

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

Brian Birdnow,)	
)	
Complainant,)	
)	<u>File No. WC-2024-0013</u>
v.)	
)	
Missouri-American Water Company,)	
)	
Respondent)	

ORDER GIVING NOTICE OF CONTESTED CASE, DIRECTING ANSWER AND DIRECTING STAFF INVESTIGATION

Issue Date: July 25, 2023

Effective Date: July 25, 2023

On July 24, 2023, Brian Birdnow filed a complaint with the Missouri Public Service Commission against Missouri-American Water Company (MAWC). A copy of the complaint accompanies this notice. Brian Birdnow's complaint sets forth in writing MAWC's alleged violation sufficient to meet the minimal requirements of Section 386.390, RSMo. Commission Rule 20 CSR 4240-2.070(15) provides that any dispute involving less than \$3,000, is to proceed under the small formal complaint procedure. Since Brian Birdnow alleged an amount in dispute in excess than \$3,000, this complaint shall not proceed under the Commission's Small Complaint procedure.

As required by Section 536.067(2)(f), RSMo, the Commission informs the parties that the Commission's provisions governing procedures before the Commission are found at Commission Rule 20 CSR 4240-2. Specific provisions relating to discovery are found at Commission Rule 20 CSR 4240-2.090. Commission Rule 4 CSR 240-2.070(8) provides MAWC 30 days to file a response to this complaint.

The Commission will also direct the Staff of the Commission to investigate this complaint and file a report pursuant to Commission Rule 20 CSR 4240-2.070(11). requires Staff to file its report and recommendation by September 25, 2023.

In the alternative, MAWC may file a written request that the complaint be referred to a neutral third-party mediator for voluntary mediation of the complaint. Upon receipt of a request for mediation, the 30-day time period for MAWC to file an answer will be tolled while the Commission ascertains whether Brian Birdnow is also willing to submit to voluntary mediation. If Brian Birdnow agrees to mediation, the time period within which an answer is due shall be suspended pending the resolution of the mediation process. Additional information regarding the mediation process is enclosed. If Brian Birdnow declines the opportunity to seek mediation, MAWC will be notified in writing that the tolling has ceased and will also be notified of the date by which an answer or notice of satisfaction must be filed. That period will usually be the remainder of the original 30-day period.

THE COMMISSION ORDERS THAT:

1. The Commission's Data Center shall send, by certified mail, a copy of this notice and order and a copy of the complaint to MAWC at:

Missouri-American Water Company
Legal Department
727 Craig Rd.
St. Louis, Missouri 63141

2. MAWC shall file an answer to this complaint or request for mediation no later than August 24, 2023, and serve a copy upon the Complainant, Brian Birdnow. All pleadings (the answer, the notice of satisfaction of complaint or request for mediation) shall be mailed to:

Secretary of the Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102-0360

or filed using the Commission's electronic filing and information service.

3. The Staff of the Missouri Public Service Commission shall investigate this complaint and file a report with the Commission no later than September 25, 2023.

4. The Commission's Data Center shall send a copy of this notice, the Commission's procedural rules, 20 CSR 4240-2, a copy of the handbook titled "How to Present Your Formal Complaint Before the Missouri Public Service Commission", and a copy of the Commission's information sheet regarding mediation to the Complainant, Brian Birdnow.

5. This order is effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Nancy Dippell".

Nancy Dippell
Secretary

John T. Clark, Senior Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 25th day of July 2023.

FORMAL COMPLAINT FORM

Attach extra pages as necessary.

FILED
July 24, 2023
Data Center
Missouri Public
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Brian F. Birdnow
(Your name here)

Complainant,

v.

Missouri American
Water Company
(Utility's name here)

Respondent,

File No.

(PSC fills this in)

FORMAL COMPLAINT

1. Complainant resides at:

(Address of complainant)

(City)

(State)

(Zip Code)

2. The utility service complained of was received at:

(a) Complainant's address listed in paragraph 1.

b. A different address:

(Address where service is provided, if different from Complainant's address)

(City)

(State)

(Zip Code)

3. Respondent's address is:

(Address of complainant)

(City)

(State)

(Zip Code)

4. Respondent is a public utility under the jurisdiction of the Missouri Public Service Commission.

5. The amount at issue is: \$

(If your complaint is about money state how much is in dispute here.)

