

MAR 01 2011

Missouri Public
Service CommissionBefore The Public Service Commission
of the State of MissouriRoman Dzhrinskiy
Complainant

Case No. WC-2010-0215

v
Missouri American Water Company
RespondentPost-Hearing Respond to the MAWC post-hearing Brief

Comes now, Complainant, Roman Dzhrinskiy and for its Post-Hearing Brief Respond in response Brief filed by the MAWC in response to the MPSC Briefing Schedule order issued 12-03-2010 and 02-03-2011, states as follow:

In preparing this brief, I wouldn't repeat my previous respond (Memorandum of Law) which in details, line by line, clearly explained and proved how and which laws, rules and regulations were violated by the MAWC, which accusations against me were baseless and dupious.

By the MAWC statement, the water meters installed are not designed to let water backflow and register water, but it's somehow the MAWC chose to have ones installed and their tariffs imposed on me, and if manufacturer considered not to have this option it would have installed a device preventing it from backflow and not register. Otherwise, we wouldn't have had a case right now. And by the company tariff I didn't have a choice but accept it "customer should accept the company watermeters". And if I forced to accept the device, the company completely responsible in any way how it operates.

Through the testimony by the MAWC own engineer Mr. Linam, it was clearly proven that nothing in my home could force water backward without a mechanical device (excluding when w/leaker leaks water for a short period of time) and now the expansion tank even absorbs it, and the company still pursuits a case that my w/leaker causes the problem. They simply try to neglect that everything was installed properly, inspected twice and no violations were found in all my plumbing system. No particular evidence was presented or proved what was wrong or I have ever made a statement that backflow happened after I replaced my leaking w/leaker. This issue should be completely discarded and not discussed anymore.

As the MAWC states, I am not an expert in the water systems and don't understand the business, (I have never claimed to be one), but have knowledge how water

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distribution system works, consulted experts from the DNR, AWWA, plumbers and all they raised issues were confirmed by the MAWC engineer Mr. Linnam (as water fluctuates, elevations, demand and supply). And by his own words it's all about physics. There are differences in water pressure at the same location at different times, that it's why it doesn't ratchet overnight, and can contribute to the w/meter performance. As I mentioned before, the same issue was raised by the DNR experts and plumbers visiting my property. The only question remains disputable as how much pressure in the main when it connects to the service line and flows through the w/meter. The company has no knowledge at this because they are not required to measure pressure in all entire system beside maintaining pressure at the distribution stations (plants) and trying to maintain it about just 30psi at the highest elevations. This is not enough proof that in particular locations and different times it works. That is exactly confirms why the w/meter doesn't ratchet overnight. And I have either no control over the water pressure at this point nor I have control over w/meter performance. So, "the buck stops at the w/meter" by itself. As the MAWC states the DNR rules "one can only analogize", it's obviously, they completely try to ignore why and which customers, and for which reasons required to install backflow preventors. To install one only to prevent ratcheting or vibration caused from the main water fluctuation doesn't make sense fiscally. Its cost will greatly overcome how much I will be overcharged by the MAWC I don't use even with living on the property for 20 years. I simply can't recoup this money, not counting annual fees for checking the device. That is why at our prehearing I agreed to settle and share this with MAWC, and which they later refused to honor. I never stated it was the MAWC responsibility (by law) to install the device. It's also unclear why by the MAWC the water in their mains must fluctuate in areas as St. Louis County only, not other cities and areas. What particular specifics about it. It always fluctuates depending on many factors, but how much, to which point and its effect on the w/meter performance.

The MAWC through the testimony of Mr. Matschner tried to convince everyone that if the water flow indicator on the w/meter moving in reverse its flow is being registered. (or should register?) always, so the usage is removed. As was stated in the Staff's report (not without a physical evidence on premises and from "Lepton" manufacturer) it might not register properly or at all at specific conditions, such as low flows. And the w/meter tests confirmed this (50-100% failure) in opposition to the Mr. Matschner statements (or opinions). And this was conveyed to me and the Staff by "Lepton" which refused to send confirmation and, which of course, in "Leptones" graphs supplied to me by the MAWC shows under which conditions the w/meter will not register properly even in the direct flow, and the MAWC ignores this. As I mentioned before, Mr. Matschner can't be an expert because his credentials falls behind qualifications to be one by the AWWA (no education background in the w/meter systems). His long employment

and present position as a superintendent has nothing to do to be an expert in w/meters systems. Neither the MAWC manufacturers nor it repairs w/meters by itself and all documentation they have and some from the Internet they obtained doesn't mean to be an expert. Also, Mr. Matschiner forgot to mention that connected cogs not directly effected by water flow and there are series of magnet disks which directly effected by the water pressure and flow, and they might not register water at all, meaning not connected to the cogs at all. Also, Mr. Matschiner, might have a conflict of interest. He is a direct supervisor of employees who were on my property (outside and inside), who never presented a report about their findings and Mr. Matschiner never asked them to do this. He is also was one who initiated the inspection on my property by the St. Louis County Plumbing Department in May 2010, and refused on my invitation to follow inspector inside my house to observe which appliances, how (including the w/leaker, expansion tank) were examined.

