

Woodland Manor Water Company, LLC
P O Box 73
Kimberling City, MO 65686

RESPONSE TO ERIC C. LARSON COMPLAINT
File No. WC-2011-0409 of June 27, 2011 Thursday, July 21, 2011

Woodland Manor Water Brief History

December 1992, former owner Bob Connell, Woodland Manor Water Company became a public utility.

February of 1999, the Commission approved the purchase of Woodland Manor Water by Steve and Mona Fennema, which was set up as Woodland Manor Water Company, LLC. At the time we took over, Mr. Connell had installed most of the meters for the system, but not all, of which Kimberling Oaks had not been installed.

2000, Bill Nichol, PSC inspector, said Woodland needed to finish installing all meters and start billing actual usage instead of billing the flat fee.

November 2001, meter installation complete and initial meter readings collected.

December 2001 first billing based on usage. Through out the system there are some lines and meters that are not located on the property owners' property, which were already installed when we purchased the system in 1999.

Kimberling Oaks water service

Kimberling Oaks Resort has been in existence for approximately thirty years. I am assuming the 2" main on the south side of the street and three service lines were put in for the water at that time, to service cabins and house as well as service lines to houses on south side of the street (*Exhibit A*).

November 18, 1991, Bob Connell provided existing waterline information to Rozell Engineering Company of Branson, MO. The engineers' drawing designated 3 service lines crossing the street from the 2" main running down the south side of the street. (*Exhibit A*) At that time no meters were installed at the Kimberling Oaks Resort.

February of 2000, Eleven years ago, Woodland installed a 2" meter (size requested by customer) for the new cabin constructed on the west end of the resort property. (*Exhibit B*) At the time Woodland assumed Mr. Larson would eventually attach the entire resort to this one meter otherwise this size meter would not have been necessary. When we crossed the road perpendicular to the main with a new 2" PVC line, the small one inch black CTS service line was found to be crossing at an angle. This line was partially removed and capped off. All of the original cabins at the resort still had water service without this line being attached and were still unmetered.

November 2001, Ten years ago, Mr. Larson built another structure on the East end of the resort, which he planned to use as his home and office. **(Exhibit B)** Woodland crossed the street with a 1 ½ inch service perpendicular to the 2" main. A 1 ½" meter was set in a location which would allow room for fittings to attach to the customers existing water line, which served the swimming pool and all but one cabin at the west end and also tee off to the east for the new structure with 1 ½" line. **(Exhibit B)** Mr Larson currently rents it out as a cabin, and lives in an Apartment across the street from the resort. Mr. Larson referred to this meter as being 2" when in fact it is 1 ½".

I viewed Mr Larson as one water service customer using water for his business, a seasonal transient resort, I did not feel there was a need to place yet a third meter. The original third service line was then abandoned and capped off by the main on the south side of the street. From this meter a tee was placed to allow an 1 ½" line to be attached and run to the residence/office and Mr Larson's original line to his cabins was reattached. While Woodland had the backhoe on site, it dug the ditch for the line to the residence/office **(Exhibit B)**. Mr. Larson only paid for just the time of the backhoe and no machine delivery fee. Mr. Larson did not have to pay for a third meter set, nor the monthly minimum fee of \$16.45 per month, which would equal \$197.40 per year for the last 10 years or a total of \$1974.00, plus another annual primacy fee of 3.24 to 7.44 depending on meter size. This 1 ½" meter and line extension was assumed at the time to be on Mr. Larson's property, however, it is in the city utility easement area. Mr. Larson uses this same area for his customer parking. It should also be noted that in the past few years the city has widened the street edges to make a feathered edge. After setting the 1 ½" meter ten years ago, Woodland has not performed any excavation on the north side of the street for Mr. Larson's property. From the time the meters were installed (ten and eleven years ago), Woodland 's service connection stopped at the meter. **(Tariff sheet 6, Rule 1(f))**

