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April 6, 2005

FILED

APR 11 2005

Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

Missouri Public
Service Commission

RE: MBP Development, LLC vs. Aqua Missouri, Inc.: Formal Complaint

Ladies and Gentlemen:

I am the attorney for MBP Development, LLC in regard to the above-referenced matter. Enclosed for filing please find the following:

1. Original plus eight (8) copies of the Complaint of MBP Development, LLC.
2. Certificate of Service.

Thank you for your assistance in this matter.

Very truly yours,

JONES, SCHNEIDER AND BARTLETT, LLC



Rodney J. Stevens

RJS:jlh

Enclosures

cc: Aqua Missouri, Inc.

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE
STATE OF MISSOURI

FILED

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Missouri Public
Service Commission

Complainant: MBP DEVELOPMENT, LLC)

vs.)

) Case No. _____

Respondent: AQUA MISSOURI, INC.)

COMPLAINT

COMES NOW Complainant MBP Development, LLC, by and through its attorney, and for its Complaint states as follows:

1. Complainant is a Missouri limited liability company in good standing located at 10931 Evergreen Drive, Holts Summit, Missouri 65043.

2. Respondent Aqua Missouri, Inc. is located at 5402 Business Highway 50 West, Suite 3, Jefferson City, Missouri 65109 and 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:

a) Complainant owns and operates two apartment buildings at 10931 and 10949 Evergreen Drive, Holts Summit, Missouri. The apartments are known as "Summit Apartments".

b) Summit Apartments consists of 2-three story buildings containing 59 separate apartments.

c) Complainant is currently being charged for sewer service on all 59 apartments regardless of whether the apartments are rented or vacant, regardless of whether the apartments are one bedroom or two bedroom, regardless of actual water usage, and regardless of actual sewer service used by tenants.

d) In December 2004 and January and February 2005 sewer charges for the two apartment buildings were approximately ten times higher than what should have been charged for actual usage.

e) Under Rule 9(a), Bills for Service, of the Rules and Regulations governing rendering of service, Complainant is to be charged for sewer service at the rates specified in the applicable tariffs on file with the Missouri Public Service Commission. Under 9(c), Bills for Service, of the Rules and Regulations governing rendering of service, Complainant is liable for payment for all sewer charges for sewer service. Under 9(k), Bills for Service, of the Rules and Regulations governing rendering of service, Complainant shall be considered the customer receiving sewer service for all rented or leased multi-family dwellings.

4. Complainant is being overcharged by Respondent in violation of Rule 9, Bills of Service, of the Rules and Regulations governing rendering of service as a result of Respondent's wrongful billing practices as previously described.

5. Complainant had 11 renters in January 2005 and was charged over One Thousand Two Hundred Dollars (\$1,200.00) for sewer services. These excessive charges and business practices of Respondent have caused an unfair financial burden upon Complainant which Complainant cannot afford.

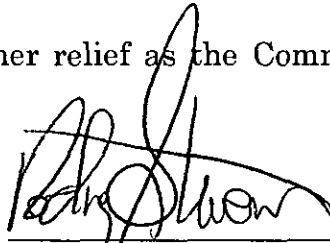
6. Complainant's representative Ken Marema went to the local office of Respondent and provided Respondent a copy of the Rules and Regulations governing rendering of service. Marema has also spoken to Respondent's main office regarding the charges for sewer service. Marema has been given contradictory responses by Respondent whether Complainant is supposed to be charged for sewer service for vacant units. Marema was informed by Brenda Campbell at Respondent's main office in Kankakee, Illinois that Complainant would not have to pay for vacant units but Respondent's Jefferson City, Missouri office disagreed and went door-to-door on Complainant's property telling tenants that sewer service was being discontinued. As a result, Complainant was forced to pay the entire bill under protest and lost five tenants.

WHEREFORE, Complainant now requests the following relief:

1. That Respondent be ordered to base its sewer charges to Complainant on actual water and sewage service usage per building instead of the number of apartments and that Respondent be ordered to stop charging Complainant for sewer services for vacant apartments.

2. That Respondent be ordered to change its billing practices so as to fully comply with Rule 9, Bills of Service, of the Rules and Regulations governing rendering of service.

3. For such other and further relief as the Commission deems necessary and proper.



RODNEY J. STEVENS

#42522

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Attorney for Complainant

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Complainant: MBP DEVELOPMENT, LLC)

vs.)

) Case No. _____

Respondent: AQUA MISSOURI, INC.)

CERTIFICATE OF SERVICE

The undersigned states that on this 6th day of April, 2005 he caused a copy of MBP Development, LLC's Complaint to Aqua Missouri, Inc. at 5402 Business Highway 50 West, Suite 3, Jefferson City, Missouri 65109.



RODNEY J. STEVENS

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