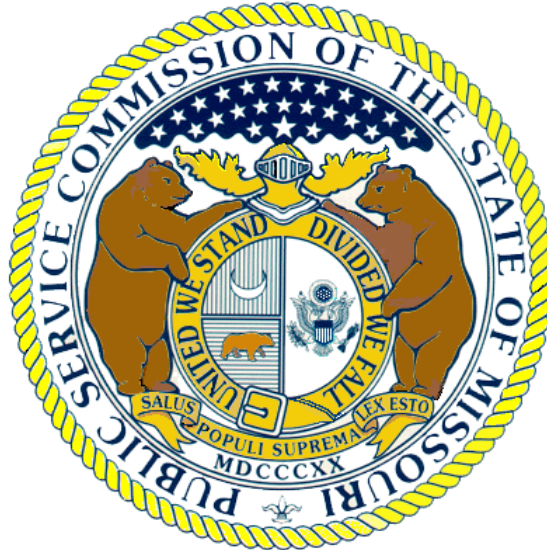


**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**



Linda Beecham, )  
 )  
Complainant, )  
 )  
v. )  
 )  
Missouri-American Water Company, )  
 )  
Respondent. )

**File No. WC-2020-0181**

---

**REPORT AND ORDER**

---

**Issue Date:** January 13, 2021

**Effective Date:** February 12, 2021

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

Linda Beecham,	)	
	)	
Complainant,	)	
	)	
v.	)	<b><u>File No. WC-2020-0181</u></b>
	)	
Missouri-American Water Company,	)	
	)	
Respondent.	)	

**Appearances**

Linda Beecham  
Complainant, appeared pro se

Jennifer L. Hernandez  
Timothy W. Luft  
Attorneys for Missouri-American Water Company

Karen Bretz  
Attorney for the Staff of the Commission

Judge: Paul T. Graham

**Procedural History**

This is a consumer formal complaint filed on December 20, 2019, where Linda Beecham disputes the recorded water usage and associated billing charges for water service provided by Missouri-American Water Company (MAWC) from October 27, 2014, to July 27, 2018.<sup>1</sup> She alleges an amount at issue of approximately \$6,000.00. An

---

<sup>1</sup> The Complaint does not expressly identify the parameters of the time period. See Exhibit 1, Complaint. Exhibit 200, Figueroa Rebuttal, p. 2.

evidentiary hearing was held on June 25, 2020. MAWC, the Staff of the Commission (Staff), and Ms. Beecham filed post-hearing briefs.

Section 386.480, RSMo, provides that “[n]o information furnished to the commission by a corporation, person or public utility, except such matters as are specifically required to be open to public inspection by the provisions of this chapter, or chapter 610, shall be open to public inspection or made public except on order of the commission, or by the commission or a commissioner in the course of a hearing or proceeding.”<sup>2</sup> Rule 20 CSR 4240-2.135 contains provisions for the protection of customer information. In this case, Ms. Beecham has placed her water usage and bills at issue and no evidence relevant to that issue will be considered confidential. Only information pertaining to Ms. Beecham’s address, the name and address of her daycare business and the identity of her employees will be considered confidential.

### **Findings of Fact**

Any finding of fact reflecting that the Commission has made a determination between conflicting evidence is indicative that the Commission attributed greater weight to that evidence and found the source of that evidence more credible and more persuasive than that of the conflicting evidence.<sup>3</sup>

---

<sup>2</sup> All RSMo citations will be to 2016 unless otherwise indicated.

<sup>3</sup> An administrative agency, as fact finder, also receives deference when choosing between conflicting evidence. *State ex rel. Missouri Office of Public Counsel v. Public Service Comm'n of State*, 293 S.W.3d 63, 80 (Mo. App. S.D. 2009). With respect to the appellate standard for reviewing Commission decisions, this case stated, further:

“[I]f substantial evidence supports either of two conflicting factual conclusions, ‘[we are] bound by the findings of the administrative tribunal.’ [citation omitted] The determination of witness credibility is a subject best left to the Commission, ‘which is free to believe none, part, or all of [a witness's] testimony.’ [citations omitted] We will not re-weigh the evidence presented to the Commission. [citation omitted].”

