

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

Jack and Stacey Woolever.,)	
Complainants)	
v.)	Case No. WC-2021-0080
)	
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 September 21, 2020, the Complainant filed a small formal complaint against MAWC.

2. On December 30, 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 Complainants dispute specific charges appearing on their bill. This complaint raises issues involving MAWC’s compliance with Commission billing rules, 20 CSR 4240-13.020, as well as provisions of MAWC’s tariff and the specific authority under which MAWC assessed the charges in question.

4. Secondly, the OPC files this response to defend and preserve the rights of the Complainants 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 Complainants to pursue their complaint in this case.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

By: /s/ Marc D. Poston

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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 5th day of January 2021.

/s/ Marc Poston
