



7710 CARONDELET AVE., SUITE 516
ST. LOUIS, MO 63105

PH 314.726.6015 / Fx 314.726.6019

MPARNAS@MPARNASLAW.COM

June 25, 2018

FILED²

JUL 3 2018

Missouri Public
Service Commission

Secretary
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102-0360

Attention: Data Processing

RE: THIRTY AND 141, L.P. vs. MISSOURI AMERICAN WATER COMPANY

Dear Sir or Madam:

Enclosed herewith please find my client Thirty and 141, L.P. formal complaint to be filed against the Missouri American Water Company. Attached to the complaint as Exhibit A is the Gravois Bluffs Waterfall Water Usage Report with appendices that should be considered as part the Complainant's file. It is my understanding that your office will be furnishing a copy of this report to the Respondent Missouri American Water Company. If that is not the case please let me know and I will furnish a copy to them.

Thank you for your courtesies and assistance in this regard. In the event you require anything further please do not hesitate to contact me.

Very truly yours,


Michael J. Parnas

Encl.

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

THIRTY AND 141, L.P.

Complainant,

Vs.

MISSOURI AMERICAN WATER
COMPANY

Respondent.

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**Missouri Public
Service Commission**

COMPLAINT

COMES NOW Complainant, THIRTY AND 141, L.P., by and through its attorneys, The Parnas Law Firm, LLC and Michael J. Parnas, and for its Complaint against Respondent Missouri American Water Company, states to the Public Service Commission of Missouri, as follows:

1. At all times relevant herein, Complainant Thirty and 141, L.P. is a Missouri Limited Partnership, duly organized and existing pursuant to the laws of the State of Missouri and operating in St. Louis County, Missouri with a billing address located at 9109 Watson Road, Suite 400, Saint Louis, Missouri 63126-2235 and a customer of Respondent Missouri American Water Company.

2. At all times relevant herein, Respondent Missouri American Water Company, is a subsidiary of American Water Works Company, Inc. d/b/a American Water, and American Public Utility Company, headquartered in Voorhees, New Jersey and operating its subsidiary in the State of Missouri.

3. Respondent Missouri American Water Company at all times relevant herein provides water service to Complainant at a service address known and numbered as 714 Gravois

Road, Saint Louis, Missouri. Complainant has been assigned Account Number: 1017-210015186154. The meter in question is numbered 93009785.

4. Respondent Missouri American Water Company at all times relevant herein generates billing from its offices located at P.O. Box 94551, Palatine, Illinois 60094-4551.

5. Respondent Missouri American Water is at all times relevant herein a public utility and as such subject to the jurisdiction of the Missouri Public Service Commission and specifically section §386.010 et seq. of the Revised States of Missouri.

6. Complainant Thirty and 141, L.P. brings this Complaint against Respondent Missouri American Water Company pursuant to §386.390 RSMO and 4 CSR 240-2.070(4).

7. The amount in dispute involves certain water charges of approximately \$49,971.23 from a certain bill dated July 19, 2017 as set forth in Appendix E of Complainant's Exhibit 1 attached hereto and incorporated herein by reference.

FACTUAL BACKGROUND CONCERNING DISPUTE

8. Complainant Thirty and 141, L.P. is the record owner of certain land that is part of large commercial retail shopping center known as Gravois Bluffs located just south of the intersection of Gravois Road (Missouri State highway 30) and Missouri State Highway Route 141, located in southwest Saint Louis County Missouri (Fenton area). The shopping center actually occupies two very large tracts of land on both the east and west sides of Route 141.

9. The dispute involves a very large water fall feature that is part of the shopping center that sits at the southwest corner of Route 141 and Gravois Road. The waterfall feature has been part of the shopping center since the late 1990s.

10. Although there are a number of Missouri American Water Company accounts concerning the Gravois Bluff's Shopping Centers, at issue is one particular meter and

specifically the waterfall feature. The waterfall feature is a separately metered account that is billed to the Complainant.

11. Since the waterfall feature has been operating for some 20 years, Complainant has a very good understanding of the normal water usage for the waterfall. Attached hereto as Exhibit 1 is Gravois Bluffs Waterfall Usage Report which shows the historical water usage from December 2009 through June 2017. The data obtained for this report comes from Respondent's records.

12. While the water usage for the waterfall (in gallons) varies from year to year the usage indicated in 2017 by Respondent indicates 10,646,284 gallons. Complainant alleges that this is a mistake and cannot possibly be accurate. For instance the water usage for 2016 was just under 3 million gallons (i.e. 2,967,316). The water usage for all of 2015 was 1,354,628 gallons. A typical year of usage in the preceding years fluctuates around 1.3 million gallons to 2.5 million gallons. The variation in usage is due in part to weather and other factors. In hotter years for instance the evaporation factor is greater and therefore the water usage might likely be higher. But to spike up more than 8 million gallons in one year indicates to Complainant that there is a serious error. See the Executive Summary of Plaintiff's Exhibit 1.

13. Complainant Thirty and 141, L.P. routinely has maintenance performed on the waterfall to make sure that it is properly functioning. It has had the waterfall thoroughly inspected to see if there were any leaks or something that could account for 8 million gallons of water. There is nothing to indicate that 8 million gallons of water was consumed by this feature. If there was a major pipe break or some other type of malfunction that magnitude of water would have been visibly observable by tenants of the shopping center that about the waterfall feature or the shopping center's maintenance personnel that are out on the premises daily.

14. Despite Complainant's best efforts to resolve this matter amicably with the Respondent, the Respondent Missouri American Water Company has failed and refused and continues to fail and refuse to issue Complainant a credit despite all of Respondent's water data usage that suggests a faulty meter or some sort of internal error. There is nothing that can account for an 8 million gallon spike in water usage, if there are no leaks, busted pipes or other malfunction of the pumps or other mechanical devices of the waterfall feature. On the contrary the waterfall is holding water, pumping water properly and appears in all other respects to be functioning correctly.

15. Counsel for the Complainant has had several discussions with Respondent Missouri American Water and the local personnel appear to be without the authority to issue a large credit back to Complainant Thirty and 141, L.P.

16. The actions of the Respondent in refusing to issue a credit in light of its own data that clearly evidences some sort of billing error is violative of the service and billing practices for commercial and industrial customers of electric, gas, water and steam heat utilities as set forth in 4 CSR 240-10.040 as well as other Missouri state regulations and statutes.

WHEREFORE, Complainant Thirty and 141, L.P. requests that this honorable Commission investigate the claims of overbilling by Respondent concerning the meter known and numbered as 93009785, that said meter be properly tested in the presence of all interested parties, that a credit be issued to Complainant for the overbilled charges, that Complainant recover its reasonably costs of bringing this action including but not limited to its attorney's fees and for such further and other relief as this Commission deems just and proper in the premises.

Respectfully submitted,

June 25, 2018

THE PARNAS LAW FIRM, LLC

By: /s/ Michael J. Parnas
Michael J. Parnas Mo Bar #36905
7710 Carondelet Avenue, Suite 516
Saint Louis, Missouri 63105
(314) 726-6015
(314) 726-6019 Fax
mparnas@mparnaslaw.com

Attorney for Complainant-Thirty and 141, L.P.