When I went to check out the leak, I requested the City to test the leakage for sewer, as they have a Gravity fed sewer line going down the middle of the street. Their results showed chlorine only no sewer. It was extremely unusual that the leak would only be on the north, resort side of the street, where there wasn't a main, and puzzling how the 2" main on the south side to be able to leak under the road and get across the sewer ditch. **(Exhibit B and Exhibit C)** There was no water in the drainage ditch on the south side of the street. Water did not start appearing until the edge of the road on the north side. Plus it was in an area that was between the service lines crossing the street in which we had never excavated before. **(Exhibit B)** In the process of locating the source of the leak, Mr. Larson turned off the valve to the 1 ½" meter and the leak slowed down even though ground was fairly saturated and would take a while to stop. It was clearly controlled by that meter shut off. I told Mr Larson it was in his line and would be up to him to repair. Mr Larson proceeded to say that was bullshit, and was my line to fix because he didn't buy a water company and that the break was in a water main. I told him, that it became his line when we installed the meter ten years ago. **(Tariff sheet 6, Rule 1(e))** Mr Larson then stated the 1 ½" meter was installed in the wrong place and that he would take me to court if he had to. When Mr Larson started threatening, I told him I didn't want to argue

with him in the middle of the street and I left. Mr Larson has presented this same argument to me twice since then. He claims the meters should have been placed where his original resort shut offs were, which are in between the cabins. Even though with the current meter placement, he has had complete control of these lines to his resort cabins, and has used it as such for 10 years. His own drawings show the section of line in question goes between his resort shut offs. *(Exhibit D)*

It is my understanding that Mr. Larson dug up the street and repaired the leak with a compression fitting which tells me he had to keep the line connected or part of his cabins would have been with out water. He also states in his complaint that he shut the water off to the cabins for the night, again showing he had complete control of the line.

There isn't any reason to reset, either meter, nor should Woodland Water be responsible for any repairs to Mr Larson's line. The meters and water service have been accepted and used without problem for over ten years. *(Tariff sheet 12(g) and Tariff sheet 26, Rule 11(h))*

Mr. Larson has tried to bill me for his repairs to this point by subtracting his water bill from his repair statement. As this was not a dispute in regard to water billing, I wrote and told him he would be shut off for non-payment. Shut off procedure was initiated on the 26th, on the 6th of July I gave Mr. Larson a courtesy call to let him have a final chance to pay, or inform his vacationing customers that water service was going to be discontinued the next day. He proceeded to tell me, the check was in the well, I asked him why it was in the meter pit, he said in case he was not home when we came to shut it off. The next day, there was a car parked with its tire directly over that pit, and was there for most of the weekend. *(Exhibit E)* I did not contact or ask Mr. Larson to request the vehicle moved, as I knew his customer would be leaving in a few days. On Sunday, a different vehicle was parked there. Monday, July 11th, the vehicle was moved. My helper checked the pit and a check was there inside a plastic baggie. Water service was not discontinued at this time although payment should have been delivered or mailed to our office *(Tariff sheet 21, rule 10(d))*. Our office is only 3-4 blocks from his resort, and in 10 years this is the first time he has not hand delivered his payment to our office or placed it in our drop box.

Verification

I, the undersigned, being of lawful age and first being duly sworn, depose and say that I am the Respondent representing Woodland Manor Water Company, LLC herein, that I have read the allegations of the foregoing response, and that all of said facts and statements contained therein are true and correct to the best of my knowledge, information and belief.

