

Before the Public Service Commission
of the State of Missouri

Roman DZHURINSKY,
Complainant

Case No. WC-2010-0215

v.
Missouri-American Water Company

Answers and inquiry for clarifications of MPSC Staff's investigation report

As of March 16, 2010 I received a copy of the Staff's investigation report and after carefully reviewing one I would like to submit my answer with some clarifications and opinions in the case.

I confirm that I had the Staff on my property (inside and outside), several phone conversations to investigate my complaint. I assume the Staff tried his best as an independent party to investigate the issue and present a clear picture of the events and suggestions. Unfortunately, I found some missteps, ignorance of the physical facts and emissions without clarifying them. I don't know a reason for this, but it just could be some lack of time or the Staff's legal power to pursue the investigation farther.

The Staff reports he performed a shut off of a valve to determine if a dial will stop, but he didn't indicate which one. There are 2 of them (main and one to the water heater, respectively). And it is important. Because as it's described in my original report and what he did were performed by 2 MAWC employees on Dec. 4, 2010. It just only confirmed I didn't have a leak. He even went farther on my request to open a faucet and let water run, to see if a water meter leak indicator would rotate differently. It's the same as to have a hole in the pipe and water continuously under pressure. The dial rotated just only in one (correct) direction, indicating it was a real water usage at the time. Otherwise, it rotates in both, including also other physical facts as rotations having no particular patterns, not even moving at all for prolonged period of time, less moving overnight and weekends. Plumbers, I brought to my property and not having found any problems (while water still under pressure and no one home, no leaking appliances) clearly indicates - no leak whatsoever, but water usage indicator moves forward, indicating usage.

The Staff also states that my new water meter was removed again for testing for back flow pattern, which evidently does this, and was confirmed by 2 MAWC employees on Dec. 4, 2010, without explaining the cause. The Staff never informed me and I never was aware it was removed for testing. Is that lawful? The Staff states the water reading not significantly

accurate when it flows in reverse in contrast to forward. But how much? Where is his test report? This small amount accounts about 24^3 a quarter and if he looked at the 1st MAWC employee's report on Dec 4, 2010 it indicated how much it was in the particular time. He also could easily make marks on the water meter and read it in 10min - to 1 hour while no one home and no real usage. It would give him a clear picture of usage. He just followed the MAWC ideas if the usage indicator moves forward - it is usage, even he saw physically no one was inside. We both could calculate the "racketing" effect on property and see the difference in readings, but not to indicate it was minimum. I am surprised why the MAWC didn't give him any reports and tests performed on my property by their employees on Dec 4, 2010 and Dec 17, 2010, Their names or ID numbers. and showing it to me.

The Staff also connected a digital water pressure reading device and indicating in his report it was not big enough difference. How much? I have never seen results, even he promised to send me a copy. My plumbers did the same test on some Saturday and what I saw then and what I saw when it was connected by the Staff raises some red flag. My was 50psi - his (at the time of connection was 45psi). I asked for this test to see why my water pressure significantly fluctuates during daylight time but is normal overnight and weekends. Evidently no leak, but the main pipe water fluctuates.

The Staff also points in his report I installed my water heater in 2 different days (Sep 14 and Sep 28, 2010). Sep 28, 2010 was a day it was inspected by the St. Louis County Plumbing Dept. and everything was OK. It was installed on Sep 14, 2010 by the company called "EHRLICH'S" not one "UHLICH". The sticker is still attached to it. The Staff discussed my complaint with the plumber who installed my water heater and he states he believed I have a leak. I told the Staff about my discussion with him before and it was just his opinion, not statement. I talked to him again on 3/16/2010 and he agreed he didn't have enough evidence to support his opinion, but suggested to hire a licensed plumber to conduct investigation. No mention about the expansion tank what the Staff suspected but not mentioned in his report. Because a valve next to it, after shutting it off, stops the dial rotation at all. And statements by the Staff like whatever happens coming from my home are baseless. The plumber and later the manufacturer I consulted with assured me there was not enough air pressure inside the tank to push the water backward. As we discussed the issue about the expansion tank, both of us (Staff and me) knew there was a bladder inside reacting as a diaphragm if the water pressure is changing. There is nothing new about this discovery. I also tried to convince my plumber twice to remove the expansion tank (temporarily) just for the purpose to see if one causes the backflow, but he refused. And right now he is puzzled what the cause is. It's controversial for any plumber

to suggest to install a backflow valve while believing there is a leak.

The Staff also discussed my case over the phone with the St. Louis County Deputy Plumbing Inspector. It's not a new news for me. I told the Staff I had already had a conversation with him and he told me to check for the faulty "water pressure reduction valve" (no mention backflow one) which I told him I didn't have. He couldn't believe I didn't have one but he suggested to hire a licensed plumber also to investigate. I also called him on 3/19/2010 about his statement as the Staff states he did about installing a backflow valve and it will resolve the problem. He completely denied he made a statement. It was just his opinion on some unclear facts presented by the Staff, but he can't guarantee it will resolve a problem, but he guaranteed it will be very costly (from hundreds doll. to ...) to investigate and even to install the valve depending on location. And even after that, there is no guarantee it will work. No place designed in almost 60-year-old house to install valve either in the outside box or inside (no space) without significantly changing plumbing, costing a lot.

