

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

Robert Spicer,	)	
	)	
Complainant,	)	
	)	
vs.	)	File No. WC-2017-0234
	)	
Missouri-American Water Company,	)	
P.O. Box 790247	)	
St. Louis, MO 63179-0247	)	
CERTIFIED MAIL	)	
	)	
Respondent.	)	

**NOTICE OF CONTESTED CASE
AND ORDERS FOR SMALL FORMAL COMPLAINT**

Issue Date: March 13, 2017

Effective Date: March 13, 2017

The Commission is giving notice and making orders under small formal complaint procedure.

A. Contested Case

On March 10, 2017, the complainant filed the complaint, a copy of which is attached. The filing of a complaint requires the Commission to set a hearing.¹ The requirement of a hearing on such issues signifies a contested case.² A contested case is a formal hearing procedure, but it allows for waiver of procedural formalities and a decision without a hearing, including by stipulation and agreement.³ The Commission's provisions for discovery are at 4 CSR 240-2.090. Also, as an alternative to the formal evidentiary hearing

¹ Section 386.390.5, RSMo 2000.

² Section 536.010(4), RSMo Supp. 2013.

³ Section 536.060, RSMo 2000; 4 CSR 240-2.115.

procedure, the Commission offers mediation. Mediation is a voluntary process in which a neutral person assists the parties in exploring opportunities for settlement. Upon a request for mediation, the Commission may suspend the schedule set forth in this order.

B. Small Formal Complaint

For any formal complaint, the Commission's regulations provide:

Upon the filing of a complaint in compliance with these rules, the secretary of the commission shall serve by certified mail, postage prepaid, a copy of the complaint upon the person, corporation or public utility against whom the complaint has been filed, which shall be accompanied by a notice that the matter complained of be satisfied or that the complaint be answered by the respondent, unless otherwise ordered, within thirty (30) days of the date of the notice.^[4]

In addition, for any small formal complaint, the Commission's regulations provide:

When a complaint is filed that qualifies for handling as a small formal complaint, the assigned regulatory law judge shall direct the secretary of the commission to serve, by certified mail, postage prepaid, a copy of the complaint upon the [respondent]. At the same time, the regulatory law judge shall notify all parties that the complaint will proceed under the small formal complaint process. The [respondent] is allowed thirty (30) days after the date of notice to satisfy the complaint or file an answer.^[5]

In addition, the Commission's regulation for small formal complaints requires:

The commission's staff shall, within forty-five (45) days after the complaint is filed, investigate the complaint and file a report detailing staff's findings and recommendations.^[6]

The complaint alleges facts to which the Commission applies small formal complaint procedure,⁷ so the Commission will proceed under the small formal complaint process.

⁴ 4 CSR 240-2.070(7).

⁵ 4 CSR 240-2.070(15)(A).

⁶ 4 CSR 240-2.070(15)(D).

⁷ 4 CSR 240-2.070(15).

THE COMMISSION ORDERS THAT:

1. The complaint shall proceed under the small formal complaint process.
2. The secretary of the commission shall serve a copy of this notice and order, and a copy of the complaint, upon the respondent by certified mail, postage prepaid.
3. The respondent shall file an answer no later than April 10, 2017.
4. The commission's staff shall investigate the complaint and file a report detailing staff's recommendations no later than April 24, 2017.
5. This order shall be effective when issued.

BY THE COMMISSION



A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Daniel Jordan, Senior Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 13th day of March, 2017.



Commissioners

DANIEL Y. HALL
Chairman

STEPHEN M. STOLL

WILLIAM P. KENNEY

SCOTT T. RUPP

MAIDA J. COLEMAN

Missouri Public Service Commission

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MORRIS WOODRUFF
Secretary

WESS A. HENDERSON
Director of Administration
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Director of Regulatory Review

KEVIN A. THOMPSON
Chief Staff Counsel

Information Sheet Regarding Mediation of Commission Formal Complaint Cases

Mediation is a process where the parties work together to try to resolve their dispute with the aid of a neutral party, the mediator. The mediator's role is help the parties talk to each other. The mediator may offer suggested solutions, but the mediator has no authority to tell the parties what they must do or to determine who "wins." Instead, the mediator simply works with both parties to help them reach an agreement.

Typically, at a mediation session the parties meet for an off-the-record discussion. The mediation session is not a formal proceeding like a hearing and no attorney is required to participate. The Regulatory Law Judges at the Public Service Commission are trained mediators and this service is offered to parties who have formal complaints pending before the Public Service Commission at no charge. If mediation is agreed to by the parties, the Commission will send notice of who the mediator will be and that person will set up the first meeting.

There cannot be a mediation unless both parties to the complaint agree to try in good faith to resolve the dispute. If both parties agree to mediate the complaint, the only information about the mediation that will be disclosed to the Commission is (a) whether the case has been settled and (b) whether the mediation effort was considered to be helpful. The Commission will not ask what was discussed during the mediation.

If the dispute is settled at the mediation, the Commission will require a signed release from the party filing the complaint before the formal complaint case can be dismissed. If the dispute is not resolved through the mediation process, neither party will be penalized for having taken part in the mediation and the formal complaint case will simply pick up where it left off.

Morris L. Woodruff
Secretary

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 13th day of March 2017.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

March 13, 2017

File/Case No. WC-2017-0234

**Missouri Public Service
Commission**

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**Missouri-American Water
Company**

Legal Department
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Robert Spicer

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.