| • | | | | MAY 22 | 2006 |
|----------------------|---------------------------------|---|------------------|---------------------------|--------------------------------|
| ame: <u>Sharor</u> | <u>A. Wals</u> Complainant | <u>.</u> |)) | Missouri F Service Com | ^p ublic Imission |
| . VS. | | |) Case No. | | |
| ompany Name: <u></u> | <u>Lissouri</u> Ame Responde | erican Water |) | | |
| | | COMPLAINT | | | |
| Complainan | t resides at() | 64 Circlevi | ew Dr. | | _ |
| ST Louis | s, mo | 63123 | | | _ |
| 1. Respond | ent, <u>Missouri</u> | American | Water | | |
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| risdiction of the P | ublic Service Cor | nmission of the St | ate of Missouri | | |
| | ublic Service Cor | | | | |
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J'm sorry this is not correct, March bill marked "actual", J'm sorry the bill was for \$10,249.90. I was confused by the Advisted bill which arrived in August. Prior to receiving a bill in June, 2004, a man from MO-AWC came to the house and read the meter in the basement. June's bill was marked "actual" reading and was for \$39.10, which was paid. My next bill should've arrived in August as I am on a 3 month billing cycle. However I received a bill in July for \$10,249.90. When I called for an explanation, I was told that I had been on an estimated billing for 2 years because the outside meter reading device was defective.

Wouldn't the estimated figure be corrected by the "actual" reading obtained for the June bill? Where did the astronomical difference come from? As a customer, is the continued functionality of their equipment my responsibility? Even when averaged over a 24 month period, this would indicate a water usage increase of 1500%. My bill has averaged \$30.00 per month both before and after this bill was received.

I told the MO-AWC phone representative that I had no swimming pools, sprinklers or major water leaks, nor have I received any unusual sewer bills. I was told that they had tested the meter and found it to be working properly so I owed the bill, and that a leak must have caused the excessive usage. A physical inspection of my house will clearly prove that no repairs have been performed for several years prior to this bill or since receiving it. I had a plumber from Roto-Rooter come to look for any hidden water leaks or damage, I was told that a leak that big would cause very visible damage and water pressure problems, which I have never experienced.

I have been disabled for years and the only way for me to get home repairs completed is to take an equity loan on the house, which I have not done. This too can easily be verified with a simple public records search.

The water company sent a letter in July, 2004 stating that a "courtesy adjustment" had been granted for \$7953.15 leaving a balance of \$2296.75. They immediately began calling to get a payment arrangement. I have refused to make any such arrangement as I do not believe that I owe any of the amounts billed. I have paid my normal bills for years and it has been normal since this bill came. I don't feel I should be responsible for whatever error caused this exorbitant bill.

I have not used this much water in 20 years, it is difficult for me to accept that I had a leak that caused this much usage in 2 years. I have dripping faucets in my house that I have purposely still not repaired to see if they may be causing abnormal bills, and as I have already stated, my bill remains normal.

MO-AWC has reached the point of harassing me about this bill. They call continually, even after receiving notices from both my lawyer and the Public Services Commission of this pending issue. Each time I received a call I had to relate the entire story as if he or she knew absolutely nothing of the situation. The representatives have been rude, demanding and with the exception of one woman, (regretfully I did not get her name) threatening. They have come to the house to physically turn the water off. Had I not immediately called the Public Services Commission, and without intervention, MO-AWC would have cut my service. I shudder to imagine what I would have had to go through, and may have to go through yet, to get service re-established.



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Missouri American Water PO BOX 578 ALTON, IL 62002-0578

For Service To: 7064 Circleview Dr

Date Bill Is Delinquent 07/12/2004

000002193 01 AT 0.292 հետովեսինովութեններութեննութեններ Sharon A Walsh 7064 Circleview Dr St Louis MO 63123-1602

Monday will

| ACCOUNT NUMBER | 35-0276996-5 |
|------------------|------------------------|
| AMOUNT DUE | \$10,249,90 |
| DUE DATE | Jul 06, 2004 |
| , Amount Paid | |
| | in stars i the share's |

