

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Reuben L. Crenshaw,)	
)	
Complainant,)	
)	
v.)	<u>Case No. WC-2008-0354</u>
)	
Missouri-American Water Company,)	
)	
Respondent.)	

ORDER SETTING PREHEARING CONFERENCE

Issue Date: August 22, 2008

Effective Date: August 22, 2008

Reuben L. Crenshaw filed a formal complaint against Missouri-American Water Company on April 29, 2008. Among other things, Mr. Crenshaw’s complaint alleged that MAWC assessed unlawful, excessive water usage charges at 7904 Page Avenue, Vinita Terrace, Missouri, between October 3, 2006, and May 2, 2007.

MAWC’s answer, filed on June 6, 2008, denied many of Mr. Crenshaw’s allegations. Further, MAWC stated that because of Mr. Crenshaw’s bankruptcy filing, MAWC wrote off the past-due amount in his account, which now has a zero balance. MAWC stated that Mr. Crenshaw therefore owes MAWC nothing for the matters alleged in his complaint.

Staff’s Report of Investigation was filed on June 20, 2008. Staff stated that it did not find any tariff or rule violations by MAWC that would warrant a recommendation other than that the Commission dismiss the complaint. Staff noted that Mr. Crenshaw requested an order from the Commission granting financial restitution for mental anguish, pain,

suffering, and sleeplessness suffered as a result of the dispute with MAWC. Staff stated that the Commission does not have the legal authority to grant monetary relief as compensation for damages, citing *May Department Stores Company v. Union Electric Light & Power Company, et al.*, 107 S.W.2d 41 (Mo. 1937).

On July 8, 2008, the Commission issued an order directing Mr. Crenshaw to respond to MAWC's answer to the complaint and Staff's report. Mr. Crenshaw filed his response on August 12, 2008.

Mr. Crenshaw's response indicates that facts remain in dispute regarding the correct meter readings. Therefore, the Commission will set this matter for a prehearing conference. The purpose of the conference will be to discuss possible settlement of the issues and, if not resolved, to set out a procedural schedule for a formal hearing on this matter. Also, the parties should be prepared to discuss the stipulation of any facts not in dispute. The parties will be allowed to appear by telephone or by videoconference at the prehearing conference.

The Commission informs the parties that this prehearing conference is *not* an *evidentiary hearing*. Sworn testimony will not be taken and no final decision will result from the conference. However, all parties are required to be present for and arrive at, or phone into, the prehearing at or before the scheduled starting time of 1:30 p.m. Pursuant to Commission Rule 4 CSR 240-2.090, "[f]ailure to appear at a prehearing conference without previously having secured a continuance shall constitute grounds for dismissal of the parties or the party's complaint, application or other action unless good cause for the failure to appear is shown." If Mr. Crenshaw, or any other party, is not available at the time and date set out below, the party shall notify the Regulatory Law Judge as directed.

IT IS ORDERED THAT:

1. A prehearing conference shall be held on September 4, 2008, beginning at 1:30 p.m. in Room 305 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. The Governor Office Building meets accessibility standards required by the Americans with Disabilities Act. Anyone needing additional accommodations to participate in the conference should call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 prior to the conference.
2. Any party wishing to appear by telephone or by videoconference at the prehearing conference or wishing to reschedule the conference shall notify the Regulatory Law Judge by calling 573-751-4393 or sending an e-mail to nancy.dippell@psc.mo.gov no later than 5:00 p.m. on September 2, 2008.
3. If the parties do not resolve their dispute, the Staff of the Commission shall prepare and file a jointly proposed procedural schedule no later than September 11, 2008.
4. This order shall become effective upon issuance.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Nancy Dippell, Deputy Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 22nd day of August, 2008.