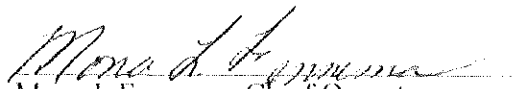

Mona L. Fennema, Chief Operator
Woodland Manor Water Company, LLC
417-739-2370, fennema21@msn.com

Exhibit A



EXISTING WATER SYSTEM LAYOUT	
WOODLAND MANOR WATER SYSTEM	
KIMBERLING CITY, MISSOURI	
OWNER BOB CONNELL	
ROZELL ENGINEERING COMPANY ENGINEERING SECTION INC. 109 EAST MAIN BRANSON, MISSOURI 65616 PHONE (417) 334-4141	
SHEET 1 OF 1	DATE: 11-18-91

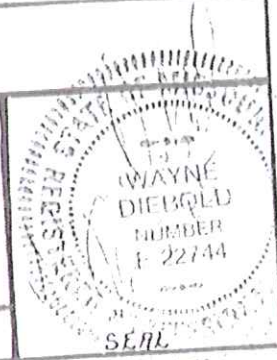


EXHIBIT II

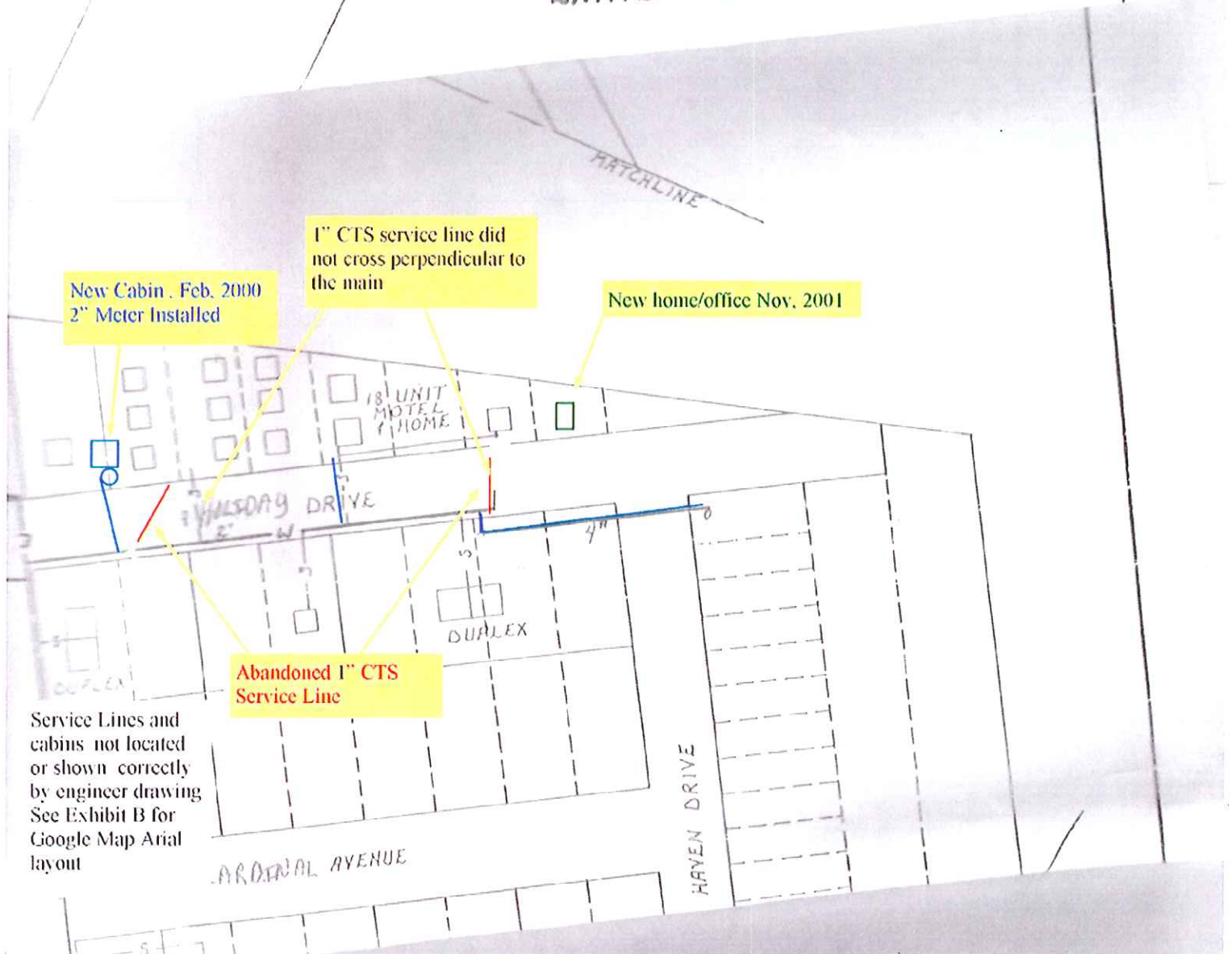


Exhibit B

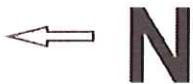
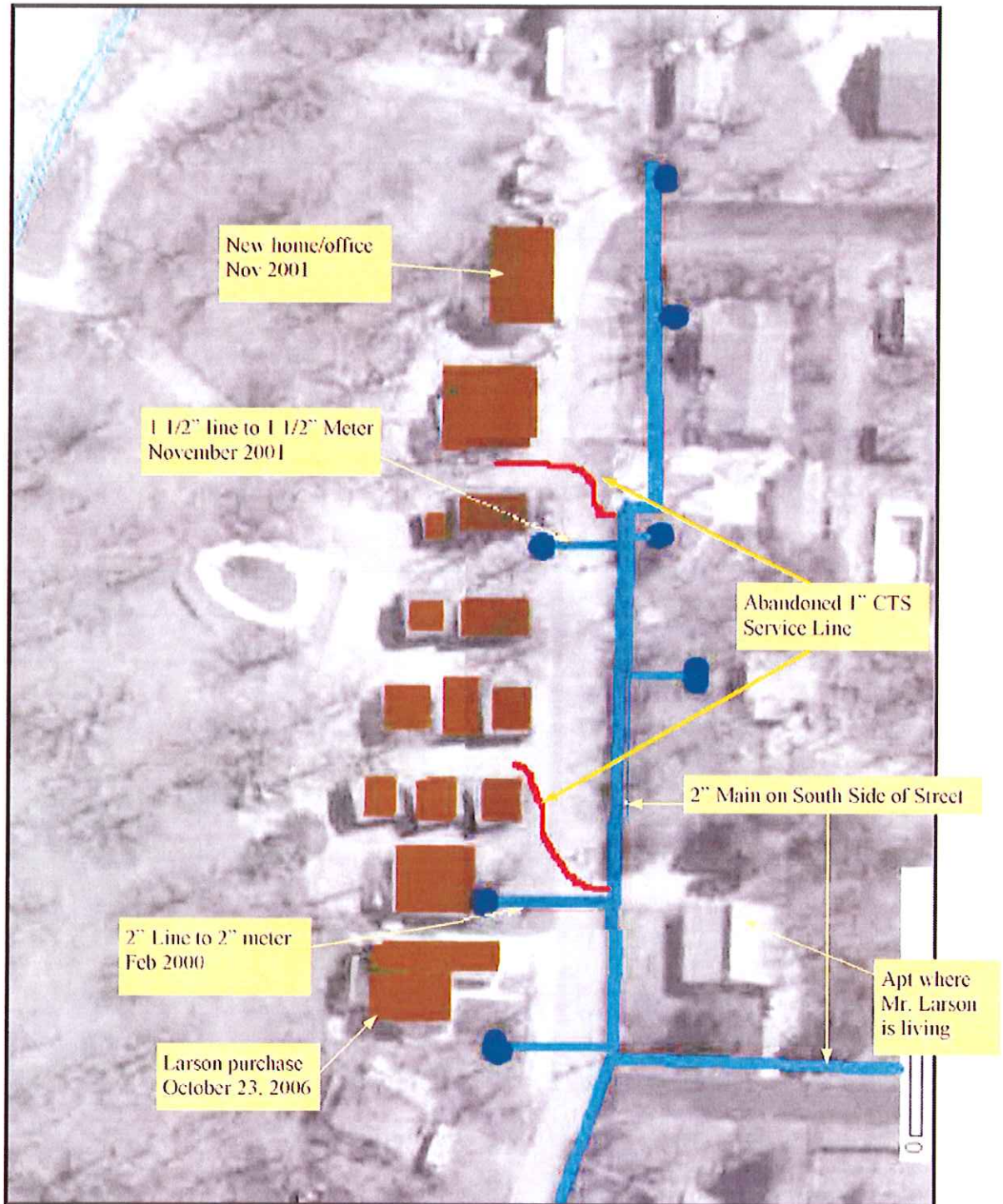


