

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



Marcia Eason,

Complainant,

v.

Missouri American Water Company,

Respondent

File No. WC-2013-0010

REPORT AND ORDER

Issue Date:

July 1, 2013

Effective Date:

July 11, 2013

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

Marcia Eason,)	
)	
Complainant,)	
v.)	<u>File No. WC-2013-0010</u>
)	
Missouri American Water Company,)	
)	
Respondent)	

Appearances

Marcia Eason, Complainant, appearing pro se

Timothy Luft, Attorney at Law, appearing on behalf of Missouri American Water Company

Tanya Alm, Attorney at Law, appearing on behalf of the Staff of the Missouri Public Service Commission

Judge: Kennard Jones, Senior Regulatory Law Judge

REPORT AND ORDER

Syllabus: Because Complainant, Marcia Eason has not shown that an increase in her metered water usage was due to Missouri American Water Company violating its tariff, any Missouri statute, or any Commission rule or order, the Commission finds in favor of Missouri American Water Company. The order also addresses the company's call escalation process and disconnection procedures during a pending complaint.

Background

After experiencing unusually high residential water bills, Marcia Eason contacted Missouri American Water Company to express concern and inquire. On several occasions the company sent a representative out to inspect the water system and found no leaks. Ms. Eason also contacted a plumber who found no problems with the water system. And, the Staff of the Commission visited the residence and found no evidence of fault with the water system. Her meter tested within Commission established parameters, a new meter was installed, yet Ms. Eason's billed usage remained abnormally high.

Further, during the course of this complaint, Ms. Eason's service was disconnected for one day. When her service was restored, Ms. Eason was at work and unfortunately the

faucet in her kitchen was on. The water ran continuously during the better part of the day. The company readily admits that this was a mistake and calculated the usage during this time to equal about \$3.00. The company offered to credit Ms. Eason's bill but she did not accept this remedy.

Finally, Ms. Eason expressed concern about how her calls to Missouri American were handled by Customer Service. She complains that she was not allowed to speak with a supervisor, thus "escalating" her concerns. Staff thoroughly investigated this concern and included in its Memorandum suggestions to improve the company's process.

The matter proceeded to hearing and testimony was offered by: the Complainant, Ms. Eason; Staff witnesses, Jerry Scheible and Lisa Kremer; and the company's witness, Chelsea Harmon.

Findings of Fact

1. Missouri American Water Company is a utility regulated by this Commission.
2. Complainant's water usage, as reflected on her quarterly bills, from February 2010 through May of 2011 ranged from 23,188 to 28,424 gallons.¹
3. Complainant's quarterly bill, dated August 2011, shows 36,652 gallons of use.²
4. Complainant's quarterly bill, dated November 2011, shows 51,612 gallons of use.³
5. Complainant's quarterly bill, dated February 8, 2012, shows 86,020 gallons of use.⁴
6. Complainant's quarterly bill, dated May 8, 2012, shows 76,286 gallons of use.⁵

¹ Staff Ex. 1, Attachment A.

² Staff Ex. 1, Attachment A.

³ Staff Ex. 1, Attachment A.

7. Complainant's quarterly bill dated August 2, 2012, shows 84,524 gallons of use.⁶

8. Complainant's billed amounts from February 2010 to November of 2011 range from \$105 to \$205, with \$205 being notably higher than the other 7 bills.⁷

9. Complainant's February, May and August, 2012 bills were respectively \$329, \$297 and \$332.⁸

10. The abnormally high February 2012 bill of \$329 prompted Complainant to inquire with Missouri American Water Company.⁹

11. In March of 2012, Missouri American removed Complainant's meter and tested it for accuracy. The meter tested within required parameters.¹⁰

12. In April and September of 2012 Missouri American Water Company observed Complainant's meter for movement that would indicate a leak in her system. No leak was detected.¹¹

13. In June of 2012, Complainant had a plumber inspect her system but found no evidence of a leak.¹²

14. In July of 2012, Complainant filed a complaint with the Missouri Public Service Commission.¹³

⁴ Staff Ex. 1, Attachment A

⁵ Staff Ex. 1, Attachment A.

⁶ Staff Ex. 1, Attachment A.

⁷ Staff Ex. 1, Attachment A.

⁸ Staff Ex. 1, Attachment A.

⁹ Transcript, page 48, lines 19-24.

¹⁰ Transcript, page 58, lines 12-25; page 96, lines 5-9.

¹¹ Eason Exs. 1a and 1b.

¹² Eason Ex. 2.

¹³ See *Docket*, Item 1.

