

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED³
FEB 15 2012
**Missouri Public
Service Commission**

Andrew G. Smith,

Complainant,

v.

Missouri-American Water Company,

Respondent.

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File/Case No. WC-2012-0189

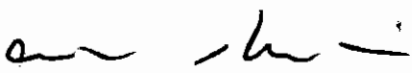
MOTION TO DIRECT A DECISION IN FAVOR OF THE COMPLAINANT

COMES NOW Andrew G. Smith, Complainant, and states:

1. On December 14, 2010 Complainant filed a complaint against the Respondent with the Missouri Public Service Commission challenging Respondent's authority to adjust Complainant's water bill for guessed at consumption.
2. Rather than preparing a proper Answer, the Respondent has filed an Answer replete with spurious denials and devoid of authority for their "adjustment".
3. In particular Respondent cites tariffs to support its "adjustment." However, one tariff that Respondent cites is not its tariff but the tariff of a company that no longer exists. The other tariff that Respondent cites is a tariff that did not take effect until after the allegedly defective water meter was replaced. As neither tariff is valid in this situation, there is no authority for the "adjustment" Respondent seeks to apply.

WHEREFORE, as the Respondent has failed and continues to fail to provide valid authority for its "adjustment", the Complainant requests that the Commission direct a decision in favor of the Complainant ordering the Respondent to rescind its "adjustment" and ordering Respondent to refund the proposed settlement payment of \$180.68 which was tendered in good faith by the Complainant and which the Respondent kept without authority to do so.

Respectfully submitted,



Andrew G. Smith, Complainant

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Certificate of Service

The Complainant certifies that a true and correct copy of the foregoing was faxed and/or mailed postage prepaid the 15th day of February, 2012 to:

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

Mr. Frank Kartmann, President
Missouri American Water Company
727 Craig Road
St. Louis, MO 63141