1. MAWC is a water corporation that owns, operates, manages, and controls a water supply, distributing water for gain in the state of Missouri.<sup>4</sup>

2. At all times herein stated, Ms. Beecham has been a water customer of MAWC.<sup>5</sup>

3. After Ms. Beecham filed her formal complaint, Staff conducted a full investigation of that complaint.<sup>6</sup>

#### The Water Usage Record

4. Ms. Beecham moved into her home in January of 1998.<sup>7</sup> Since then she has had either one or two daughters residing with her at any time.<sup>8</sup> She began running a daycare center in August 7, 2000.<sup>9</sup> She is licensed for up to ten children.<sup>10</sup> Attendance varied between three and nine children, with an average of approximately six, between January of 2014 and September of 2019.<sup>11</sup>

5. Ms. Beecham continues to run a daycare facility in her home and has had approximately eight children in her daycare consistently since December of 2017.<sup>12</sup> She provides daycare five days a week.<sup>13</sup> The parents leave a change of clothes with her, and she does two loads of laundry for the children every other weekend.<sup>14</sup> Ms. Beecham

---

<sup>4</sup> Exhibit 201, Answer to Complaint, p. 1.

<sup>5</sup> Exhibit 100, Staff Report, Official Case File Memorandum, and Exhibit 201, Answer to Complaint, p. 1

<sup>6</sup> Ex. 100, Staff Report, Official Case file Memorandum.

<sup>7</sup> Transcript, p. 31.

<sup>8</sup> Transcript, pp. 32 to 33.

<sup>9</sup> Transcript, p. 33.

<sup>10</sup> Transcript, p. 33.

<sup>11</sup> Transcript, p. 33-34; Family Home Inspection Reports prepared by the Missouri Department of Health and Senior Services, Section for Child Care Regulation, for inspections conducted on January 24, 2014; August 26, 2014; February 2, 2015; September 25, 2015; February 18, 2016; August 24, 2016; August 29, 2017; February 15, 2018; August 20, 2018; and September 5, 2018, show that during these inspections, up to three staff members had been present in the home in addition to up to nine children, Attachment C of Answer to Complaint, received without objection as Exhibit 201.

