

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its Office in Jefferson City, Missouri on the 20th day of April, 2023.

Charles Harter,)
Complainant,)
)
v.)
)
Missouri-American Water Company,)
)
Respondent.)
)

File No. WC-2023-0106

ORDER DENYING MOTION TO JOIN AND CONSOLIDATE CASES

Issue Date: April 20, 2023

Effective Date: April 20, 2023

On September 16, 2022, Charles Harter filed a complaint against Missouri-American Water Company (MAWC). On March 17, 2023, Mr. Harter filed a motion to join and consolidate this case with File No. EC-2023-0281, which is a complaint filed against Union Electric Company d/b/a Ameren Missouri.¹ Mr. Harter asserts that the cases share a complainant and a common question as to whether a utility's claim of date of mailing absent a postmark provides the ten-day notice required by regulation.

On March 27, 2023, MAWC filed its response and objection to Mr. Harter's motion to join and consolidate. MAWC argues that the two cases are on different schedules, that issues exist regarding confidentiality of certain information between the two utilities, and differences in Ameren Missouri's treatment of customers from its own may preclude

¹ In his motion, Mr. Harter identifies WC-2023-0106 as EC-2023-0106, but his case against Missouri-American Water Company is under File No. WC-2023-0106.

consolidation of the two matters. MAWC also argues that consolidating the two cases would be prejudicial to the companies because the facts would be unique to each utility and the utilities may not be aligned in the desired outcome of each complaint case.

Consolidation of files is permissible under the rules of the Commission when there are related questions of law or fact.² The cases Mr. Harter seeks to have consolidated are cases brought against two utilities providing different types of service, governed by different regulations, and in different stages of development. Within each case, File No. WC-2023-0106 and File No. EC-2023-0281, Mr. Harter has filed identical petitions to amend a rule of the Commission regarding service of notice. The Commission has created a separate file to consider Mr. Harter's petition, and assigned it File No. AX-2023-0287.

Aside from these rulemaking petition filings, there are no common issues of law or fact addressed in the complaints for which consolidation will avoid unnecessary costs or delay. As such, the Commission will deny Mr. Harter's motion to join and consolidate these cases.

THE COMMISSION ORDERS THAT:

1. The motion of Charles Harter to consolidate File Nos. WC-2023-0106 and EC-2023-0281 is denied.
2. This order shall be effective when issued.



BY THE COMMISSION

Nancy Dippell

Nancy Dippell
Secretary

² 20 CSR 4240-2.110(3).

Rupp, Chm., Coleman, Holsman, and
Kolkmeier CC., concur.

Keeling, Regulatory Law Judge

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 20th day of April, 2023.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

April 20, 2023

File/Case No. WC-2023-0106

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Nancy Dippell
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.