

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

Willie J. Harris, Jr.,	)	
	)	
Complainant,	)	
	)	
v.	)	<b><u>File No. WC-2021-0129</u></b>
	)	
Missouri-American Water Company,	)	
	)	
Respondent.	)	

**STAFF RESPONSE TO COMMISSION’S NOTICE  
OF RECOMMENDED REPORT AND ORDER**

**COMES NOW** the Staff of the Missouri Public Service Commission (Staff), through counsel, and files its comments to the Commission’s proposed report and order.

1. On January 7, 2022, the Commission filed *Notice of Recommended Report and Order*, inviting the parties to comment on this proposed report and order within 10 days.

2. Staff recommends that paragraph C in the Conclusions of Law regarding meter testing be deleted. Similarly, Staff also recommends that the last two paragraphs of Issue 1 be edited to remove references to meter testing.

3. Issue 1 is whether MAWC failed to replace Mr. Harris’ meter since 1987, in violation of statute, tariff, or rule. Mr. Harris did not request that MAWC test his meter and did not allege that MAWC violated the meter testing rule. Therefore, Staff recommends that without further evidence whether MAWC’s meter testing program complies with 20 CSR 4240-10.030(38), the Commission remove references to meter testing.

4. Additionally, the proposed order states that MAWC is required to test 5/8" meters every 10 years or 200,000 cubic feet of water, whichever is first. It also states that if Mr. Harris' meter was replaced in 1987 and 2009, it should have been tested by 1997. Commission Rule 20 CSR 4240-10.030(38) provides water utilities three paths for fulfilling its meter testing requirements. MAWC may satisfy this rule by (1) obtaining a Commission order which allows it to test in a manner other than that described this rule; (2) testing in compliance with subsections (A) through (D); or (3) "as often as the results obtained may warrant to insure compliance" with 20 CSR 4240-10.030(37).

5. Staff suggests that the last two paragraph of Issue 1 be rewritten as follows to address the issue that MAWC did not replace Mr. Harris' meter since 1987:

There is no statute, Commission rule, or MAWC tariff provision that requires MAWC to replace meters on a particular schedule. The evidence shows that MAWC changed Mr. Harris' meter in 2009. Even if MAWC had not replaced Mr. Harris' meter, there would be no violation of statute, Commission rule, or MAWC tariff provision.

**WHEREFORE**, Staff submits this response for the Commission's consideration and information.

Respectfully submitted,

**/s/ Karen E. Bretz**

Karen E. Bretz

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**CERTIFICATE OF SERVICE**

I certify that the foregoing has been emailed to counsel of record for MAWC and mailed by United States postal service, postage prepaid to Mr. Harris (206 Topaz Lane, Horseshoe Bend, AR 72512-3817) on this 18th day of January, 2022.

**/s/ Karen E. Bretz**