15. In August, Staff visited Complainant's residence and observed the water meter, which showed minimal movement over a 20-minute period.¹⁴

16. Staff concluded that there was no leak in the system.¹⁵

17. Other than attributing it to some extraordinary circumstance, Staff was unable to determine the cause of the unusually high water usage.¹⁶

18. The 86,020 gallons billed in February of 2012 was registered on a meter that was subsequently tested for accuracy and shown to be within Commission specification.¹⁷

19. Subsequent bills for usage of 76,286 and 84,524 were registered on a new meter.¹⁸

20. Staff concluded that it is reasonable to assume the volumes of water in question passed through Complainant's meter.¹⁹

21. On March 1, 2012, a Missouri American supervisor attempted to contact Complainant but the call was not answered.²⁰

22. On March 8, 2012, a member of Missouri American's Account Resolution Team called Complainant and discussed the high bill with Complainant.²¹

23. On April 26, 2012, upon Complainant's request, her call was transferred to a supervisor.²²

¹⁴ Staff Memorandum, page 4, 1st paragraph.

¹⁵ Staff Memorandum, page 4, 1st paragraph.

¹⁶ Staff Memorandum, page 6.

¹⁷ Staff Memorandum, page 6, 2nd paragraph.

¹⁸ Staff Memorandum, page 6, 2nd paragraph.

¹⁹ Staff Memorandum, page 6, 4th paragraph.

²⁰ Staff Memorandum, page 9, 1st paragraph.

²¹ Staff Memorandum, page 9, 1st paragraph.

²² Transcript, page 45, lines 14-18.

24. While this complaint was pending, Missouri American disconnected Complainant's water service.²³

25. After being made aware that an error had occurred with regard to disconnecting Complainant's water service, Missouri American, on the next day, restored her service.²⁴

26. Complainant's kitchen faucet was in the "on" position when her service was restored.²⁵

27. Because she was at work during the time of reconnection, the faucet in the kitchen ran for the better part of the day.²⁶

28. Missouri American accepted responsibility for the disconnection in error and the resulting metered usage and calculated the dollar amount of the usage to be about \$3.00.²⁷

29. The Staff of the Commission investigated the cause of the disconnection error and is working with the Company to modify its procedures to ensure that this does not occur in the future.²⁸

Conclusions of Law

Section 386.390 states that a person may file a complaint against a utility, regulated by this Commission, setting forth violation(s) of any law, rule or order of the Commission. The Commission's rules advance this legislation.²⁹ Complainant filed a complaint against

²³ Transcript, page 38, lines 13-17; page 79, lines 21-25.

²⁴ Transcript, page 39, line 1-3.

²⁵ Transcript, page 39, line 1-2.

²⁶ Transcript, page 39, lines 3-5.

²⁷ Transcript, page 67, lines 4-5.

²⁸ Transcript, page 88, line 11 through page 89, line 5.

²⁹ Commission rule 4 CSR 240-2.070.

Missouri American and Missouri American is regulated by this Commission. The Commission therefore concludes that it has jurisdiction over this complaint.

As in all complaint cases, the burden of showing that a regulated utility has violated a law, rule or order of the Commission rest with the Complainant.³⁰

Decision

For her relief, Complainant requested that her unusually high bills be explained. Complainant's meter tested within Commission limits. And, a properly functioning new meter was installed; after which, high usage continued to be metered. The company, the Staff of the Commission, and Complainant's independent contractor all came to the conclusion that there are no leaks in the system. Finally, Complainant testified that her water usage did not change during the time of the questionable metered usage, yet there are no facts showing why Complainant's metered water usage so dramatically increased.

Leaks and properly functioning meters are objectively identifiable events. For instance, if there is a leak on Complainant's side of the meter, it will register on the meter. If the meter is not properly functioning, testing will reveal this fact. The facts do not show why Complainant's metered usage increased during the period in question. However, it is Complainant's burden to show that the company has violated the law. Because she has not done so, her complaint fails and the Commission must rule in favor of the company.

During this complaint, Complainant's service was disconnected but within one day reconnected by the company. Also, at some point during the process, Complainant had difficulty reaching a supervisor to discuss her concerns. The Staff of the Commission and

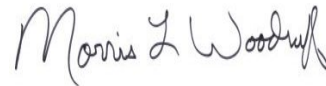
³⁰ In cases where a "complainant alleges that a regulated utility is violating the law, its own tariff, or is otherwise engaging in unjust or unreasonable actions,"..."the burden of proof at hearing rests with the complainant." *State ex rel. GS Technologies Operating Co., Inc. v. Public Service Comm'n*, 116 S.W.3d 680, 693 (Mo. App. 2003).

the company have been discussing these issues and have stated that it is an ongoing effort to improve the company's customer service through internal control procedures. The Commission encourages their efforts in this regard. However, based on Complainant's experience with customer service, no action needs to be taken by the Commission.

THE COMMISSION ORDERS THAT:

1. Any relief requested by Marcia Eason, Complainant, is denied.
2. This order shall become effective on July 11, 2013.
3. This case shall be closed on July 12, 2013.

BY THE COMMISSION

A handwritten signature in cursive script, reading "Morris L. Woodruff".

Morris L. Woodruff
Secretary

R. Kenney, Chm., Jarrett, Stoll, and
W. Kenney, CC., concur;
and certify compliance with the
provisions of Section 536.080, RSMo.

Dated at Jefferson City, Missouri,
on this 1st day of July, 2013.