Exhibit C



Exhibit D

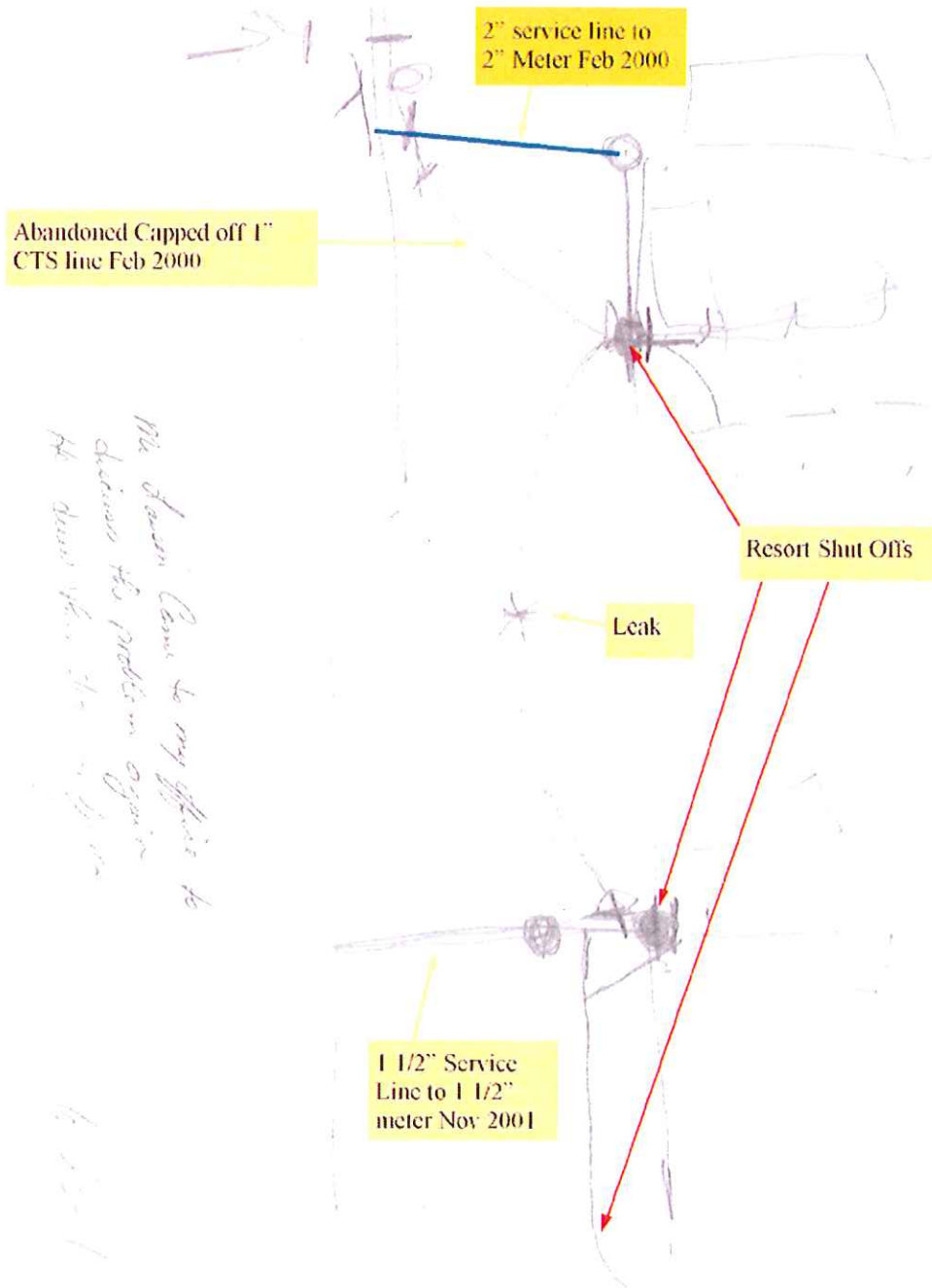


Exhibit E



Cancelling P.S.C.MO. No.

Original
Revised

SHEET No.

Bob Connell d/b/a

Woodland Manor Water Company

Name of Issuing Corporation

For Kimberling City, Missouri
Community, Town or City

RULES AND REGULATIONS GOVERNING RENDERING OF WATER SERVICE

Rule 1 DEFINITIONS

Bob Connell d/b/a

- (a) The "COMPANY" is the Woodland Manor Water Company acting through its officers, managers, or other duly authorized employees or agents.
- (b) The "CUSTOMER" is any person, firm, corporation or governmental body which has contracted with the Company for water service or is receiving service from Company, or whose facilities are connected for utilizing such service.
- (c) The word "UNIT" shall be used herein to define the standard user or property served and shall pertain to any building whether residential or commercial owned or leased. Mobile homes or rental units are considered as separate units for each single family or firm occupying same as a residence or place of business.
- (d) A "MAIN" is a pipeline which is owned and maintained by the Company, located on public property or private easements, and used to transport water throughout the Company's service area.
- (e) A "CUSTOMER'S WATER SERVICE LINE" is a pipe with appurtenances installed, owned and maintained by the customer, used to conduct water to the customer's unit from the property line or outdoor meter setting, including the connection to the meter setting. If the property line is in a street, then the said customer's water service line shall be deemed to begin at the edge of the street abutting the customer's property.
- (f) A "SERVICE CONNECTION" is the pipeline connecting the main to the customer's water service line at the property line, or outdoor meter setting, including all necessary appurtenances.

