

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

In the Matter of Missouri-American Water)
Company's Request for Authority to Implement) **File No. WR-2011-0337**
a General Rate Increase for Water and Sewer)
Service Provided in Missouri Service Areas.)

**THE OFFICE OF THE PUBLIC COUNSEL'S RESPONSE TO STAFF'S
RECOMMENDATION**

COMES NOW the Office of the Public Counsel (Public Counsel) and for its Response to Staff's Recommendation states as follows:

1. On March 5, 2014, Missouri-American Water Company (MAWC) filed a motion with the Missouri Public Service Commission (Commission) seeking a waiver from its obligations to fulfill its reporting requirements for the period of May 2013 to June 2014 as agreed to in the Non-Unanimous Stipulation and Agreement in the above stated case.
2. On March 20, 2014, the Staff of the Missouri Public Service Commission (Staff) filed its Recommendation regarding MAWC's request. In its Recommendation, Staff recommends that the Commission deny MAWC's request for this waiver.
3. Staff notes that the Commission has already granted one variance with regard to these reporting requirements for the period of May 2013. However, Staff states that MAWC has failed to comply with the reporting requirements since the May 2013 variance was granted. Staff also states that MAWC has not given an explanation for the inability to provide this data apart from ambiguous statements regarding its Business Transformation system conversion.
4. Public Counsel now states that it supports Staff's recommendation that the Commission deny MAWC's request for this waiver. Public Counsel recently filed a complaint against

MAWC specifically pointing out billing problems MAWC customers throughout Missouri have been facing, most likely as connected to the Business Transformation system conversion.

5. Staff recently filed a report in that complaint case noting very troubling findings regarding MAWC's billing practices and possible Commission Rule violations. A procedural conference is scheduled for April 2, 2014.

6. It is unjust and unreasonable to grant MAWC a waiver so that it may continue to not meet its obligations under the Non-Unanimous Stipulation and Agreement while investigation has revealed grave concerns regarding MAWC's billing practices. Therefore, Public Counsel supports Staff's Recommendation, asks that the Commission deny MAWC's request for this waiver, and asks the Commission to continue to review MAWC's billing practices through the complaint case process.

WHEREFORE, Public Counsel respectfully submits its Response.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

/s/ Christina L. Baker

By: _____

Christina L. Baker (#58303)

Deputy Public Counsel

P O Box 2230

Jefferson City, MO 65102

(573) 751-5565

(573) 751-5562 FAX

christina.baker@ded.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 21st day of March 2014:

Missouri Public Service Commission
Office General Counsel
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Missouri-American Water Company
Dean L Cooper
312 East Capitol
P.O. Box 456
Jefferson City, MO 65102
dcooper@brydonlaw.com

Missouri-American Water Company
W R England
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
trip@brydonlaw.com

Missouri-American Water Company
Timothy W Luft
727 Craig Road
St. Louis, MO 63141
Timothy.Luft@amwater.com

Public Water Supply District No. 1 of Andrew County
James M Fischer
101 Madison Street, Suite 400
Jefferson City, MO 35101
jfisherpc@aol.com

Public Water Supply District No. 1 of Andrew County
Larry W Dority
101 Madison, Suite 400
Jefferson City, MO 65101
lwdority@sprintmail.com

Public Water Supply District No. 2 of Andrew County
James M Fischer
101 Madison Street, Suite 400
Jefferson City, MO 35101
jfisherpc@aol.com

Public Water Supply District No. 2 of Andrew County
Larry W Dority
101 Madison, Suite 400
Jefferson City, MO 65101
lwdority@sprintmail.com

Triumph Foods, LLC
Lisa A Gilbreath
4520 Main, Suite 1100
Kansas City, MO 64111
lisa.gilbreath@dentons.com

Triumph Foods, LLC
Karl Zobrist
4520 Main Street, Suite 1100
Kansas City, MO 64111
karl.zobrist@dentons.com

Utility Workers Union of America Local 335

Michael A Evans
7730 Carondelet, Suite 200
St. Louis, MO 63105
mevans@hammondshinners.com

BJC HealthCare

Lisa C Langeneckert
P.O. Box 411793
St. Louis, MO 63141
llangeneckert@att.net

City of Brunswick, Missouri

Larry W Dority
101 Madison, Suite 400
Jefferson City, MO 65101
lwdority@sprintmail.com

City of Joplin, Missouri

Marc H Ellinger
308 E. High Street, Ste. 301
Jefferson City, MO 65101
mellinger@blitzbardgett.com

City of Riverside, Missouri

Joseph P Bednar
308 E High St Suite 222
Jefferson City, MO 65101
jbednar@spencerfane.com

City of St. Joseph, Missouri

William D Steinmeier
2031 Tower Drive
P.O. Box 104595
Jefferson City, MO 65110-4595
wds@wdspc.com

AG Processing, Inc.

Stuart Conrad
3100 Broadway, Suite 1209
Kansas City, MO 64111
stucon@fcplaw.com

City of Brunswick, Missouri

James M Fischer
101 Madison Street, Suite 400
Jefferson City, MO 35101
jfischerpc@aol.com

City of Jefferson City, Missouri

Mark W Comley
601 Monroe Street., Suite 301
Jefferson City, MO 65102-0537
comley@ncrpc.com

City of Joplin, Missouri

Thomas R Schwarz
308 E High Street, Ste. 301
Jefferson City, MO 65101
tschwarz@blitzbardgett.com

City of Riverside, Missouri

Eric Steinle
1000 Walnut Street, Suite 1400
Kansas City, MO 64106-2140
esteinle@spencerfane.com

City of Warrensburg, Missouri

Leland B Curtis
130 S. Bemiston, Suite 200
St. Louis, MO 63105
lcurtis@lawfirmemail.com

Empire District Electric Company, The
Craig S Johnson
2420 Hyde Park Road, Suite C
Jefferson City, MO 65109
Jefferson City, MO 65109
cj@cjaslaw.com

Metropolitan St. Louis Sewer District (MSD)
Byron E Francis
7700 Forsyth Blvd., Suite 1800
St. Louis, MO 63105
bfrancis@armstrongteasdale.com

Metropolitan St. Louis Sewer District (MSD)
J. Kent Lowry
3405 West Truman, Suite 210
Jefferson City, MO 65109
klowry@armstrongteasdale.com

Missouri Industrial Energy Consumers (MIEC)
Diana M Vuylsteke
211 N. Broadway, Suite 3600
St. Louis, MO 63102
dmvuylsteke@bryancave.com

/s/ Christina L. Baker
