

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

Claude Scott,)	
)	
Complainant,)	
)	
v.)	<u>Case No. WC-2020-0407</u>
)	
Missouri-American Water Company,)	
)	
Respondent.)	

**RESPONSE OF MISSOURI AMERICAN WATER COMPANY AND STAFF
TO ORDER CONTINUING HEARING AND DIRECTING FILING**

COMES NOW Missouri American Water Company (“MAWC”) by and through the undersigned counsel, and on behalf of itself and the Staff of the Missouri Public Service Commission (“Staff”), respectfully states for its response as follows:

1. An evidentiary hearing was previously scheduled in this matter for February 19, 2021.
2. The Complainant, Claude Scott, filed his second *Motion to Suspend Evidentiary Hearing* on February 18, 2021, indicating that his employer was refusing to allow him the day off to take part in the evidentiary hearing, and requesting that the evidentiary hearing scheduled for February 19, 2021 be suspended.
3. Following MAWC’s filing of its objection to Mr. Scott’s request for a suspension, the Commission issued its *Order Continuing Hearing and Directing Filing*, in which the Commission suspended the evidentiary hearing scheduled for February 19, 2021, and ordered Staff, MAWC, and Mr. Scott to file three new evidentiary hearing dates falling after March 29, 2021 and excluding the week of April 5, 2021.

4. The Commission also encouraged the Parties to attach a copy of the correspondence with Complainant regarding the scheduling of these three dates. That correspondence is attached to this filing as Appendix A, and incorporated herein.

5. Staff reached out via electronic mail to MAWC and Mr. Scott on March 1, 2021 with a list of dates available to hold an evidentiary hearing.

6. MAWC responded with its list of available dates on March 2, 2021. Staff inquired of Mr. Scott for his input on March 2, 5, and 9, 2021.

7. On March 10, 2021, Staff and MAWC agreed to the following dates for the purpose of holding an evidentiary hearing in this matter:

- April 22, 2021;
- April 23, 2021; or
- May 21, 2021.

8. Staff tried again to reach Mr. Scott on March 10 and 11, 2021 via electronic mail to confirm his availability for the dates agreed to by Staff and MAWC.

9. On March 11, 2021, Staff informed Mr. Scott that he needed to respond with his preferred dates no later than 3 P.M. on March 12, 2021, the day of filing.

10. As of the time of this filing, Mr. Scott has yet to respond with any dates of his own to hold an evidentiary hearing in this matter.

11. Due to Mr. Scott's failure to participate in the scheduling of the evidentiary hearing as directed by the Commission's *Order Continuing Hearing and Directing Filing*, MAWC moves the Commission to dismiss this matter pursuant to 20 CSR 4240-2.116 due to the Complainant's failure to comply with a Commission order.

WHEREFORE, MAWC and Staff respectfully request that the Commission accept this *Response of Missouri American Water Company and Staff to Order Continuing Hearing and Directing Filing* for its knowledge and consideration.

BRYDON, SWEARENGEN & ENGLAND P.C.

By: **/s/ Jennifer L. Hernandez**

Jennifer L. Hernandez #59814

312 E. Capitol Avenue

P.O. Box 456

Jefferson City, MO 65102

Telephone: (573) 635-7166

Facsimile: (573) 635-0427

E-mail: jhernandez@brydonlaw.com

**ATTORNEYS FOR MISSOURI-AMERICAN
WATER COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been transmitted by electronic mail to the Complainant and all counsel of record, and by U.S. Postal Service, postage prepaid, to the Complainant's address on file with the Commission, this 12th day of March 2021.

/s/ Jennifer L. Hernandez

From: [Pringle, Travis](#)
To: [Jennifer Hernandez](#); [CLAUDE SCOTT](#)
Subject: RE: New Evidentiary hearing dates for WC-2020-0407
Date: Friday, March 12, 2021 9:10:00 AM
Attachments: [03_12 Joint Proposed Evidentiary Date.docx](#)

Good morning all,

Mr. Scott, please confirm your availability for an evidentiary hearing by 3 PM today. The dates agreed to by Staff and MAWC are:

April 22, 23 or May 21.

I will also be attaching our correspondence to today's filing.

Thanks,

Travis Pringle
Missouri Public Service Commission
Associate Counsel
(573) 751-4140
Travis.Pringle@psc.mo.gov

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From: Pringle, Travis
Sent: Thursday, March 11, 2021 1:16 PM
To: 'Jennifer Hernandez' <jhernandez@brydonlaw.com>; 'CLAUDE SCOTT' <claudel7scott@gmail.com>
Subject: RE: New Evidentiary hearing dates for WC-2020-0407

Good afternoon all,

Our filing is due tomorrow. Mr. Scott, please confirm your availability for an evidentiary hearing. If I do not hear back from you by 3 tomorrow afternoon, I will have to file without you.