Please return this portion with check Payable to the address below

Missouri American Water PO BOX 2567 Decatur, IL 62525-2567

| Customer Account Information | Billing Summary | |
|---|--|-----------------------------|
| For Service To: 1: Sharon-A Walsh | Prior Balance | |
| 7.064 Circléview Dr. | Balance from last bill | \$39.10 |
| Account.Number::35-0276996-5 | Payments as of Jun 25-2004 Thanks! | <u>-39.10</u> |
| Premise Number: 35 0218514 | Total prior balance, Jun 25, 2004. | .00 |
| | Current Water Charges | |
| Billing Period & Meter Information | Customer Charge | 9.01 |
| Billing Date: Jun 25, 2004 Billing Period: Mar 09 to Jun 15 (98 days): | Usage Chrg (\$1525300 x 6:374.00) | <u>9,722.26</u> 9,731.27 |
| Next reading on/about: Sep 03: 2004 | Total water charges, Jun 25, 2004 | 9,/31.2/ |
| Rate Type: (Residential) | Size Hydrant Service | 3.29 |
| er ander som en | Service Line Protection Charge | 3.00 |
| Meter readings in current billing period: | Total other charges, Jun 25, 2004 | 6.29 |
| Meter Number 0050 190400 is a 5/8 inch meter | axes | 0.25 |
| Present-actual 9785 | GrosstReceipts Tax | 512.34 |
| Last-actual 3 | Total taxes: Jun 25, 2004 | 512.34 |
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| 1 cu itt equals 7.50 gallons 🔨 🐴 🐴 | | \$10,249.90 |
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Messages from Missouri American Water Local Office Hours 8:00AM - 5:00PM Monday - Friday.

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Missouri American Water

PO BOX 578 ALTON, IL 62002-0578

For Service To: 7064 Circleview Dr

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| ACCOUNT NUMBER | 35-0276996-5 |
|--------------------------------------|---|
| AMOUNT DUE | \$2,296.75 |
| DUE DATE | Aug 09, 2004 |
| Amount Paid | |
| Please return this Payable to the | portion with check address below \mathbf{v} |

Missouri American Water PO BOX 2567 Decatur, IL 62525-2567

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Customer Account Information

For Service To: Sharon A Walsh 7064 Circleview Dr Account Number: 35-0276996-5 Premise Number: 35-0218514

Billing Period & Meter Information Billing Date: Jul 30, 2004

Rate Type: Residential

Billing Summary

| Prior BalancePrior Balance | |
|--------------------------------------|--------------------------------|
| Balance from last bill | \$10,249.90 |
| Payments as of Jul 30, 2004. Thanks! | |
| Total prior balance, Jul 30, 2004 | .00 10,249.90 |
| Adjustments | |
| Leak - Adj Res | -7,555.49 |
| Total adjustments, Jul 30, 2004 | - <u>7,555.49</u> -7,555.49 |
| Taxes | |
| Gross Receipts Tax | - <u>397.66</u> |
| Total taxes, Jul 30, 2004 | -397.66 |
| TOTAL AMOUNT DUE | \$2,296.75 |
| Aug Aug | |
| | |
| | |

Messages from Missouri American Water Local Office Hours 8:00AM - 5:00PM Monday - Friday. The due date pertains to current charges only. Any past due balance should be paid immediately. * "The Infractmenture Surphane (or ISPS) is the result of a new Missouri Jaw that allows us to accelerate



| ount Information | Billing Summary | |
|--|---|--|
| SHARON A WALSH | Prior Balance | |
| 7064 Circleview Dr | Previous Balance Utility Charges | \$2,562.95 |
| 35-0276996-5 | Balance from last bill | \$2,562.95 |
| 35-0218514 | Payments as of Mar 15, 2006. Thanks! | -81.79 |
| . • | Total prior balance, Mar 15, 2006 | 2,481.16 |
| & Meter Information | Current Water Charges | |
| 15 2006 | Customer Charge | 9.01 |
| | Usage Chrg (\$1.525300 x 38.00) | <u>57.96</u> |
| | Total water charges, Mar 15, 2006 | 66.97 |
| ential | Other Current Charges | |
| and the second | Fire Hydrant Service | 3.30 |
| current billing period | Primacy (St Louis) < 1" Mar | . 66 |
| 9530 102 is a 5/8-inchimeter | Service Line Protection Charge | 3.00 |
| APT 7 3071 | Total other charges, Mar 15, 2006 | 6.96 |
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| | TOTAL AMOUNT DUE | \$2,558.78 |
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Customer Service and Emergencies: 1-866-430-0820 (24 Hours)