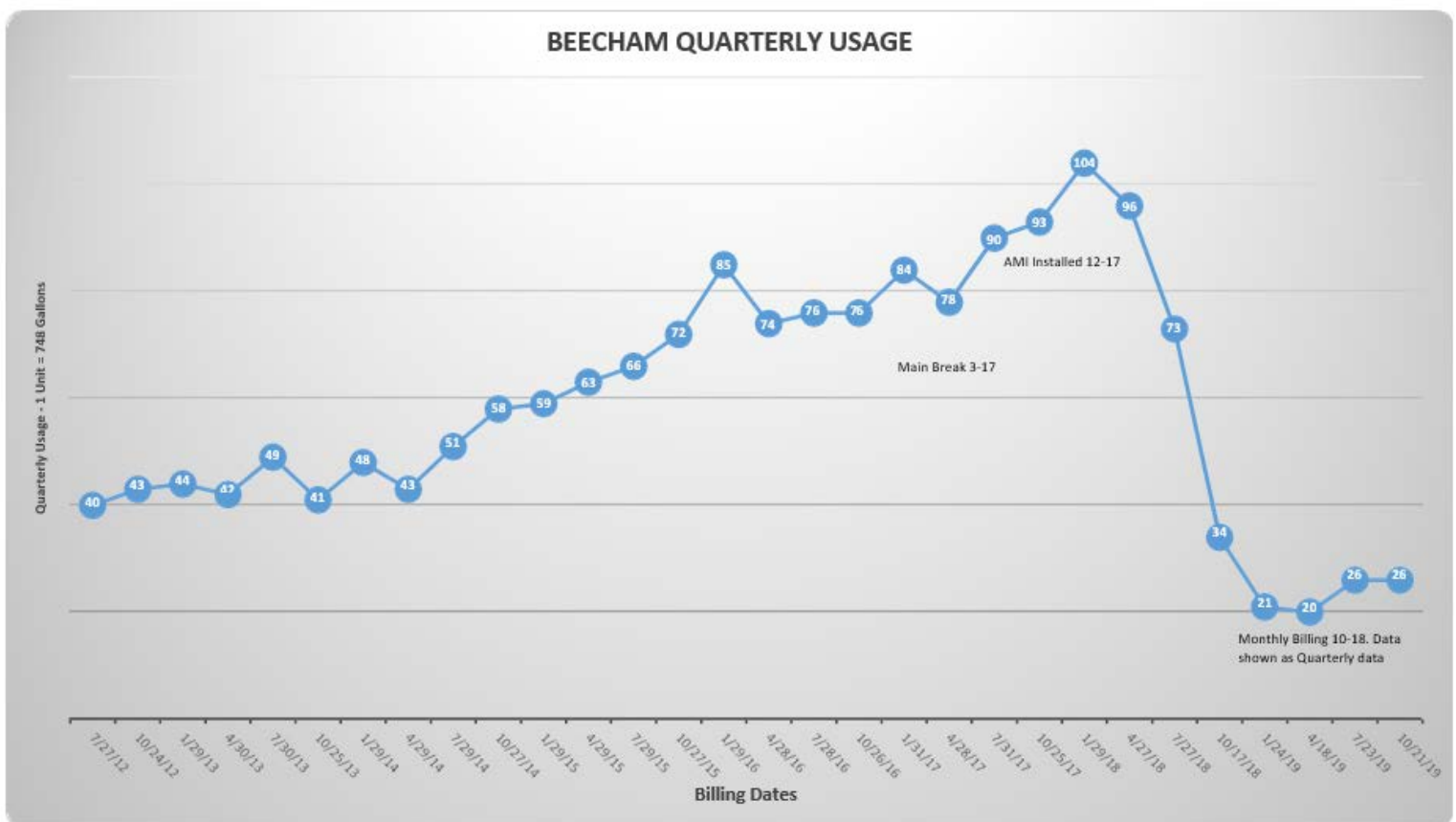
<sup>12</sup> Transcript, p. 52.

<sup>13</sup> Transcript, p. 36.

<sup>14</sup> Transcript, pp. 37, 38.

cooks two meals per day for the children and runs her dishwasher once a day.<sup>15</sup> She has followed this and her housecleaning routines consistently for the last eight years.<sup>16</sup> She does not have a pool or lawn sprinkler system.<sup>17</sup> There have been no significant repairs to her plumbing or changes in her lifestyle or water usage.<sup>18</sup>

6. As part of its investigation, Staff examined Ms. Beecham’s usage history.<sup>19</sup> The Commission finds that this graph, prepared by Staff, accurately represents MAWC’s reports of Ms. Beecham’s water usage throughout the relevant time:<sup>20</sup>



<sup>15</sup> Transcript. P. 43.

<sup>16</sup> Transcript pp. 40-41.

<sup>17</sup> Transcript pp. 20-21.

<sup>18</sup> Transcript, pp. 45-46; 52.

<sup>19</sup> Exhibit 100, Staff Report, Official Case file Memorandum.

<sup>20</sup> Exhibit 100, Staff Report, Official Case File Memorandum.

7. As reflected on the graph, the following events occurred:
- A break in MAWC's water main in front of Ms. Beecham's home occurred in March 2017.<sup>21</sup>
  - MAWC installed a type of Advanced Metering Infrastructure (AMI) meter reading device, a meter transmission unit (MTU), on the existing meter serving Ms. Beecham's home in December 2017.<sup>22</sup>
  - MAWC began billing Ms. Beecham monthly for water usage after the October 17, 2018 bill.<sup>23</sup> Prior to then she was billed quarterly.<sup>24</sup>

8. MAWC's water meters register usage in units. A unit of water is equal to 100 cubic feet, which is equivalent to 748 gallons.<sup>25</sup>

9. Ms. Beecham's quarterly bills from July 27, 2012, through July 31, 2017, show a gradual upward usage trend, increasing from 40 to 90 units.<sup>26</sup> Reported water usage after the March 2017 main break continued to increase each quarter, reaching a peak of 104 units, reflected on the January 29, 2018, bill.<sup>27</sup>

10. Overall, from 2014 into the first half of 2018, Ms. Beecham's reported usage steadily increased. The April 27, 2018 bill for the first full quarter after AMI was installed in December of 2017 showed a usage decrease. The July 27, 2018, and October 17, 2018, bills then showed a drastic decrease. Per Staff's calculations, which

---

<sup>21</sup> Transcript, p. 87.

