

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 20th day of
July.

Bertha Anderson,)	
)	
Complainant,)	
)	
vs.)	File No. WC-2017-0251
)	
Missouri-American Water Company,)	
)	
Respondent.)	

ORDER DISMISSING COMPLAINT

Issue Date: July 20, 2017

Effective Date: August 1, 2017

The Commission is granting Staff's *Motion to Dismiss*¹ ("motion). The motion cites the Commission's regulation providing:

The commission, . . . on the motion of a party, may after notice dismiss a complaint for failure to state a claim on which relief may be granted [. ²]

A complaint fails to state a claim when, assuming that everything alleged in the complaint is true, the Commission has no authority to grant the relief sought. ³

¹ Electronic Filing Information System ("EFIS") No. 22 (June 30, 2017) *Motion to Dismiss*. The face of the complaint does not show that this action is within the Commission's small formal complaint procedure, 4 CSR 240-2.070(15) so 4 CSR 240-2.070(15)(D) does not bar Staff from taking a position on the complaint.

² 4 CSR 240-2.070(7).

³ Zeller v. Scafe, 498 S.W.3d 846, 849 (Mo. App., W.D. 2016).

The relief sought in the complaint is an award of money damages,⁴ which is not available at the Commission.⁵ The motion also represents that Bertha Anderson wants to dismiss the complaint because the Commission cannot grant the relief that Ms. Anderson seeks.

The Commission gave Ms. Anderson until July 17, 2017, to file a response.⁶ Ms. Anderson filed no response. The Commission will grant the motion and dismiss the complaint.

THE COMMISSION ORDERS THAT:

1. Staff's *Motion to Dismiss* is granted.
2. The complaint is dismissed.
3. This order shall be effective on August 1, 2017.

BY THE COMMISSION



Morris L. Woodruff

Morris L. Woodruff
Secretary

Hall, Chm., Stoll, Kenney, Rupp, and
Coleman, CC., concur.

Jordan, Senior Regulatory Law Judge

⁴ EFIS No. 1 (March 30, 2017) *Complaint*.

⁵ *State ex rel. GS Techs. Operating Co. v. Pub. Serv. Comm'n of State of Mo.*, 116 S.W.3d 680, 696 (Mo. App., W.D. 2003).

⁶ EFIS No. 23 (July 6, 2017) *Order Setting Date for Responding to Motion to Dismiss*.

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 20th day of July 2017.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

July 20, 2017

File/Case No. WC-2017-0251

**Missouri Public Service
Commission**

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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.