

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

Andrew G. Smith,)	
)	
Complainant,)	
)	
v.)	<u>File No. WC-2012-0189</u>
)	
Missouri-American Water Company,)	
)	
Respondent.)	

**ORDER GIVING NOTICE OF CONTESTED CASE, DIRECTING ANSWER
AND DIRECTING STAFF INVESTIGATION**

Issue Date: December 20, 2011

Effective Date: December 20, 2011

On December 19, 2011, Andrew G. Smith (“Complainant”) filed a complaint with the Missouri Public Service Commission (“Commission”) against Missouri-American Water Company (“Respondent”). A copy of the complaint accompanies this notice. This is a contested case¹ pursuant to Section 386.390, RSMo 2000, although the statutes and Commission regulations allow for a decision without a hearing.² Since the Complainant alleges an amount in dispute of less than \$3,000, this case will proceed under the small formal complaint process.³

The Commission will set a deadline for Missouri-American to file an answer. In the alternative, the Respondent may file a written request that the complaint be referred to a neutral third-party mediator for voluntary mediation of the complaint. Upon receipt of a

¹ A “[c]ontested case’ means a proceeding before an agency in which legal rights, duties or privileges of specific parties are required by law to be determined after hearing.” Section 536.010.4, RSMo Supp. 2009.

² Sections 536.060 and 536.063, RSMo 2000; Commission Rule 4 CSR 240-2.115.

³ 4 CSR 240-2.070(15).

request for mediation, the 30-day time period shall be tolled while the Commission ascertains whether or not the Complainant is also willing to submit to voluntary mediation. If Complainant agrees to mediation, the time period within which an answer is due shall be suspended pending the resolution of the mediation process. Additional information regarding the mediation process is enclosed. If Complainant declines the opportunity to seek mediation, Respondent will be notified in writing that the tolling has ceased and will also be notified of the date by which an answer or notice of satisfaction must be filed. That period will usually be the remainder of the original 30-day period.

As required by Section 536.067(2)(f), RSMo 2000, the Commission informs the parties that the Commission's provisions governing procedures before the Commission, including provisions relating to discovery, are found at Commission Rule 4 CSR 240-2. Because the complainant is not a regulated utility, the 60-day notice requirement established by Commission Rule 4 CSR 240-4.020(2) does not apply.

The Commission will also set a deadline for its Staff to complete an investigation and file a report.

THE COMMISSION ORDERS THAT:

1. The Commission's Data Center shall send, by certified mail, a copy of this notice and order and a copy of the complaint to Missouri-American Water Company at:

Legal Department
Missouri-American Water Company
727 Craig Road
St. Louis, Missouri 63141

2. Missouri-American Water Company shall file an answer to this complaint or request for mediation no later than January 19, 2012, and serve a copy upon the

Complainant at the address listed within the enclosed complaint. All pleadings (the answer, the notice of satisfaction of complaint or request for mediation) shall be mailed to:

Secretary of the Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102-0360

3. The Staff of the Missouri Public Service Commission shall investigate this complaint and file a report with the Commission no later than February 2, 2012.

4. The Commission's Data Center shall send a copy of this notice to the Complainant.

5. This order shall become effective immediately upon issuance.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Michael Bushmann, Regulatory Law Judge
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 20th day of December, 2011.