Thanks,

Travis Pringle
Missouri Public Service Commission

Associate Counsel
(573) 751-4140
Travis.Pringle@psc.mo.gov

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From: Pringle, Travis
Sent: Wednesday, March 10, 2021 11:32 AM
To: Jennifer Hernandez <jhernandez@brydonlaw.com>; CLAUDE SCOTT <claude17scott@gmail.com>
Subject: RE: New Evidentiary hearing dates for WC-2020-0407

Good morning all,

Attached is the draft of Friday's filing. I have settled on April 22, 23 or May 21 as potential hearing dates.

Mr. Scott, again please respond as soon as possible with your input on the dates.

Thanks,

Travis Pringle
Missouri Public Service Commission
Associate Counsel
(573) 751-4140
Travis.Pringle@psc.mo.gov

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From: Pringle, Travis
Sent: Tuesday, March 09, 2021 4:14 PM
To: Jennifer Hernandez <jhernandez@brydonlaw.com>; CLAUDE SCOTT <claude17scott@gmail.com>
Subject: RE: New Evidentiary hearing dates for WC-2020-0407

Good afternoon all,

Our proposed hearing date filing is due this Friday, March 12. Mr. Scott, I still have not heard from you as to which of the dates below you would prefer:

April 20
April 22
April 23
May 20
May 21
May 25
May 26
May 27

Please let me know your three preferred dates as soon as possible. I will be circulating a draft filing for the parties approval tomorrow.

Thanks,

Travis Pringle
Missouri Public Service Commission
Associate Counsel
(573) 751-4140
Travis.Pringle@psc.mo.gov

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From: Pringle, Travis
Sent: Friday, March 05, 2021 10:00 AM
To: 'Jennifer Hernandez' <jhernandez@brydonlaw.com>; 'CLAUDE SCOTT' <claude17scott@gmail.com>
Subject: RE: New Evidentiary hearing dates for WC-2020-0407

Good morning all,

Our proposed hearing dates are due one week from today on March 12. Mr. Scott, please respond with your preferred dates from those proposed by MAWC as soon as you can.

April 20
April 22
April 23
May 20
May 21

May 25
May 26
May 27

Thanks,

Travis Pringle
Missouri Public Service Commission
Associate Counsel
(573) 751-4140
Travis.Pringle@psc.mo.gov

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From: Pringle, Travis
Sent: Tuesday, March 02, 2021 4:42 PM
To: 'Jennifer Hernandez' <jhernandez@brydonlaw.com>; CLAUDE SCOTT <claude17scott@gmail.com>
Subject: RE: New Evidentiary hearing dates for WC-2020-0407

Thanks Jennifer. The Commission's order seems to prefer a morning start time, so I'll drop April 21 from the list if the afternoon is the only time that works for the Company.

Mr. Scott, please let me know your preferred dates when you get a chance.

Thanks,

Travis Pringle
Missouri Public Service Commission
Associate Counsel
(573) 751-4140
Travis.Pringle@psc.mo.gov

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From: Jennifer Hernandez <jhernandez@brydonlaw.com>

Sent: Tuesday, March 02, 2021 10:38 AM

To: Pringle, Travis <Travis.Pringle@psc.mo.gov>; CLAUDE SCOTT <claude17scott@gmail.com>

Subject: RE: New Evidentiary hearing dates for WC-2020-0407

Good Morning Travis,

I have been able to check schedules and the following are the dates MAWC can be available for a hearing in this matter. MAWC would prefer a hearing date in April verses May.

April 20

April 21—available afternoon only.

April 22

April 23

May 20

May 21

May 25

May 26

May 27

Thank you.

Jennifer L. Hernandez
Brydon, Swearngen & England P.C.
(573) 635-7166
www.brydonlaw.com

From: Jennifer Hernandez

Sent: Monday, March 1, 2021 3:17 PM

To: Pringle, Travis <Travis.Pringle@psc.mo.gov>; CLAUDE SCOTT <claude17scott@gmail.com>

Subject: RE: New Evidentiary hearing dates for WC-2020-0407

Hello Travis,

I am checking MAWC's availability for the proposed dates below and will respond back as soon as possible. Thank you.

Jennifer

Jennifer L. Hernandez
Brydon, Swearngen & England P.C.
(573) 635-7166
www.brydonlaw.com

From: Pringle, Travis <Travis.Pringle@psc.mo.gov>
Sent: Monday, March 1, 2021 11:33 AM
To: Jennifer Hernandez <jhernandez@brydonlaw.com>; CLAUDE SCOTT <claude17scott@gmail.com>
Subject: New Evidentiary hearing dates for WC-2020-0407

Good morning all,

Per Commission order, we have until March 12 to propose three new dates for an evidentiary hearing, and all three dates must be after March 29, and exclude the week of April 5. After reviewing the Commission's calendar, we have the following to choose from:

1. April 15 or 16;
2. April 20-23;
3. May 20 or 21; or
4. May 25-28

Please let me know which dates work best for you, and I will put together the filing on behalf of the parties. Also, per Commission guidance, I will be attaching this email thread to our filing.

Thanks,

Travis Pringle
Missouri Public Service Commission
Associate Counsel
(573) 751-4140
Travis.Pringle@psc.mo.gov

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