

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

Willie J. Harris Jr.,	)	
Complainant	)	
v.	)	Case No. WC-2021-0129
	)	
Missouri-American Water Company,	)	
Respondent	)	

**Response in Opposition to Motion to Dismiss**

COMES NOW the Office of the Public Counsel (“OPC”) and for its response in opposition to Missouri American Water Company’s (“MAWC”) motion to dismiss, states as follows:

1. On November 2, 2020, the Complainant filed a small formal complaint against MAWC.

2. On December 11, 2020, MAWC filed its Answer to Complaint and Motion to Dismiss. MAWC’s Motion to Dismiss claims the Complainant has “not cited a violation of statute, Commission regulation, or provision of Missouri-American’s tariff.”

3. The OPC files this response to first point out that the Complainant did cite to a rule that he claims was violated in his November 23, 2020 Response to Order.

4. Secondly, the OPC files this response to defend and preserve the rights of the Complainant and all other residential public utility customers to file complaints, as they are lawfully entitled to do under Sections 386.390 and

386.400 RSMo, without an attorney's understanding of the applicable laws, orders or tariffs. Even if a complainant does not cite to a particular law or tariff, residential customers should still have their cases heard when a complaint explains in practical terms the basis for the complaint. The Commission's Staff is fully capable of discerning whether the facts that form the basis of the complaint implicate any statute, rule, order and/or tariff.

WHEREFORE, the Office of the Public Counsel respectfully urges the Commission to reject MAWC's Motion to Dismiss and allow the Complainant to pursue his complaint in this case.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the Complainant and all counsel of record this 14th day of December 2020.

**/s/ Marc Poston**

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