<sup>22</sup> Transcript, pp. 61-62; 100; Every six hours, the AMI reading device transmits the previous twelve hours of recorded hourly meter readings. Exhibit 200, Figueroa Rebuttal, p. 5. AMI is the name of the technology. It is implemented with a MTU, which is installed on the meter. Transcript, p. 76. It sits on the meter itself and transmits to a DCU [not defined], which is located elsewhere in the neighborhood. The DCU then transmits the data into MAWC's system. Transcript, p. 99.

<sup>23</sup> Exhibit 100, Staff Report, Official Case File Memorandum, p. 2, FN 3

<sup>24</sup> Exhibit 100, Staff Report, Official Case File Memorandum, p. 2, FN 3.

<sup>25</sup> Exhibit 100, Staff Report, Official Case File Memorandum, p. 1.

<sup>26</sup> Exhibit 100, Staff Report, Official Case File Memorandum, p. 1.

<sup>27</sup> Exhibit 100, Staff Report, Official Case File Memorandum.

no party has challenged, bills from April 2019 to the present average approximately 27 units per quarter.<sup>28</sup>

Staff's calculations, also show that during the five-year period from 2014 through the first half of 2018, the reported usage increased with the quarterly averages by year being 50, 65, 77.75, 86.25, and 91 units respectively.<sup>29</sup> The usage over that five-year period equaled nearly 1,000 additional units of water above Ms. Beecham's current usage level.<sup>30</sup>

#### Ms. Beecham's Reported Water Usage Habits

11. Ms. Beecham's home has two full bathrooms.<sup>31</sup> Both have tubs and showers.<sup>32</sup> She has a dishwasher.<sup>33</sup> Ms. Beecham could not say how many times the children were flushing toilets per day, and noted that some of the children are infants and do not even use the toilets.<sup>34</sup>

12. Although everyone uses water differently, the average person uses between 80 and 100 gallons per day.<sup>35</sup> Based on the average daily consumption per person, Ms. Beecham's reported usage of 104 units from the January 29, 2018 quarterly bill<sup>36</sup> is equivalent of 8.1 to 10.1 people living in the house consuming 80 to 100 gallons per person per day respectively. While Ms. Beecham's billed usage of 26 units from the

---

<sup>28</sup> Exhibit 100, Staff Report, Official Case File Memorandum, p. 2.

<sup>29</sup> Exhibit 100, Staff Report, Official Case File Memorandum, p. 2.

<sup>30</sup> Exhibit 100, Staff Report, Official Case File Memorandum, p. 2.

<sup>31</sup> Transcript, pp. 34-35.

<sup>32</sup> Transcript p. 35.

<sup>33</sup> Transcript p. 35.

<sup>34</sup> Transcript, p. 44.

<sup>35</sup> Transcript, pp. 120 - 121. Testimony of MAWC witness, Tracie Figuerora. Her testimony was based upon Google. She testified that "[w]hen I talk to customers in my capacity, that's kind of what I relay is what the Google standard is what I call it." Transcript, p. 121.

<sup>36</sup> 104 units = 77,792 gallons over 96 days consumption between the October 25, 2017 and January 29, 2018 bills and a conversion rate of 1 unit = 748 gallons.

