

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

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

**REPLY TO PUBLIC COUNSEL'S
RESPONSE TO STAFF RECOMMENDATION**

COMES NOW Missouri-American Water Company ("MAWC" or "Company") and, as its *Reply to Public Counsel's Response to Staff Recommendation*, states as follows to the Missouri Public Service Commission ("Commission"):

1. On April 23, 2020, MAWC filed tariff sheets under Tariff Tracking No. JW-2020-0185 to modify the treatment of the customer service lines in MAWC's St. Louis County service area.

2. On May 14, at the request of its Staff, the Commission suspended the subject tariff sheets until July 22. On July 6, 2020, the Office of the Public Counsel ("Public Counsel" or "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 for the private fire service and master service lines¹ in the Joplin and St. Joseph service areas constituted apparent disparate customer treatment which MAWC was not adequately justified. On July 8, 2020, the Commission issued its *Order Suspending Tariffs and Directing Filing*, wherein it further suspended the subject tariff sheets until

¹ – "A privately owned pipeline that can only be installed at the sole discretion of the Company, in areas where a public water main extension is not necessary, and said pipeline would be capable of supplying domestic and/or fire protection water service to more than a single premises on one or more lots or parcels of land with one or multiple ownerships being involved." MAWC, PSC MO NO 13, Sheet No. R 7.

August 21, 2020, and directed MAWC and the Staff to file replies to Public Counsel's Response to Staff's Recommendation.

3. MAWC does not believe that the originally proposed changes would result in undue discrimination. A similar change for St. Joseph service lines (other than private fire and master service lines) was made many years ago in Commission Case No. WR-95-205, and a similar change for the treatment of service lines in Jefferson City was made in Commission Case No. WR-99-326. Section 386.270, RSMo, states that all schedules approved by the Commission "shall be in force and shall be prima facie lawful, and all regulations, practices and services prescribed by the commission shall be in force and shall be prima facie lawful and reasonable until found otherwise in a suit brought for that purpose" Current provisions related to the private fire and master service lines in Joplin and St. Joseph would remain unchanged in MAWC's proposal. Moreover, as stated above, the remaining service line provisions in St. Joseph and Joplin concern a different scenario in that they apply only to private fire lines and master service lines.

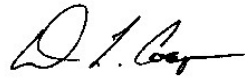
4. Having said this, MAWC notes that its initial consideration was to eliminate the exceptions for private fire and master service lines in Joplin and St. Joseph, along with the Str. Louis changes. It did not ultimately propose those changes to the private fire and master service lines in Joplin and St. Joseph because, as stated in the data request response quoted by the OPC, "MAWC had no specific justification for changes to the private file lines and master service lines treatment in Joplin and St. Joseph."

5. If supported by the Staff and OPC, MAWC does not object to removing the exceptions for the private fire and master service lines in Joplin and St. Joseph. MAWC

has provided proposed tariff sheets for that purpose to the Staff and OPC for their review. Staff has indicated no objection to the proposed changes. If OPC also has no objection, MAWC will substitute those sheets in this case.

WHEREFORE, MAWC respectfully requests the Commission consider this reply and issue such orders as it should find to be reasonable and just.

Respectfully submitted,



Dean L. Cooper MBE#36592
BRYDON, SWEARENGEN & ENGLAND P.C.
312 E. Capitol Avenue
P. O. Box 456
Jefferson City, MO 65102
(573) 635-7166
dcooper@brydonlaw.com

ATTORNEYS FOR MISSOURI-AMERICAN
WATER COMPANY

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been sent by electronic mail or U.S. Mail, postage prepaid, this 22nd day of July, 2020, to:

Mark Johnson
Missouri Public Service Commission
Mark.johnson@psc.mo.gov
staffcounsel@psc.mo.gov

Nathan Williams
Office of the Public Counsel
Nathan.williams@opc.mo.gov
opcservice@opc.mo.gov

