

ERIC C. LARSON)
Complainant,)
vs.)
WOODLAND MANOR WATER, LLC,)
Respondent.)

JOINT STIPULATED FACTS

1. The Complainant is a Missouri resident whose home and resort business are located within the State of Missouri. Complainant is provided water service by Respondent, which is a Missouri public utility, and a dispute has arisen regarding repairs to a water line which is part of that service.

2. The Complainant has duly appealed a prior unfavorable determination pursued within the Commission's informal complaint resolution process, and this complaint is therefore properly before the Public Service Commission of Missouri. No other parties have an interest in the dispute which is before the Commission nor are needed for full and final resolution of the dispute.

3. A copy of the relevant portions of the controlling tariffs, titled "Rules and Regulations Governing Rendering of Water Service, effective December 12, 1992, are attached as Exhibit "1".

4. Holiday Drive is a paved road running generally East and West. The water main nearest to this property runs along the South right-of-way parallel to the road, and

Complainant's property, which entails a home, several small cabins and a pool, and a home/office/laundry all lie on the North side of Holiday Drive.

5. In 2000, at Complainant's request, Woodland Manor ran a service line off the main line, under Holiday Drive to the Southwest portion of Complainant's property and set a 2" meter box on Complainant's property within a foot of his cabin. A service connection was made to this meter, servicing the new cabin on the Southwest portion of the property.

6. In 2001, at Complainant's request and in an effort to comply with PSC metering requirements, Woodland Manor set a 1 ½ inch meter on North side of Holiday Drive in the City right-of-way, twelve feet from the edge of his property line. An existing valve box (not a meter box) controlling service to a portion of the resort is within one foot of the property line. A connection was made to this meter, servicing the home/office/laundry on the Southeast portion of his property, as well as all of the cabins and the pool in the center portion of the property.

7. A portion of the line providing water service to the cabins had been installed by a predecessor water company. This line runs generally along the road, with portions of this line running under the paved portion of the road; and portions in the City right-of-way. This line is only connected to the main line (which runs along the South right-of way of Holiday Drive) by virtue of being connected to the Easterly water meter.

8. In June of 2011 a leak developed in a portion of the old line at a point where it ran under Holiday Drive. Complainant dug up and repaired the leak at his own expense, and sought reimbursement from Woodland Manor Water Company. Woodland Manor asserted that according to the tariffs, Complainant was responsible for maintaining and repairing any leaks occurring on his side of the water meter, as well as for water used prior to the leak being repaired.

9. This issue before the Commission can be stated as follows: Under these stipulated facts and the applicable tariffs, is Woodland Manor responsible for maintaining and repairing any portion of the water service lines providing water to the homes or business of Complainant, between those structures and the water meter connected to the main? If so, for which portions of the lines on Complainant's side of the water meter is Woodland Manor responsible, and in particular is it liable for costs of repair of the break which occurred in June of 2011?

10. Staff has received permission from both Woodland Manor representatives and Mr. Larson to file this document on behalf of all parties, thereby making it a joint filing.

Respectfully submitted,

/s/ Rachel M. Lewis

Rachel M. Lewis
Deputy Counsel
Missouri Bar No. 56073

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Missouri Public Service Commission
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered, transmitted by facsimile or by electronic mail to all counsel of record on this 23rd day of May, 2012.

/s/ Rachel M. Lewis

Cancelling P.S.C.MO. No.

{ Original } SHEET No.
{ Revised }

Bob Connell d/b/a

Woodland Manor Water Company

For Kimberling City, Missouri
Community, Town or City

Name of Issuing Corporation

RULES AND REGULATIONS GOVERNING RENDERING OF WATER SERVICE

Rule 1 DEFINITIONS

Bob Connell d/b/a

- (a) The "COMPANY" is the Woodland Manor Water Company acting through its officers, managers, or other duly authorized employees or agents.
- (b) The "CUSTOMER" is any person, firm, corporation or governmental body which has contracted with the Company for water service or is receiving service from Company, or whose facilities are connected for utilizing such service.
- (c) The word "UNIT" shall be used herein to define the standard user or property served and shall pertain to any building whether residential or commercial owned or leased. Mobile homes or rental units are considered as separate units for each single family or firm occupying same as a residence or place of business.
- (d) A "MAIN" is a pipeline which is owned and maintained by the Company, located on public property or private easements, and used to transport water throughout the Company's service area.
- (e) A "CUSTOMER'S WATER SERVICE LINE" is a pipe with appurtenances installed, owned and maintained by the customer, used to conduct water to the customer's unit from the property line or outdoor meter setting, including the connection to the meter setting. If the property line is in a street, then the said customer's water service line shall be deemed to begin at the edge of the street abutting the customer's property.
- (f) A "SERVICE CONNECTION" is the pipeline connecting the main to the customer's water service line at the property line, or outdoor meter setting, including all necessary appurtenances.

*Indicates new rate or text

+Indicates change

Public Service Commission

DATE OF ISSUE NOV 12 1992

DATE EFFECTIVE DEC 12 1992

ISSUED BY

month day year
Bob ConnellBob Connell
Sole Propmonth day year
P.O. Box 151
Kimberling City, MO 65223

Exhibit "1"

Cancelling P.S.C.MO. No.

SHEET No.

Bob Connell d/b/a

Woodland Manor Water Company

Name of Issuing Corporation

For Kimberling City, Missouri
Community, Town or City

RULES AND REGULATIONS GOVERNING RENDERING OF WATER SERVICE

Rule 5 INSIDE PIPING AND CUSTOMER WATER SERVICE LINES

- (a) The Company will provide the Customer water service at the outdoor meter, or at the property line. Separate units shall be served through separate service lines.
- (b) The Service Connection from the water main to the Customer's property line, the meter installation and setting shall be constructed, owned and maintained by the Company. Service line construction and maintenance from the property line or meter setting, including the connection to the meter setting, to the building shall be the responsibility of the Customer, and is subject to inspection by the Company. Customers shall be responsible for the cost of repairing any damage to the Company's lines, meters, and meter installations caused by the Customer, his agent, or tenant. Customer shall be responsible for a fee to Company for inspection of the initial connection of service.
- (c) Existing water service lines may be used in connecting with new buildings only when they are found by examination and testing not to constitute a hazard to the health and safety of any Customer or the Company's facilities.
- (d) The Customer's water service lines shall be brought to the unit at a depth of not less than 36 inches and have a minimum inside diameter of 3/4 of an inch upon entering the building. The service line shall be valved. This valve must be kept in good repair in order to shut off the water supply and drain the inside plumbing, if necessary.

*Indicates new rate or text

+Indicates change

DEC 12 1992

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DATE OF ISSUE

NOV 12 1992

month day year

DATE EFFECTIVE

DEC 12 1992

month day year

ISSUED BY

Bob Connell

Bob Connell

Sole Prop.

name of officer

P.O. Box 751

Kimberling City, MO 65686

title

address

Exhibit "1"