October 21, 2019 bill is equivalent to 2.1 to 2.7 people living in the house consuming 80 to 100 gallons per person per day respectively.<sup>37</sup>

13. The Commission finds that MAWC was notified of the usage issue no later than October 17, 2018, when its field representative met with Ms. Beecham to discuss water usage issues.<sup>38</sup>

#### A Leak

14. Ms. Beecham stated she had never heard or seen water running in her home, had never called anyone to make repairs, and had never had leak repair work done.<sup>39</sup> If there was a leak, it is unlikely it would have been resolved without repair work being conducted.<sup>40</sup> The main break reported on March 6, 2017, was not on Ms. Beecham's side of her water meter, and her meter did not record water lost in that break.<sup>41</sup>

15. Staff determined that Ms. Beecham's high reported usage could not be explained by running a daycare business<sup>42</sup> and as part of its investigation inspected her residence for signs of a water leak.<sup>43</sup> Staff found no evidence of a leak on Ms. Beecham's side of the meter during its investigations.<sup>44</sup>

---

<sup>37</sup> Calculation based on consumption over 90 days between the July 23, 2019 and October 21, 2019 bills and conversion of 1 unit = 748 gallons.

<sup>38</sup> Transcript, p. 93.

<sup>39</sup> Exhibit 100, Staff Report, Official Case File Memorandum, p. 2; Transcript, p. 30. Without objection, Ms. Beecham filed "Additional Response to Complaint," Exhibit 2, with attached photographs which the exhibit states she believes show a leak in progress in front of her driveway basically where it was repaired in 2017. The exhibits states: "it does not seem to be affecting my water usage."

<sup>40</sup> Exhibit 100, Staff Report, Official Case File Memorandum, p. 3.

<sup>41</sup> Exhibit 200, Figueroa Rebuttal, p. 4.

<sup>42</sup> Transcript, p. 72.

<sup>43</sup> Exhibit 100, Staff Report, Official Case File Memorandum, p. 2.

<sup>44</sup> Exhibit 100, Staff Report, Official Case File Memorandum, p. 2.



### Meter Reading Error

16. MAWC provides customer usage data to the Metropolitan St. Louis Sewer District (MSD), which provides Ms. Beecham her sewer service, and the sewer authority uses that data to bill the customer.<sup>45</sup>

17. In or around October of 2018, MSD informed Ms. Beecham that she was being billed for an extreme usage of water.<sup>46</sup> Using this information, Ms. Beecham contacted MAWC to dispute the billing.<sup>47</sup> MAWC then sent an employee, Jennifer, to Ms. Beecham's home and advised her that she did not have a leak, there was no water running, and that MAWC had not been able to read meters for about a year.<sup>48</sup>

18. MAWC confirmed that its field representative, Jennifer, had met with Ms. Beecham on October 17, 2018.<sup>49</sup> Based on its records, MAWC could not answer whether Jennifer had told Ms. Beecham that her meter had not been read for a year.<sup>50</sup>

19. MAWC's evidence was that each bill for Ms. Beecham's water usage between October 27, 2014, through July 27, 2018, was based on an actual reading at the meter by a field service representative using a touchpad.<sup>51</sup>

20. The water meter is similar to a car's odometer.<sup>52</sup> To calculate a customer's usage for a period of time, the prior period's recorded meter reading is subtracted from the current recorded meter reading. If an error occurs at the end of one-meter reading

---

<sup>45</sup> Transcript, pp. 107-108.

<sup>46</sup> Transcript, p. 28 and 49.

<sup>47</sup> Transcript, p. 94.

<sup>48</sup> Transcript, pp. 48-49; and Exhibit 1, Complaint, paragraph 7.

<sup>49</sup> Transcript, p. 93.

<sup>50</sup> Transcript, pp. 105 and 106. However, MAWC witness Ms. Figueroa testified that based upon company records there was no period of a year when MAWC's meters were not read.

<sup>51</sup> Exhibit 200, Figueroa Rebuttal, p. 5.

