

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

Charles Harter,)	
)	
Complainant,)	
)	
v.)	File No. WC-2023-0106
)	
Missouri-American Water Company,)	
)	
Respondent.)	

**MISSOURI-AMERICAN WATER COMPANY’S RESPONSE AND OBJECTION
TO COMPLAINANT’S MOTION TO JOIN AND CONSOLIDATE**

COMES NOW the Respondent, Missouri-American Water Company (“MAWC” or “Company”), pursuant to 20 CSR 4240-2.080 (13), and in response and objection to Complainant’s *Motion to Join and Consolidate*, respectfully states as follows to the Missouri Public Service Commission (“Commission”):

Procedural Background

1. Mr. Harter filed this formal complaint (“Complaint”) with the Commission on September 16, 2022, making specific allegations against MAWC.
2. On October 19, 2022, MAWC filed its Answer to the Complaint.
3. On October 31, 2022, Staff of the Commission filed its *Report of the Staff* wherein Staff did not find any violations by the Company of the any applicable statutes, Commission rules or regulations, or Commission-approved tariff.
4. On March 17, 2023, Staff filed a *Second Revised Joint-Proposed Procedural Schedule* on behalf of all of the parties to this case.
5. Also on March 17, 2023, Complainant filed with the Commission a *Motion to Join and Consolidate* (“*Motion*”) this matter with EC-2023-0281, a formal complaint filed against

Ameren.¹ Mr. Harter states, “the sole issue as to whether the utility’s claim of date of mailing absent a postmark provides the ten day notice required by regulation, are identical in each action and, without such consolidation, could lead to inconsistent rulings of this Honorable commission.”

6. First, MAWC notes there is insufficient notice of this *Motion*. Undersigned counsel did not receive proper service of this *Motion* in violation of Commission Rule 20 CSR 4240-2.080(A) despite the assertions within the pleading stating otherwise. While Mr. Harter shared his intent to file such a document via email, undersigned counsel did not receive a service copy of it via email from Mr. Harter, only through the Commission’s Electronic Information Filing System ("EFIS"). Mr. Harter is an attorney licensed in the State of Missouri representing himself in this matter.

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7. As to the merits of the *Motion*, the Commission’s Rule 20 CSR 4240-2.1110(3) allows for a joint hearing or consolidation when pending actions involve related questions of law or fact. There are no common questions of law or fact in these two separate complaint cases that warrant the consolidation of these two matters that are in two different stages within the Commission’s complaint process.
8. Complaints are filed confidentially, and that customer confidentiality continues throughout the duration of the case. 20 CSR 4240-2.135 (2)(A)1. As such, the attorneys for each utility cannot even confirm that they are in fact similar enough to merit consolidation, but on the face of the filings they are different for the reasons stated below and that request to consolidate should be denied.
9. These utilities and cases are unique in many ways including the fact that MAWC and

¹On March 7, 2023, Mr. Harter filed a confidential Complaint case against Union Electric Company d/b/a Ameren Missouri, an electric utility. This complaint was assigned Case No. EC-2023-0281.

Ameren provide different types of utility services - water and electric, respectively.

10. Each utility utilizes a unique process in the treatment of its customers, especially in regard to the process of billing customers, the process of handling customer service complaints and billing questions, the process of resolving any customer concerns. Further, each utility possesses proprietary information that may be involved and revealed during the discovery of a case, and no utility should be forced to share such information arising from a specific complaint from a customer.
11. Mr. Harter's interaction with the utilities may be vastly different.
12. Additionally, the two cases are in different stages of the Commission's complaint process.
13. The record in this matter includes an Answer from the Company, Staff's *Report of the Staff*, and the parties have agreed upon an established procedural schedule as established in EFIS.
14. Ameren's response to the Complaint in Case No. EC-2023-0281 is not yet due, according to Commission Rule 20 CSR 4240-2.070(8). In fact, Mr. Harter filed this complaint against Ameren six months after initiating his complaint against MAWC.
15. Consolidating these two cases at such different stages would prejudice the utilities and delay any recovery and resolution for MAWC unnecessarily.
16. It is prejudicial to the companies to consolidate these two distinct complaint cases because the facts would be unique to each utility and the utilities may not be aligned in the desired outcome of each complaint case.
17. Finally, in the *Motion*, Mr. Harter's stated concern about maintaining separate dockets is "without such consolidation, could lead to inconsistent rulings of this Honorable commission." This concern assumes the Commission agrees that the result will be the same in each case prior to the Commission hearing the facts of each case. Additionally, Mr. Harter's concern can be handled by the internal competency of the Commission in that the assigned regulatory law judges,

their staff and the Commissioners have the capability and capacity to track the cases and to resolve matters as they determine appropriate within each case and, if appropriate, to ensure the same outcome.

18. To combine these cases would create confusion within the record, require confidential information to be shared among different utilities providing different utility service to Mr. Harter, would prejudice the utilities approach to resolving each case, and would unduly delay the conclusion of this matter. Mr. Harter's *Motion* should be denied.

WHEREFORE, MAWC respectfully requests that Commission deny Mr. Harter's *Motion to Join and Consolidate* and any other relief it deems appropriate.

Respectfully submitted,

MISSOURI-AMERICAN WATER COMPANY

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic mail or on March 27, 2023 to the following:

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