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DAVID O. KREUTER
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December 2, 2010

FILED

DEC 7 2010

Secretary of the Missouri
Public Service Commission
Attn: Data Center
P.O. Box 360
Jefferson City, Missouri 65102-0360

Missouri Public
Service Commission

Re: AG/CP Crestwood Retail Owner, LLC v. Missouri-American Water Company

Dear Sir or Madam:

Enclosed you will find an original and a copy of the Complaint, which we ask that you file. I am also enclosing a self-addressed stamped envelope for the return of the file stamped copy to my office.

Thank you for your cooperation and assistance in this regard.

Sincerely,

David O. Kreuter

David O. Kreuter

DOK/nrm

Enclosures

cc: Crestwood Retail Owner, LLC

crestwood/waterco./mpsc.ltr

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

AG/CP CRESTWOOD RETAIL OWNER, LLC)
 Complainant,)
))
vs.))
))
MISSOURI-AMERICAN WATER COMPANY)
 Respondent.)

Case No. _____

COMPLAINT

1. Complainant transacts business at 109 Crestwood Plaza, St. Louis County, Missouri 63126-1701, but has issues regarding water service at its property located at 47 Crestwood Plaza, St. Louis County, Missouri.

2. Respondent, Missouri-American Water Company, 727 Craig Road, St. Louis County, Missouri 63141, is a public utility providing service to Complainant's property. Respondent operates under its fictitious name of "Missouri American Water".

3. As the basis of this Complaint, Complainant states the following facts:
- a. On or about October 14, 2009, Missouri American Water replaced the water meter for 47 Crestwood Plaza, St. Louis County, Missouri. Complainant was not notified prior to this meter replacement.
 - b. On or about April 1, 2010, Complainant received a letter from Missouri American Water regarding high water usage at 47 Crestwood Plaza, St. Louis County, Missouri. Complainant's employees checked the building for running water or signs of water damage and found none. It should be noted that 47 Crestwood Plaza is a vacant building and the mall's security staff inspects the building at least once a day and that no water issues have been reported to the mall's maintenance department in that time frame.
 - c. On or about March 30, 2010, Complainant received its water bill for its property located at 47 Crestwood Plaza, St. Louis County, Missouri.

- d. Said water bill was for Account Number 35-1377970-6 in the amount of \$9,927.17 for the period December 4, 2009 to March 12, 2010. A copy of said water bill is attached hereto and marked as Exhibit 1.
- e. Complainant investigated this water bill with its building supervisor. Upon inspection, it was concluded that there was no water leak or any other evidence of water usage in excess of the typical usage. The \$9,927.17 represents an amount in excess of 137 times the normal daily usage of the property both before and after this one water bill.
- f. The immediately preceding and subsequent water bills for 47 Crestwood Plaza are attached hereto and marked as Exhibit 2. The average billing cycle usage for this property is \$231.56, per the attached Exhibit 3.
- g. It is Complainant's assumption that an erroneous reading of the replaced water meter was the cause of this billing error. There is no other explanation for this high usage.

4. The Complainant has taken the following steps to present this Complaint to the Respondent:

- a. Complainant made on April 1, 2010 an oral dispute with Missouri American Water regarding the amount of this water bill. Steven Nugent (Complainant's representative) talked with Heather on the Customer Service Line of Missouri American Water.
- b. On or about April 5, 2010, a meter reader from Missouri American Water came out a re-read the meter and determined that there was "no problem".
- c. Thereafter, there were several more phone conversations between the parties' representatives.
- d. On June 22, 2010, Missouri American Water responded to Complainant's dispute, denying any error. Said response is attached hereto and marked as Exhibit 4.
- e. Complainant again made on July 1, 2010 an oral dispute with Missouri American Water regarding the amount of this water bill. On July 14, 2010, Missouri American Water responded to Complainant's dispute, denying any error. Said response is attached hereto and marked as Exhibit 5.
- f. On or about August 6, 2010, Complainant made an oral informal complaint against Missouri American Water regarding the same issue at 47 Crestwood Plaza.
- g. Although this matter was being disputed with the proper authorities, Complainant received a FINAL NOTICE – SERVICE DISCONTINUANCE NOTICE. Said Notice is attached

hereto and marked as Exhibit 6.

- h. The amount of \$9,762.61, although disputed, was paid under protest in order to prevent the water service from being discontinued. Although the property is a vacant building, water service is required to keep the pipes and floor drains filled in order to prevent sewer gasses from coming into the property. A copy of the receipt is attached hereto and marked as Exhibit 7.
- i. It was at this point that Complainant filed an informal complaint via the PSC's website on this matter. This process included phone conversations with Mary Duncan and Jim Merciel with the PSC. It also included another inspection on September 29, 2010 with David Brakensiek from Missouri American Water. Although Mr. Brakensiek found no evidence of water usage or water damage, Missouri American Water continued to deny any adjustment and thus this formal Complaint has been filed.

WHEREFORE, Complainant now requests the following relief:

- i. Refund of the amount billed of \$9,927.17 in excess of the normal usage of the property of \$231.56. This difference is \$9,695.61.
- ii. Attorney fees in the amount of \$2,000.00 or an amount to be determined at hearing; and
- iii. \$2,000.00 in additional MSD charges that have been incurred due to the excessive water bill received by Complainant.

Date: December 2, 2010.

Kreuter & Gordon, P.C.

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