

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held by telephone
and internet audio conference
on the 8th day of July, 2020.

In the Matter of Missouri-American)
Water Company's Proposed Tariff) **File No. WT-2020-0353**
Sheet Filing) Tracking No. JW-2020-0185

ORDER SUSPENDING TARIFFS AND DIRECTING FILING

Issue Date: July 8, 2020

Effective Date: July 22, 2020

On April 23, 2020,¹ Missouri-American Water Company (MAWC) filed tariff sheets with an effective date of May 23 under Tariff Tracking No. JW-2020-0185 to make the treatment of the customer service lines in MAWC's St. Louis County service area consistent with the rest of its service areas and remove a hindrance to implementing MAWC's Commission-approved lead service line replacement program.² On May 14, at the request of its Staff, the Commission suspended the tariffs until July 22. On June 30, Staff recommended the Commission approve the tariffs, and the Commission issued its order requiring any objections or response to Staff's recommendation or to the tariffs be filed no later than noon on July 6.

On July 6, the Office of Public Counsel (OPC) filed its Response to Staff's Recommendation, stating it did not object to the proposed tariffs but arguing that the ownership/maintenance responsibility change proposed for the St. Louis County service area but not for the company's similarly situated Joplin and St. Joseph service areas constituted apparent disparate customer treatment which MAWC had not adequately justified. OPC's motion cited to June 24 data requests propounded on MAWC asking why

¹ All date references shall be to 2020 unless otherwise indicated.

² Staff's Memorandum, p. 3.

it had not proposed similar changes for the Joplin and St. Joseph's tariffs. Among several requests, OPC asked and received a response as follows:

Question:

"Why are those exceptions for Private Fire Lines and Master Service Lines in Joplin and St. Joseph in MAWC's tariff, why should they remain in Missouri-American Water Company's tariff, and why has not Missouri-American Water Company proposed to eliminate those exceptions as well as the exception for St. Louis County?"

Answer:

"Those exceptions have been in the tariffs for many years. MAWC is unsure of the origin. As indicated in the Application, the situation in St. Louis County was the impetus for the proposed changes to the St. Louis County provisions. MAWC had no specific justification for changes to the private file lines and master service lines treatment in Joplin and St. Joseph."

The filings now before the Commission state the new St. Louis County service area tariffs are to make the treatment of the customer service lines in MAWC's St. Louis County service area consistent with the rest of its service areas and to remove a hindrance to implementing MAWC's Commission-approved lead service line replacement program. While OPC does not oppose the new St. Louis County service area tariffs, OPC's response directly challenges MAWC's first stated rationale for the new tariffs and, therefore, whether its overall rationale constitutes a sufficiently non-discriminatory reason for apparent disparate customer treatment. No filing now before the Commission adequately addresses OPC's proper question.

The Commission will issue its orders further suspending the tariffs and directing MAWC and the Staff to file replies to Public Counsel's Response to Staff's Recommendation.

THE COMMISSION ORDERS THAT:

1. The tariff sheets submitted under Tariff No. JW-2020-0185 by MAWC previously suspended until July 22, 2020, shall be further suspended until August 21, 2020.

2. The specific tariff sheets suspended are:

P.S.C. Mo. No. 13

- 3rd Revised Sheet No. R 4, Cancelling 2nd Revised Sheet No. R 4
- 3rd Revised Sheet No. R 6, Cancelling 2nd Revised Sheet No. R 6
- 3rd Revised Sheet No. R 7, Cancelling 2nd Revised Sheet No. R 7
- 1st Revised Sheet No. R 14, Cancelling Original Sheet No. R 14
- 2nd Revised Sheet No. R 16, Cancelling 1st Revised Sheet No. R 16
- 1st Revised Sheet No. R 32, Cancelling Original Sheet No. R 32
- 1st Revised Sheet No. R 45, Cancelling Original Sheet No. R 45
- 2nd Revised Sheet No. R 47, Cancelling 1st Revised Sheet No. R 47

3. No later than July 22, 2020, MAWC and the Commission Staff shall file replies to Public Counsel’s Response to Staff’s Recommendation.

4. This Order will be effective when issued.



BY THE COMMISSION

A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Silvey, Chm., Kenney, Rupp, Coleman, and
Holsman CC., concur.

Graham, Regulatory Law Judge