<sup>52</sup> Transcript, p. 89.

period because of a mistaken reading, the usage will be trued-up and the error corrected when the meter is next correctly read.<sup>53</sup>

21. When the AMI technology was installed on December 8, 2017,<sup>54</sup> the physical meter and the AMI's MTU were calibrated together to ensure they reflected the same initial reading, but the accuracy of the underlying meter or meter reading were not tested.<sup>55</sup>

#### A Faulty Meter

22. Ms. Beecham's water meter was installed in 2007.<sup>56</sup> It is not scheduled for replacement until 2022.<sup>57</sup> MAWC's policy was to inspect a meter only if MAWC received an incorrect reading or a customer contacted MAWC about a high reading, a leak or something else that concerned the customer.<sup>58</sup> MAWC has no record of work or repair on Ms. Beecham's water meter, either before or after the installation of the AMI technology.<sup>59</sup>

#### Conclusions of Law

A. As a company owning, operating, controlling or managing a plant or water supply for selling or supplying water for gain, MAWC is a public utility subject to the jurisdiction, control and regulation of the Commission.<sup>60</sup>

B. Section 386.390.1, RSMo, permits any person to make a complaint setting forth any act or thing done or omitted to be done by any public utility "in violation, or claimed to be in violation, of any provision of law, or of any rule or order or decision of the

---

<sup>53</sup> Transcript, p. 89.

<sup>54</sup> Transcript, p. 95.

<sup>55</sup> Transcript, pp. 118-119.

<sup>56</sup> Transcript, p. 93.

<sup>57</sup> Transcript, p. 93.

<sup>58</sup> Transcript, pp. 113-114.

<sup>59</sup> Transcript, p. 75, 120.

<sup>60</sup> Section 386.020 (43) and (59), RSMo.

commission. . . .” MAWC is a “water corporation” as defined by section 386.020(59), RSMo. The Commission exercises general supervision over water corporations pursuant to section 393.140, RSMo. Ms. Beecham has filed a Complaint alleging that MAWC has committed acts or omitted to do acts in violation of the “safe and adequate” and “just and reasonable” service requirements of Section 393.130, RSMo. The Commission has jurisdiction in this case.

C. Commission Rule 20 CSR 4240-2.070 provides that a formal complaint shall set “forth any act or thing done or omitted to be done by any person, corporation, or public utility, including any rule or charge established or fixed by or for any person, corporation, or public utility, in violation or claimed to be in violation of any provision of law or of any rule or order or decision of the commission.” The rule requires the complaint to state the relief requested.

D. Missouri law provides that every water corporation shall furnish and provide such service instrumentalities and facilities as shall be safe and adequate and in all respects just and reasonable. It provides that all charges made or demanded by any such water corporation shall be just and reasonable and not more than allowed by law or by order or decision of the commission. It prohibits any unjust or unreasonable charge or one in excess of that allowed by law or by order or decision of the commission.<sup>61</sup>

E. MAWC provides service to Ms. Beecham pursuant to its approved tariff, Tracking No. JW-2012-0085.<sup>62</sup> That tariff contains no specific provisions for leak adjustments.<sup>63</sup>

---

<sup>61</sup> Section 393.130.1, RSMo.

<sup>62</sup> Exhibit 200, Figueroa Rebuttal, p. 2.

<sup>63</sup> Exhibit 200, Figueroa Rebuttal, p. 2. Exhibit 200 states that “[a]s a customer courtesy, Missouri American’s billing department uses the following leak adjustment guideline: ‘One time per account. High

F. Ms. Beecham has the burden of proving that MAWC violated the law or its tariff.<sup>64</sup>

G. The determination of witness credibility is left to the Commission, “which is free to believe none, part or all of the testimony.”<sup>65</sup>

H. The Commission is an administrative body of limited jurisdiction, having only the powers expressly granted by statutes and reasonably incidental thereto. Thus, it has no authority to enter a money judgment. But it may order adjustments for an overcharge.<sup>66</sup>

I. Rule Section 20 CSR 4240-13.025 (1) provides:

For all billing errors, the utility will determine from all related and available information the probable period during which the condition causing the errors existed and shall make billing adjustments for that period as follows: **(A)** In the event of an overcharge, an adjustment shall be made for the entire period that the overcharge can be shown to have existed not to exceed sixty (60) consecutive monthly billing periods, or twenty (20) consecutive quarterly billing periods, calculated from the date of discovery, inquiry, or actual notification of the utility, whichever comes first.

