

At a session of the Public Service Commission held at its office in Jefferson City on the 28<sup>th</sup> day of May, 2014.

Respondents.

[illegible]

**File No. WC-2014-0260**

On March 27, 2014 the City of Houston Lake, Missouri filed its Complaint against Missouri-American Water Company, and against the Missouri Public Service Commission. The Complaint alleges that Missouri-American has failed to pay Houston Lake the gross receipts tax imposed by that city. It also alleges that the Public Service Commission violated Section 393.275.1 RSMo by failing to provide the city notice of several Missouri-American rate increases. The Commission has dismissed the portion of the complaint brought against the Commission, but the complaint against Missouri-American remains.

Missouri-American filed its answer to the complaint on May 1. Along with its answer, Missouri-American filed a motion asking the Commission to dismiss the complaint for failure to state a cause of action within the Commission's jurisdiction. In particular, Missouri-American points out that this Commission has no authority to award Houston Lake the monetary damages it seeks in its complaint. Houston Lake responded to that motion on May 9.

The Commission is not a court of general jurisdiction and cannot enter a monetary judgment in favor of a complainant, nor can it grant monetary relief as compensation for past overcharges or damages.<sup>1</sup> However, section 386.390, RSMo 2000 specifically gives the Commission authority to investigate complaints made against utilities alleging that the utility has acted, or failed to act in a manner contrary to any law, regulation or applicable tariff. Houston Lake has alleged that Missouri-American has violated its ordinance by failing to pay the gross receipts tax established by that ordinance. The Commission's lack of authority to grant a particular form of relief to the complainant does not change the Commission's authority to hear and investigate the complaint. Thus, if, as they must be for purposes of the motion to dismiss, Houston Lake's allegations are accepted as true, the city has stated a cause of action. Missouri-American's motion to dismiss will be denied.

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<sup>1</sup> *May Department Stores Co. v. Union Electric Light & Power Co.*, 107 S.W.2d 41, 58 (Mo. 1937).

**THE COMMISSION ORDERS THAT:**

1. Missouri-American Water Company's motion to dismiss is denied.
2. This order shall become effective upon issuance.



**BY THE COMMISSION**

*Morris L. Woodruff*

Morris L. Woodruff  
Secretary

R. Kenney, Chm., Stoll, W. Kenney,  
Hall, and Rupp, CC., concur.

Woodruff, Chief Regulatory Law Judge