Visit us on the INTERNET at: www.mawc.com



<u>Missouri-American Water Comnany</u>

P.O. Box 578, Alton IL 62002 1-866-430-0820

06/24/2004

Walsh, Sharon A 7064 Circleview Dr St Louis MO 63123-1602

Account Number: 35-0276996-5 Premise Number: 350218514 7064 Circleview Dr

Dear Customer:

You will receive your current water bill within a few days. This letter is automatically sent to our customers whose current billed water usage is at least 50% higher than their most recent three-month average. This may or may not indicate a problem depending on your consumption patterns during the past few months. If you are not aware of any reason for increased water consumption, you may wish to inspect your plumbing and fixtures for the source of this increased usage. Perhaps you hear running water when no water or appliance is in use or your toilet (tank) refills without being used. These are just a few reasons for higher consumption.

If, after conducting your inspection, you still have concerns, we suggest you contact customer service and speak to a representative who can assist you.

If you have any other questions, please feel free to contact customer service at 1-866-430-0820, 24 hours a day, 7 days a week.

Sincerely,

HС

Customer Service

<u> Hissouri Amorican Water Compar</u>

P.O. Box 578, Alton IL 62002 1-866-430-0820

07/26/2004

Walsh, Sharon A 7064 Circleview Dr St Louis MO 63123-1602

Account Number: 35-0276996-5 Premise Number: 350218514 7064 Circleview Dr

Dear Customer:

On Friday, July 16, 2004, water meter number 50190400 was removed from the above referenced premise and brought into our shop for evaluation of its accuracy.

The meter reading was 9795.00 when removed and tested. The results of the tests are shown below and are within the limits approved by the Missouri Public Service Commission.

When tested at a rate of 10 gallons of water per minute, the meter registered 100.20%.

When tested at a rate of 2 gallons of water per minute, the meter registered 100.50%.

When tested at a rate of .25 gallons of water per minute, the meter registered 95.00%.

We will hold this meter in our shop for two months. If you dispute this information or wish to see the meter retested in your presence, please contact our Customer Service Center at 1-866-430-0820. We are available 24 hours per day, 7 days a week for your convenience.

Sincerely,

Customer Service

Missouri-American Water Company



P.O. Box 578, Alton IL 62002 1-866-430-0820

07/28/2004

Walsh, Sharon A 7064 Circleview Dr St Louis MO 63123-1602

Account Number: 35-0276996-5 Premise Number: 350218514 7064 Circleview Dr

Dear Customer:

We have investigated your account and concluded that you are entitled to a credit adjustment. Your account was adjusted on Wednesday, July 28, 2004 in the amount of \$7,555.49, which represents 4,740,750 excess gallons of water.

We trust you will find this adjustment satisfactory. If you are served by a Public Service District or Sanitary Board, we will also communicate this adjustment to the appropriate company for their consideration of a sewer adjustment.

Should you have any questions, please feel free to contact our Customer Service Department at 1-866-430-0820. Associates are available 24 hours per day, 7 days a week for your convenience.

Sincerely,

Customer Service

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P.O. Box 578, Alton IL 62002 1-866-430-0820

08/03/2004

Walsh, Sharon A 7064 Circleview Dr St Louis MO 63123-1602

Account Number: 35-0276996-5 Premise Number: 350218514 7064 Circleview Dr

Dear Customer:

We have considered your request for a courtesy adjustment to your account because of a leak at ; property. We regret that after reviewing your account, we have determined that no credit will be

According to our records, your account was issued a courtesy leak adjustment on July 29, 2004. time, you were advised that this type of adjustment is a one-time only courtesy.