---

bill must be two times higher than average. Adjust 50% of the overage on the maximum of two high bills.’ The customer must provide documentation of the leak repair.” Exhibit 200, p. 3. See also, Exhibit 100, Staff’s Report, Official Case File Memorandum, page 3: “The Company stated it has not given the Complainant a leak adjustment in this instance, because she denies having a leak and because the Company does not consider Complainant’s continued high usage over 26 billing periods unexplained.”

<sup>64</sup> *State ex rel. GS Technologies Operating Co. v. PSC of Mo.*, 116 S.W.3d 680, 693 (Mo. App. 2003).

<sup>65</sup> *In the Matter of Kansas City Power & Light Company’s Request for Authority to Implement a General Rate Increase for Electric Service and Midwest Energy Consumers’ Group v. Missouri Public Service Commission*, 509 S.W.3d 757, 763 (Mo. App. W.D. 2016).

<sup>66</sup> See, e.g., *State ex. rel. City of St. Louis v. Missouri Public Service Comm’n*, 73 S.W.2d 393, 399 (Mo. banc 1934); *State ex. rel. Kansas City Transit, Inc. v. Public Service Comm’n*, 406 S.W.2d 5, 8 (Mo. 1966); *State ex. Rel. GS Technologies Operating Co.*, *supra*, at 696. Staff notes that “20 CSR 4240-13.024(1)(A) and MAWC’s sheet number R36 address overcharges.”

## Decision

The determination of witness credibility is left to the Commission, “which is free to believe none, part or all of the testimony.”<sup>67</sup> The Commission is free to believe Ms. Beecham, and based upon the entire record, the Commission finds her testimony convincing and credible that her actual water usage did not substantially change throughout the period in question and that she never had a leak. Ms. Beecham’s testimony was based upon her own personal knowledge of the facts, and as a witness, she made a convincing impression. She testified in detail concerning her daycare business, the number and ages of the children she cared for, the meals and laundry she did for these children, the family members living with her at various times, her home and bathroom circumstances, her lack of a pool or lawn sprinkler system, and her laundry, cooking, and dish washing habits. She testified that nothing about these circumstances or activities ever changed.

The evidence presented in this case did not provide a definitive reason as to why Ms. Beecham’s usage steadily increased from early 2012 through her January 2019 bill and then abruptly decreased following the installation of the AMI. MAWC’s claim that its recorded usage at Ms. Beecham’s residence was accurate is unconvincing. From April 29, 2014, through July 31, 2017, Ms. Beecham’s reported usage increased incrementally from 43 to 90 units per quarter, reaching a peak of 104 units as reflected on her January 29, 2018, bill. Then her April 27, 2018 bill, for the first full quarter after AMI was installed in December of 2017, showed a usage decrease. Thereafter, reported

---

<sup>67</sup> *In the Matter of Kansas City Power & Light Company’s Request for Authority to Implement a General Rate Increase for Electric Service and Midwest Energy Consumers’ Group v. Missouri Public Service Commission*, 509 S.W.3d 757, 763 (Mo. App. W.D. 2016).

usage quickly and drastically decreased, very quickly settling down at its present average of about 27 units per quarter.

Although MAWC asserts Ms. Beecham's daycare business would account for the periods of high water usage, that argument is unpersuasive. It ignores the fact that Ms. Beecham's daycare business has continuously operated in the same fashion with approximately the same number of attendees since 2000. While Ms. Beecham's daycare business averaged around six to eight children, she testified it never went above ten children. Even assuming Ms. Beecham watched two or three more children between the end of 2014 and 2018, it does not explain such a drastic increase in water usage.

Her quarterly bill from July 29, 2014, showed water usage of 43 units. That would mean an average monthly usage of approximately 10,723 gallons. This usage level was consistent with prior quarterly bills. In contrast, Ms. Beecham's highest quarterly bill in January 29, 2018, reported a usage of 104 units. That would equate to an average monthly usage of 25,930 gallons of water, which is almost two and a half times higher than the 2014 bill. Evidence showed an average person could use between 80 and 100 gallons of water a day. Even assuming that between 2014 and 2018, Ms. Beecham had four more children in her daycare, watched them every day of the month, and they each used 100 gallons during the limited time they were at her home that still would not reach the amount she was billed for on January 29, 2018.