As the MAWC states they are not required by any law or rules to test a w/leaker in reverse, There is no rule indicating why not, besides all their tests were performed with countless mistakes and clearly indicated line by line why I was right. More over, if the MAWC didn't produce a document of the w/leaker system approval by the MPSC, it's possible all w/meters in use are installed illegally, And the MPSC didn't have intention to let MAWC to use its own law interpretation and failed tests to charge a customer for water not used, or did they? If almost 30% of my average quarterly usage (243) even under this conditions. If the company is not required to test w/meters in backflow, why they tested one? Why the form by itself contains a measurement of 1/8 even in the direct flow if it is not required to measure one? But the MPSC rules and the MAWC tariffs mention only to test w/meters under average and intermediate water pressure respectively, which no one exactly knows what it is, and where it suppose to be. Either it's a statistical number or indeed actual in pipes. The company is required to maintain w/pressure at least 20psi and the maximum not to exceed 80psi. (SDMR rules and "Neptune" manual) The MAWC insists they try to maintain 30psi at the highest elevations, and at their station (graphs) the water leaves for mains about 35psi. (in comparison to another stations supplying different locations and higher pressure). Does the water coming through the w/leaker at my location show signs and measured at 60psi or 100psi as tests were performed even in direct flow? It's wrong. The "Neptune" graphs does reveal this by showing how w/meters performance affected by this. The higher pressure and water flow the better result and vice versa. It appears the tests were performed "on steroids". Nowhere I can find numbers 60 or 100psi the w/company can claim it maintains its pressure in my location. Even after equalization process (Stall's graph) it barely reaches 45psi. It was tested wrong. Another requirement by the MPSC test specify "under present conditions" w/meters tested.

Only one can think what it is and how the MAWC can duplicate this. Do they know exactly how much water pressure, water rate and even their disputable cause when it ratchets? So, the tests were performed based on imaginable statistics, not under present conditions and should be ignored and void. And after that they revealed 100% failure - not just 5% as required by law.

The MAWC insists it's a burden on me to prove which laws and rules they violated. I proved it in the "Memorandum of Law" which they are and why. But there is one more ethical (personal) issue which in my opinion, could lead to more investigation in the case.

It's not the first time (I mentioned it in my original complaint) the MAWC claims that it's "ironic" that my complaint is based on high water usage. Indeed, it was based on the company's w/meter improperly registering water, causing increase in my bills. (Two different things). By the MAWC account the average customer's usage is 22,500 g/p/quarter and it means not 20% but all 500% (5 times) of mine, 4,500 g/p/qr. I regularly spend. And I am proudly can say of not wasting water and someone needs to take ABC classes in math. It shows not only consistency in my previous 5 years bills but with my calculations (daily observation) that I am overbilled each quarter by about 2M\$ (And the tests proved this, how much).

Does the MAWC try to use this accusation as an excuse to charge me more? Yes, it is! They should never ever to mention this "ironically", because they never conducted any scientific research or questionnaire who an average customer is and why they use such amount of water. If the MAWC suspects I have a bypass or use other methods to steal their water, they need to bring the issue legally and openly, but not accuse me of not wasting water. They simply punish me as "hunting witches." They want the case dismissed in part of the prejudice, but I would like to ask the MPSC not only rule in favor of my claim with all evidence presented, but keep the case open and extend its investigation based on prejudice, humiliation, bias, human rights, customer's right violation to punish me of not using enough water and file a complaint. The Attorney General Office, DNR and Human Rights Agencies should be involved. It was also the MAWC moral obligations to inform the MPSC that their own T-10 "Neptun" w/meters develop countless mechanical and other defects later while in service (City of Honolulu v. "Neptun" - class action lawsuit, August 2009).

Are any Federal, State, Local Laws, Rules and regulations created and meant that utility company legally (by their own laws interpretation) to make illegal profits? Are they short on cash? I would only may suggest to these companies in order to avoid future legal challenges to create a charitable so-called fund named "Abused Customers of the HO Utilities Companies from legally collecting illegal proceeds". Keeping these profits constitutes as a "Thievery in Law" and should not be tolerated by the customers and authorities. It's still fraud.

I ask the HPSC to order relief in my favor based on the entire case and unique circumstances, law's violations and not to close the case but investigate it further.

I also regret it took so much the HPSC time and efforts, taxpayers money for a case, which should be resolved in a couple of hours based on the true facts, if properly handled by the MAWC.

Respectfully submitted,

Roman Dzhrumskiy,

02-16-2011