The only simple solution is to install a water meter with this device inside, where some counties require water companies to do this, but unfortunately not here.

The back water flow valve is usually installed on properties where there is not enough water pressure in the main pipes or when it significantly fluctuates (rural areas possibly) and an expansion tank must be installed, otherwise a water heater might explode. It means, the expansion tank first and the valve is optional. Having a water tower about a mile from my home and the Staff digital data about almost normal water pressure, says that a valve just could be one more liability dog in the future to claim the fault.

The Staff discussed with me a Rule 19.1. I told him it didn't apply to me because there is no any device mentioned located on my property, so there is nothing to fix. So, I went again to the provision 4CSR-240-10(5), (37), (43) which the HAWC refused to honor, at least to cooperate with me (if a customer installs a new device - my case is an expansion tank - the service company should adjust their reading devices to work properly). The water company in their response to me and to MPSC never ever indicated they found a leak, including their first report, just only claiming I have plumbing problems. But now as the Staff's report states, they told him I have a leak. It's baseless, irresponsible and controversial.

The Staff indicates in his report he contacted the water meter's manufacturer and the AWWA about water meter operation. Now we know this was designed intentionally (not explained for which reason) to rotate dial in both directions and add or subtract water flowing in both directions, so creating the "ratcheting" effect. No manual was submitted about each component inside of the water meter to confirm. And even more surprisingly the HAWC didn't offer one. Now was requested by the Staff. But as long it rotates in both directions and works properly (proven no real water usage and leak physically confirmed at the time) and not moving water usage indicator forward it's OK with me. Unfortunately, it

doesn't work this way. That is what was confirmed by the MAWE testing. I also contacted AWWA (Mr. Tim - first name) and Neptune Technology Group (Mr. Sabich, supervisor). Mr. Sabich said: "The water meter leak/flow indicator is very sensitive to water pressure change in the pipes, even insignificant. So, it means if it rotates backward, the water goes through meter for whatever reason, even air could push it. And the water usage indicator not always can subtract water usage when it flows back as it should, or can make it improperly. It wasn't designed for this purpose. He couldn't find any connection between my "faulty plumbing" and the backflow effect. He also raised issue why the MAWE couldn't provide this information to me and try to install a water meter with a backflow valve inside. They are commonly available and used in all parts of the country and even required in many countries. It's much easier, faster and economically effective than alter the plumbing system".

I also discussed with Staff (entirement from the MAWE) why my water usage was below average and showing consistancy in the past couple of years. Some of them: One less person lives and I made some adjustments to my 2 flush toilets tanks to fill them a half full to conserve water after I replaced my old sewer lateral with a new one couple of years ago.

No mention in investigation report at all why everytime I open a faucet air coming out. The Staff said it comes from the main pipe when it's open for any reason, such as repairs, or changing one. My plumbing system is closed one.

As this investigation and conclusions are based on facts as physical evidence on premises (some hidden), some people's opinions and beliefs (who never been on my property), this case reminds me the Toyota's one. They try to resolve the problem even they don't exactly know what it's, but at least paying for this. I don't think the Staff has already secured a new stimulus package from the White House to make alterations to my 60 years plumbing system. No one ever expected to have so many problems at the same time after just replacing a leaky water heater. Is not it ridiculous? How about all other people who had already did the same? That is why we need to find a hidden report or at least 2 MAWE (and I believe honest) employees who were on my property on Dec 4, 2010 to confirm their statements about other people's complaints.

To make the report even worse the Staff tries already to make a verdict forcing me to install a device based on highly uncertain assumptions and without credible evidence which are wrong and ever will work. He just uses method of deduction - if this doesn't work we will try something else. But doing this he in fact makes a big disservice to the MDSC, mistrust of public and a big holiday for the MAWE.

Neither the Staff nor MAWE answered questions such as: why the leak (water indicator flow) rotates in both directions, rotates in different patterns all the time,

and not rotates at all for a prolonged period of time, particularly over nights or weekends (water is always under pressure in the pipes) and why it creates the wrong "ratcheting effect" (contradiction to the manufacturer's definition), indicating water usage, if none is consumed.

As I indicated in my original complaint this case is unique and I prefer mediation to present all the above described facts personally to resolve the case out of court.

Also, I would ask for permission to remove "HC" sign from the case, such to allow me to present one openly to any independent party outside of MPSC, such as public media, if the case can't be mediated or will be dismissed.

Respectfully submitted,

Roman Denurinskiy

03-30-2010