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ROMAN DZHURINSKIY,
Complainant

SEP 02 2010

Case No WC-2010-0215

V
Missouri American Water Company
Missouri Public
Service Commission

Motion to have the case reinvestigate or strike down the
evidence and recommendations by the staff (investigator).

To comply with the order by the MPSC to file a proposed procedural schedule by Sep. 3, 2010 and not having the MAWC to cooperate in any way directly with me, detail the process, I contacted the staff (J. Hernandez) on August 18, 2010 to facilitate and work out details of the process. It was understanding, the order was for me and the MAWC, no one else, including other parties, and it was also the physical investigation by the staff after submitting its report and recommendations (and not submitting some) to the MPSC was over.

After finishing my conversation on the phone with the staff (J. Hernandez), about 10:30AM, I accidentally looked out the window to my front yard. A person was at my 2nd door neighbor water meter and writing down something. I rushed outside to see who it was, because the previous MAWC quarterly reading was taken yesterday. When I began approaching the man, who was already writing down next door neighbor's water meter reading, he greeted me. It was the staff (Mr. Steve Loethen) the investigator. He also checked my water meter and noticed it was still rotating. It happened very fast and he didn't tell me what was a purpose of his visit on my and my neighbor's properties. When I told him that my neighbor across the street filed a complaint with the MAWC about the same issue (not enough water pressure and fluctuation) he said he has no time and must go. His car somehow was parked several houses from mine, across from 7Cwabapple, in opposite direction where he did his job. When he walked away to his car, he passed an owner of the 7Cwabapple who was next to him collecting the empty yard waste bins, not communicating with him, and drove away. Later on, one of my neighbors asked me who was that man and what he was doing on the property. When I explained the situation she was angry and frustrated - no one contacted her, knocked the door, but trespassed her property. And I witnessed it by myself. There is a issue. What Mr. Loethen was doing on our properties without permission (It's not the first time he had been seen by my wife twice, in June. When she tried to approach him he just drove away). More over, the physical investigation was over (I didn't have any papers from the MPSC) and he submitted his one and the only last report in March,

(He has never submitted a report in May, after initiating a faulted attempt to have a preventer valve to be installed on my property by MAWC, even I asked him to submit one I can't understand why he needed this information if he doesn't submit reports. It is even more interesting - this happened next day, when a subpoena was delivered to the MAWC. I have some reservations he was assisting the MAWC to collect information. I also believe he legally didn't have rights to enter private property and conduct any actions without owners' permission, including me. Next week after that, I contacted the staff (J. Hernandez and J. Buch). They couldn't definitely tell me what he was doing there and what he was collecting data for. I presented them my arguments about the legality of his action. If Mr. S. Loether presents me any law, rules or regulation justifying his action I will publicly apologize before him.

I also contacted J. Hernandez again on August 30, 2010 about different issues, including new information I had obtained from the water meter Neptun manufacturer with a clear evidence why my water meter doesn't register backflow water. It's was barely touched in Mr. Loether report and I believe it gave the MAWC to continue its case against me. If Mr. Loether (and it's not the only case) provided the true picture about the water meter technical characteristics which I insisted at first (not to concentrate only on the cause of the backflow) the case would have been over or went into a different direction. I don't know if he did it intentionally or simply didn't perform his professional duties, but he always ignored my suggestions and request. Most statements in his report has no credible support in my opinion, was incorrect, or simply omitted, not presented at all or told to me differently.

Based on this above mentioned (and not mentioned also) actions and (inactions) his ~~offices~~ of conducting the investigation in the wrong direction, I ask the HPSC to reinvestigate my case (if possible by an independent party) or if it's impossible to strike down the report and his recommendations either completely or partially regard that I have plumbing problems coming from my home and recommendation to install a backflow preventer, which he personally admitted to me might not help.

Respectfully submitted,

08-30-2010

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