*Indicates new rate or text
+Indicates change

Public Service Commission

NOV 12 1992

DATE OF ISSUE

DATE EFFECTIVE _____

DEC 12 1992

ISSUED BY

month day year
Bob Connell

name of officer

Bob Connell
Sole Prop.

P.O. Box ^{month} 151
Kimberling C

title

address

FORM NO. 13 P.S.C.MO. No. 1 { Original } SHEET No. 12
{ Revised }
Cancelling P.S.C.MO. No. { Original } SHEET No. _____
{ Revised }
Bob Connell d/b/a
Woodland Manor Water Company For Kimberling City, Missouri
Name of Issuing Corporation Community, Town or City

RULES AND REGULATIONS GOVERNING
RENDERING OF WATER SERVICE

Rule 5 INSIDE PIPING AND CUSTOMER WATER SERVICE
LINES (continued)

- (e) The Customer's water service lines and inside piping shall be of material conforming to recognized standards for potable water service and shall have a pressure rating of at least 160 psi working pressure.
- (f) Held for future use.
- (g) Any change in the location of an existing service connection requested by the Customer shall be made at his expense.
- (h) The Company shall have the right to enter the Customer's premises for purposes of inspection to ensure compliance to these rules and regulations. The Company shall identify themselves and make these inspections only at reasonable hours.
- (i) Neither Customer's water service lines nor the Service Connection may be extended along public streets or roadways or through property of others in connecting with the Company's mains, except where the service connection is in the water main easement in order to be connected to the main. The service connection and service line must be laid in a straight line and at right angles to the main and the face of the structure or as nearly so as possible. Any deviation from this because of physical obstruction will be at the discretion of the Company.

