

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office
in St. Louis on the 13th day of
August, 2014.

Gene Koverman,)
Complainant,)
v.)
)
Missouri-American Water Company,)
)
Respondent)

File No. WC-2014-0358

**ORDER DENYING MOTION TO DISMISS
AND
DIRECTING STAFF
TO INVESTIGATE AND FILE A REPORT**

Issue Date: August 13, 2014

Effective Date: August 13, 2014

On June 17, 2014, Gene Koverman filed a complaint against Missouri-American Water Company concerning service at 10952 Whitehall Manor in Bridgeton, Missouri. The company answered the complaint and states that Mr. Koverman is not the customer at the address; rather, that Gene's Properties, LLC, is the customer. On that basis, the company moves the Commission to dismiss the complaint. Mr. Koverman responded by alleging that he owns the property as an individual.

The statutes¹ state that a complaint may be made by any person, setting forth any act or omission by any public utility, in violation of any provision of law, Commission rule or decision. Further, the Commission shall not be required to dismiss any complaint because

¹ §386.390.1, RSMo.

of the absence of direct damage to the Complainant.² Finally, the Commission shall not entertain a motion for nonjoinder of parties.³ The practical effect of these statutes allows the Commission to consider complaints from any number of sources; thus, facilitating the Commission's regulatory responsibility to oversee safe and adequate service, and, just and reasonable rates.⁴

The Commission concludes from these statutes that it may entertain a complaint filed by Gene Koverman, even though he has suffered no direct damage. Further, this complaint shall not be dismissed for failure to join Gene's Properties, LLC.

As the company points out, Mr. Koverman is not an attorney. He cannot therefore participate in this action as an attorney and cannot represent Gene's Properties, LLC. Doing so would constitute the unauthorized practice of law.⁵ If this matter proceeds to a hearing, Mr. Koverman will not be allowed to present or cross-examine witnesses. He will not be allowed to make argument or file any brief. His participation will be limited to that of a witness.

The Commission will deny the motion. And, toward resolution of this complaint, the Commission will direct the Staff of the Commission to investigate and file a report. Thereafter, if necessary, the Commission will set this matter for a prehearing conference.

THE COMMISSION ORDERS THAT:

1. Missouri-American Water Company's motion to dismiss is denied.
2. The Staff of the Commission shall investigate this complaint and file a report no later than September 5, 2014.

² §386.390.3, RSMo.

³ §386.390.2, RSMo.

⁴ §393.130.1, RSMo.

⁵ §§484.010 and 484.020, RSMo.

3. This order is effective upon issuance.



BY THE COMMISSION

Morris L. Woodruff

Morris L. Woodruff
Secretary

R. Kenney, Chm., Stoll, W. Kenney,
and Rupp, CC., concur.
Hall, C., absent.

Jones, Senior Regulatory Law Judge