Because we recognize the added financial burden that may have been imposed on you due to you we do offer payment arrangements in these circumstances to satisfy any outstanding charges. If y to establish a payment plan, please call our office and speak with a customer service representati

Justin 8/24 20 toch will Justin 2-4:30 toch will Sept 7 to heuse Nome be there must be there If you would like to discuss your account further, please call our customer service representative : 1-866-430-0820.

Sincerely,

Customer Service

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Missouri-American Water Company



P.O. Box 578, Alton IL 62002 1-866-430-0820

09/10/2004

Walsh, Sharon A 7064 Circleview Dr St Louis MO 63123-1602

Account Number: 35-0276996-5 Premise Number: 350218514 7064 Circleview Dr St Louis MO

Dear Ms Walsh:

This letter is in reference to an inquiry made on September 7, 2004 regarding how the leak adjustment was figured and why it was not a bigger amount.

On July 12, 2004 Missouri-American went to the property to re read meter and to check for leaks. At that time, we noted that you did have some bad leaks that were repaired prior to us coming out.

On July 28, 2004 an adjustment was made to your account in the amount of \$7,953.15. We figured your average to be 53ccf. You were billed for 6374ccf. We took what we billed you (6374ccf) and subtracted your average (53ccf) and got the excess units of water which was 6321ccf. We then take the excess amount (6321ccf) and multiply that by a discounted rate of \$0.33 and that is the amount that you are responsible for of the excess water. This amount is \$2,085.93 that you are responsible for from the excess usage. We then take your average usage (53ccf) and multiply that by your normal water usage rate of \$1.52530 and that is what you are charged for your average usage. This amount is \$80.84. The total amount of water usage that you are responsible for is \$2,166.77. We then subtract that amount by the amount that you were billed for water usage and that is the adjusted amount. You were billed for \$9,722.26 for the water usage. We then took \$9,722.26 (what you were charged) and subtracted \$2,166.77 and got \$7,555.49 to adjust off for the water usage. Your total adjustment was for \$7953.15 which includes an adjustment of \$397.66 for the taxes that you were charged for.

There are also other charges that you are responsible for (customer charge, fire hydrant charge, service line protection charge and taxes). We only adjust the water usage and taxes. Your adjustment of \$7953.15 is correct as rendered. No additional adjustments will be made. Missouri-American offers leak adjustments to our customers as a courtesy. We do offer payment arrangements. We can set them up for up to 12 months if needed.

Thank you for your inquiry. If you have any further questions or would like to be set up on payment arrangements, please feel free to contact us at 1-866-430-0820. Our representatives are available 24 hours a day, 7 days a week for your convenience.

Sincerely,

Dan Justice Customer Service Center

ADHOC

010310598



September 17, 2004

Dan Justice Missouri-American Water Company P.O. Box 578 Alton, IL 62002

Re: Account 35-0276996-5 Premise #350218514

Dear Mr. Justice,

This letter is in response to your letter dated 9/10. Please review my account history and let me clarify a couple of points.

You will notice that my average usage as you stated is \$80.84. I have not checked this figure with my records but I trust that it is an average based on my previous 6 or 12 months billing periods. The bill I received for the June billing period was for the astronomical amount of \$10,249.90. This would indicate a major leak. My total bill dated 9/8/2004 was for \$58.34. I find it difficult to believe that a leak that could cause a 1500% increase in usage for one billing period would go undetected for any length of time, much less go away on its own within one billing cycle.

In your letter, you reference "some bad leaks that were repaired prior to us coming out." This is absolutely incorrect and I can assure you that no major leaks have been found or fixed in my home in several years. No leaks coincided with this huge water bill. I did not use the 6374ccf of water for which I was billed.

I greatly regret that I missed the service appointment that I requested on 9-7 and I have scheduled a second appointment for Tuesday 9/21/2004, I will be there personally to speak with the technician. I am very curious as to who noted the major leak that was reportedly fixed and where the leak was supposed to be.

