

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

Michele Westmoreland,)	
)	
Complainant,)	
)	Case No. WC-2015-0171
v.)	
)	
Missouri-American Water Company,)	
)	
Respondent.)	

ENTRY OF APPEARANCE AND ANSWER OF MISSOURI-AMERICAN WATER COMPANY

Now comes Timothy W. Luft and enters his appearance on behalf of Missouri-American Water Company in this proceeding.

ANSWER

COMES now Respondent Missouri-American Water Company ("MAWC") and for its Answer to the Complaint of Michele Westmoreland ("Westmoreland"), states as follows:

1. On January 15, 2015, Westmoreland with an address of 2417 Entity Ave., St. Louis, Missouri 63114, filed a formal complaint against MAWC (the "Complaint").
2. Any allegation not specifically admitted herein by MAWC is denied.
3. *Respondent, MAWC of 727 Craig Road, St. Louis MO 63141, is a public utility under the jurisdiction of the Public Service Commission of the State of Missouri.*

ANSWER: MAWC admits the allegation of paragraph 2 of the Complaint.

4. *In paragraph 3 Westmoreland states, on or about December 3, 2013, MAWC began work to repair a water main on Entity Ave., St. Louis MO 63114.*

ANSWER: MAWC admits the above allegation of paragraph 3.

5. *In paragraph 3 Westmoreland further states, during the excavation the crew broke the existing main further and water began to rush out at a much faster rate...*

ANSWER: MAWC denies the above stated allegation of paragraph 3.

6. *In paragraph 3 Westmoreland further states, "The water continued to pour out at full volume for over four hours causing extensive damage to our driveway and landscaping."*

ANSWER: MAWC denies the above allegation of paragraph 3. MAWC records show that our crew arrived at the main break location at 7:55 am and the water was shut-off by 9:30 am. Additionally, MAWC is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 3.

7. *In paragraph 4 Westmoreland states that she contacted the company numerous times with minimal response and further states that after an initial conversation with Eric Hamel, Field Operations Supervisor of MAWC; he never returned any other communications with Westmoreland.*

ANSWER: MAWC is without knowledge or information sufficient to form a belief as to the truth of this averment contained in paragraph 4.

8. *In paragraph 4 Westmoreland further states, Travelers Insurance on behalf of MAWC refused to pay the claim made by Westmoreland.*

ANSWER: MAWC denies the above stated allegation of paragraph 4. MAWC paid the claim made by Westmoreland, see attached Exhibit A. Additionally, MAWC is without knowledge or information sufficient to form a belief as to the truth of the remaining averments contained in paragraph 4 and therefore denies the same.

AFFIRMATIVE DEFENSE

1. MAWC states that Complainant fails to state a claim upon which relief may be granted, in that the allegations made by Complainant do not allege any violation of a statute, rule, tariff or Commission Order.

2. MAWC states that Complainant's claim has been settled and released. A copy of the release is attached as Exhibit A.

WHEREFORE, Missouri-American Water Company respectfully requests that the Missouri Public Service Commission dismiss the Complaint with prejudice at Complainants' cost.

Respectfully submitted,

MISSOURI-AMERICAN WATER COMPANY

By: /s/ Timothy W. Luft
Timothy W. Luft, MO Bar 40506
727 Craig Road
St. Louis, MO 63141
timothy.luft@amwater.com
(314) 996-2279

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was filed electronically and served either electronically or mailed postage prepaid this 18th day of February, 2015, to:

Office General Counsel
P.O. Box 360
200 Madison Street, Suite 800
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Mr. Dustin Allison
Office of the Public Counsel
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opcservice@ded.mo.gov

Michele Westmoreland
2417 Entity Ave
St. Louis, MO 63114
Michele.westmoreland@citi.com

Ms. Akayla Jones
PSC Staff
200 Madison Street, Suite 800
Jefferson City, MO 65102
Akayla.jones@psc.mo.gov

/s/ Timothy W. Luft