or Missouri statute and owes any refund, then Complainant would be entitled to the same treatment as other non-paying customers. The answer states the Company's position is that no violation of a regulation or statute has occurred.

The Commission has reviewed the complaint, the report filed by Staff, and the answer filed by the Company. The Commission finds that Complainant's payment to the Company for the past-due amounts has not violated any Commission rule or regulation. The Commission finds that pursuant to the recommendation of Staff and the request of the Company, the complaint should be dismissed. Therefore, the Commission finds that this case should be dismissed and this docket should be closed.

IT IS THEREFORE ORDERED:

1. That the complaint filed by Philip Crow on March 17, 1997,
is dismissed.
2. That this case is closed.
3. That this order shall become effective on December 16,
1997.

BY THE COMMISSION

A handwritten signature in black ink, reading "Dale Hardy Roberts". The signature is written in a cursive, flowing style.

**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

(S E A L)

Lumpe, Ch., Crumpton, Murray,
and Drainer, CC., concur.

G. George, Regulatory Law Judge