You will also need to know that I have a water meter at the main water shutoff valve in the basement as well as a devise mounted on the exterior of the house by the garage. I am unsure if this device is also a meter or if it is merely some sort of remote meter reading device. The outside device was removed and taken for testing, to my knowledge it has not been reinstalled on the house. Was the meter in the basement tested, or replaced on 7/12? What was the result of that test? Could there be a discrepancy between the 2 devices? If there was a major leak, why did the technician who came to the site to verify the reading, before I received the \$10,000 bill, not mention it to anyone then? I am sure that you will clearly see that there are too many unanswered questions to state for a fact that I had a leak, and am responsible for even the discounted rate for the water I allegedly used. I understand that you will only allow one "courtesy leak adjustment", however, I believe that I am not in need of a leak adjustment, but a billing correction.

Whatever the root cause, I am confident that the error will be discovered, explained, and corrected appropriately. You may contact me at 314-822-9300 ext 120 from 7:30 to 4:00 and at 314-351-6933 after 4:30. I will anticipate a call or letter from you soon to resolve this issue.

Sincerely,

Sanders Traci L. Sanders

For Sharon Walsh

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY STATE OF MISSOURI

| SHARON A | L WALSH, |
|----------|---|
| | Plaintiff, |
| VS. | |
| | -AMERICAN WATER , A Missouri Corporation, |
| SERVE: | Registered Agent CT Corporation System 120 South Central St. Louis, MO 63105 Defendant. |

DECLARATORY JUDGMENT ACTION

Comes now plaintiff Sharon A. Walsh and for this her cause of action against defendant Missouri-American Water Company pursuant to Rule 87.01 and states and informs the court:

 That the plaintiff Sharon A. Walsh is a citizen, resident and domicilary of the County of St. Louis, State of Missouri; she makes her home at 7064 Circleview Drive, St. Louis County, Missouri 63123..

2. That the defendant Missouri-American Water Company is a public utility which supplies water to the plaintiff and other subscribers in the St. Louis Metropolitan Area including St. Louis County, Missouri

3. That plaintiff Sharon A. Walsh owns a parcel of real estate at 7064 Circleview Drive St. Louis County, Missouri 63123; as a consequence she is forced in order to secure

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water for the household on Circleview to subscribe for the water services of the defendant Missouri American Water company.

4. That for a number of years, and during the period here questioned Sharon A. Walsh was on the books and records of Missouri-American Water Company Account Number 35-0276996-5 and the premises at 7064 Circleview Drive, St. Louis County, Missouri was designated Premise Number 350218514.

5. That during March, 2004, the water bill on the plaintiff's premises averaged roughly \$39.00 per month. During that one month period the defendant pretextually and without good cause decided that the arrearage on the plaintiff's account was \$9,722.26 although the actual readings made by the personnel of the defendant showed no radical change of use of water for this single family dwelling.

6. That the defendant water company has since the water bill showed this impossible and radically inflated amount due, threatened the plaintiff, and those living on the premises with sudden and abrupt discontinuance of the water service to the home.

7. Plaintiff has no adequate remedy at law and must petition this court for a determination of the correct amount of the bill. Plaintiff has paid to and including to the date of the filing of this action the correct amount of the bill for the correct amount of the actual amount of water used at the premises.

8. Plaintiff is without funds and therefore petitions this court to hear and determine the issues herein set out and to declare that her water bill is paid in full to the date of the filing of this petition and to enter judgment in her favor and against the defendant for reasonable attorneys fees and costs of this action.

WHEREFORE, plaintiff prays that this court hear and determine the correct billing for her home at 7064 Circleview, St. Louis, Missouri and declare that all bill have been paid properly as they accrued to the date of the issuance of the Court's Ruling and to enter judgment in her favor and against the defendant for attorneys fees, and other costs attendant to this action and court costs.

Sharon A. Walsh

COUNTY OF ST. LOUIS STATE OF MISSOURI

SS

NOW BEFORE ME a notary public in and for the County of St. Louis, State of Missouri appeared Sharon A. Walsh who having been sworn did state, affirm and testify that the facts and allegations set out in the foregoing Petition for Declaratory Relief are true and correct.

SUBSCRIBED to this 28th day of April, 2005.

Notary Public

My commission expires:

Donald V. Nangle Bar No. 17719 1935 Marconi St. Louis, Missouri 63110 (314) 771-8000

ATTORNEY FOR PLAINTIFF