*Indicates new rate or text
+Indicates change

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Public Service Commission

DATE OF ISSUE NOV 12 1992 DATE EFFECTIVE DEC 12 1992
month day year month day year
ISSUED BY Bob Connell Bob Connell P.O. Box 151
name of officer title address
Kimberling City, MO 65686

FORM NO. 13 P.S.C.MO. No. 1 {Original} SHEET No. 21
{Revised}
Cancelling P.S.C.MO. No. {Original} SHEET No.
{Revised}
Bob Connell d/b/a
Woodland Manor Water Company For Kimberling City, Missouri
Name of Issuing Corporation Community, Town or City

RULES AND REGULATIONS GOVERNING
RENDERING OF WATER SERVICE

Rule 10 BILLS FOR SERVICE

- (a) The charges for water service shall be at the rates specified in the rate schedules on file with the Missouri Public Service Commission. Service charges for turn-off of service are set forth in the Schedule of Service Charges.
- (b) A Customer who has made application for water service to a unit shall be responsible for payment for all water service provided to him at said unit until the Customer notified the Company to discontinue service.
- (c) Each customer is responsible for furnishing the Company with his correct address. Failure to receive bills will not be considered an excuse for non-payment nor reason to permit an extension of the date when the account would be considered delinquent. Bills and notices relating to the Company or its business will be mailed or delivered to the mailing address entered in the Customer's application unless the Company is notified in writing by the Customer of a change of address.
- (d) Payments shall be made at the office of the Company or at such other places conveniently located as may be designated by the Company or by ordinary mail. However, payment must be received by the close of business on the date due.
- (e) The Company will not be bound by bills rendered under mistake of fact as to the quantity of service rendered or as a result of clerical error.

*Indicates new rate or text
+Indicates change

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DEC 12 1992
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Public Service Commission

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month day year month day year
ISSUED BY Bob Connell Bob Connell P.O. Box 151
name of officer Sole Prop. Kimberling City, MO 65686
title address

FORM NO. 13

P.S.C.MO. No. _____

1

(Original) SHEET No. 26
(Revised) _____
(Original) SHEET No. _____
(Revised) _____

Cancelling P.S.C.MO. No. _____

Bob Connell d/b/a

Woodland Manor Water Company

For Kimberling City, Missouri
Community, Town or City

Name of Issuing Corporation

RULES AND REGULATIONS GOVERNING
RENDERING OF WATER SERVICE

DEC 12 1992

Rule 11 METERS AND METER INSTALLATIONS (continued)

- (f) The meter will be installed at or near the Customer's property line; it shall be placed in a meter box vault constructed by the Company in accordance with its specifications. Company shall furnish and install suitable metering equipment for each Customer except where installation in a special setting is necessary, in which case the excess cost of installation shall be paid by the Customer.
- (g) The Customer shall promptly notify the Company of any defect in, or damage to, the Meter Setting.
- (h) Any change in the location of any existing meter or Meter Setting at the request of the Customer shall be made at the expense of the Customer, and with the approval of the Company.
- (i) If an existing basement meter location is determined inadequate or inaccessible by the Company, the Customer must provide for the installation of a meter to be located at or near the Customer's property line. The Customer shall obtain from the Company, or furnish the necessary meter installation appurtenances conforming to the Company's specifications, and said appurtenances and labor shall be paid for by the Customer.
- (j) Approved meter installation locations in dry basements, sufficiently heated to keep the meter from freezing, may remain provided the meter is readily accessible, at the Company's and Customer's convenience as determined by the Company, for servicing and reading and the meter space provided is located where the service line

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