

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

In the matter of)	
)	
Utility Workers Union of America,)	
Local 335,)	Case No.
)	
and)	
)	
Missouri American Water Company.)	

COMPLAINT

COMES NOW Utility Workers Union of America, Local 335 (“Local 335”), by counsel, and hereby files its Complaint to reveal and make public the salaries of Missouri American Water Company (“MAWC”)’s officers. In support of this Complaint, Local 335 states as follows:

1. MAWC is a public utility operating under the jurisdiction and oversight of the Missouri Public Service Commission. MAWC’s principal place of business is 727 Craig Road, St. Louis, MO 63141.
2. Local 335 is a labor organization that represents approximately 400 employees of MAWC.
3. Local 335 is an unincorporated association. However, since labor unions are not required to register their names as fictitious names with the Missouri Secretary of State, Local 335 does not have evidence of any such registration. Further, Local 335 does not have an office or place of business in any traditional sense. In general, persons wishing to contact Local 335 may contact the union through its president at the address and telephone number listed here:
Tom Schneider, 1911 Oaktree St., St. Peters, MO 63376, (636) 278-0939.

4. Pursuant to R.S.Mo. § 391.140(6), water utilities are required to file an annual report containing, inter alia, “the names of its officers and the aggregate amount paid as salaries to them...”

5. Under 4 C.S.R. § 240-3.640(4), a water utility may designate certain information in its annual report as “nonpublic.”

6. Pursuant to 4 C.S.R. § 240-3.640(5), an entity may request an order from the Commission to make public information designated “nonpublic” in an annual report.

7. In its 2009 annual report, MAWC designated the salaries of its officers as “nonpublic.” Moreover, it noted that: “Company officers do not receive compensation from the company but are paid by American Water Works Service Co.” A true and accurate copy of the 2009 annual report is attached hereto as Exhibit 1. See Case No. BMAR-2010-1486 at F-3.

8. Water utilities are required to report the salaries of their officers, regardless of the entity which pays them. See R.S.Mo. § 391.140(6) (requiring water utilities to report “the names of its officers and the aggregate amount paid as salaries to them”) (emphasis added). Therefore, MAWC cannot hide the salaries of its officers by paying them through its parent company.

9. Disclosure of the salaries of MAWC’s officers is in the public interest. Due to the highly regulated nature of the water industry, the public has a right to know the compensation paid to MAWC’s officers.

10. In its 2002 and 2003 annual reports, MAWC included the salaries of its officers—this information was designated as public. See BMAR-2003-0323 and BMAR-2004-0372 at F-2. Moreover, the salaries of the officers of MAWC’s parent company are made public through its SEC filings. Even the salaries of the Commissioners are a matter of public record.

WHEREFORE, Local 335 respectfully requests that the Commission issue an order:

(a) requiring MAWC to reveal the amounts paid to its officers by American Water Works Service Co. and that this information be deemed public;

(b) requiring MAWC to provide the amounts paid to its officers in public form in all future annual reports filed pursuant to R.S.Mo. § 391.140(6).

Respectfully submitted,

/s/ Michael A. Evans
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Certificate of Service

The undersigned certifies that a true and correct copy of the foregoing was served on March 17, 2011, by United States mail, hand-deliver, email, or facsimile upon:

General Counsel Office
Missouri Public Service Commission
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Missouri American Water Company
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/s/ Michael A. Evans