Moreover, while MAWC used the daycare business to explain the increased water usage, the company failed to provide evidence showing what a reasonable level of water usage should be for a customer like Ms. Beecham. Nor could they explain – if, as they allege, the daycare business caused higher water usage - how her usage went from a

high of 104 units a quarter in January 2018 to a comparable 21 units a year later even though she was still operating her daycare business in 2019.

Furthermore, MAWC's position that the bills at issue show an accurate and reasonable level of usage is inconsistent with the perception of another utility and Staff experts. MSD routinely receives water usage records from MAWC to calculate its customers' sewer bills. That an employee with MSD was alarmed enough about the high water usage levels to advise Ms. Beecham that her water usage was extremely high and that she needed to contact MAWC, further supports that the reported usage was abnormal. Similarly, Staff's expert witness, Mr. Spratt, testified that Ms. Beecham's high reported water usage could not be explained by her daycare business.

Although there was speculation a leak may have existed somewhere on Ms. Beecham's side of the meter, she denied any leak, Staff's investigation found no evidence of a leak, and MAWC presented no leak-related evidence accounting either for the reported usage increase, or for its sudden decrease following installation of the AMI device.

It is concerning that MAWC chose not to test Ms. Beecham's meter, even though:

1. the meter had not been tested since its installation in 2007;
2. it was the company's normal practice to test meters if there were concerns about inaccurate readings or a leak;
3. one of their employees went to Ms. Beecham's residence to investigate a possible leak yet found none; and
4. there was another opportunity to perform a test a few months later when the AMI meter was installed on her existing meter.

The Commission does not find Ms. Beecham less credible due to the timing of her complaint, as different reasonable and credible people may react to the same bills

differently and any relief granted to Ms. Beecham would be subject to the Commission's rules regarding the timing of her complaint. The Commission does not find MAWC's arguments and speculation as to the potential causes for Ms. Beecham's reported water usage convincing.

It is the Commission's decision, accordingly, that Ms. Beecham met her burden to show that she was overcharged beginning in mid-2012 through her October 2018 quarterly bill. However, 20 CSR 4240-13.025 (1) limits any overcharge adjustments to the five-year period immediately preceding October 17, 2018, when the evidence indisputably shows all parties were on notice of the issue.

The record before the Commission contains the data necessary to calculate the difference between Ms. Beecham's average usage and her billed usage. From the quarterly billing ended April 18, 2019, to the Staff's review of the water bill issued prior to March 6, 2020, the date of Staff's report, Staff calculated her usage averaged 27 units per quarter. No party objected to the accuracy, relevance, or receipt in evidence of Staff's calculations. Per Rule 20 CSR 4240-13.025(1), the Commission will order MAWC, using 27 units per quarter as a base line of actual usage, to determine and make billing adjustments for an overcharge for the five-year period immediately preceding October 17, 2018.

Any party wishing to request a rehearing or reconsideration shall file applications for the requested relief prior to the effective date of this Report and Order.

**THE COMMISSION ORDERS THAT:**

1. Linda Beecham's Complaint is sustained.



2. Using 27 units of water per quarter as a base line of Ms. Beecham's water usage, MAWC shall determine and make billing adjustments for an overcharge for the five-year period immediately preceding the quarterly billing ended October 17, 2018.

3. No later than February 26, 2021, MAWC shall file a statement of the amount to be credited to Ms. Beecham's account together with the supporting calculations.

4. No later than February 26, 2021, or as soon thereafter as the credit has occurred, MAWC shall file notice of the date the credit has been made to Ms. Beecham's account.

5. Only information contained in the record that identifies Ms. Beecham's address, the name and address of her daycare business and the identity of her employees shall be considered confidential.

6. This Report and Order shall become effective on February 12, 2021.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris Woodruff  
Secretary

Silvey, Chm., Kenney, Rupp, Coleman, and  
Holsman CC., concur.

Graham, Regulatory Law Judge