6. Complainant now requests the following relief:

(Explain what you want the Commission to do: the specific results you are seeking in this complaint.)

I request that my water bill be recalculated for a reasonable dollar figure. I don't see no possible way that I paid the amount of money stated in the bill report to me. This party is a bunch of liars agents of the company.

7. The relief requested is appropriate because Respondent has violated a statute, tariff, or Commission regulation or order, as follows:

(Explain why the Commission should grant the relief you seek: the facts that constitute a violation of a statute, tariff, or Commission regulation or order.)

The facts show that I have been a good customer for forty years and that this experience with my bill has not been in my best interest.



Service Address:
BRIAN BIRDNOW
[Redacted]

THANK YOU FOR BEING OUR CUSTOMER

Important Account Messages

- Want more convenience and less clutter? Try paperless billing. We send an email when your bill is available for viewing and include an option to pay. It's simple to sign up, just register or log into My Account at amwater.com/myaccount and make the selection for paperless billing.
- Your charges contain a change in pricing that was effective on 05/28/23. Please review the Account Detail section of your bill for more information.

For more information, visit www.missouriamwater.com



View your account information or pay your bill anytime at: www.amwater.com/MyAccount



Pay by Phone*: Pay anytime at 1-855-748-6066



Customer Service: 1-866-430-0820
M-F 7:00am to 7:00pm – Emergencies 24/7



MISSOURI AMERICAN WATER
PO BOX 6029
CAROL STREAM, IL 60197-6029

▶ Please return bottom portion with your payment. DO NOT send cash. Retain upper portion for your records. ▶ 024436/073826 VC2K9H ETM1C00010 1 (VC2K9H001024437010310)



P.O. BOX 91623
RANTOUL, IL 61866-8623

Service to: [Redacted]



024436 1 AB 0.504 24436/024436/073826 97 03 VC2K9H 011
BRIAN BIRDNOW
[Redacted]

Statement

Account No. [Redacted]

Latest Bill

Total Amount Due: [Redacted]

Payment Due By:

July 11, 2023

Billing Date:

June 19, 2023

Service Period:

Apr 28 to May 30 (33 Days)

Total Gallons:

3,740

Account Summary – See page 3 for Account Detail

Prior Billing:

Payments - Thank You!

Balance Forward:

Service Related Charges:

Pass Through Charges:

Taxes:

Total Amount Due:

Account No. [Redacted]

Total Amount Due: [Redacted]

Payment Due By:

July 11, 2023

Amount Enclosed \$



MISSOURI AMERICAN WATER
PO BOX 6029
CAROL STREAM, IL 60197-6029

Public



Service Address:

BRIAN BIRNOW

THANK YOU FOR BEING OUR CUSTOMER

Important Account Messages

- Want more convenience and less clutter? Try paperless billing. We send an email when your bill is available for viewing and include an option to pay. It's simple to sign up, just register or log into My Account at amwater.com/myaccount and make the selection for paperless billing.
- Tired of buying stamps and writing checks? Enroll in Auto Pay and your bill will be paid on time, every time directly from your bank account. To enroll, register or log on to My Account at amwater.com/myaccount.

For more information, visit www.missouriamwater.com



View your account information or pay your bill anytime at: www.amwater.com/MyAccount



Pay by Phone*: Pay anytime at 1-855-748-6066



Customer Service: 1-866-430-0820
M-F 7:00am to 7:00pm – Emergencies 24/7



MISSOURI AMERICAN WATER
PO BOX 6029
CAROL STREAM, IL 60197-6029

• Please return bottom portion with your payment. DO NOT send cash. Retain upper portion for your records. • 011412/034276 VC1ZW5 ETMIC00005 1 (VC1ZW50010114170103100)



P.O. BOX 91623
RANTOUL, IL 61866-8623

Service to:



011412 1 AV 0.452 11412/011412/034276 45 03 VC1ZW5 006
BRIAN BIRNOW

Statement

Account No.

Total Amount Due:

Payment Due By:

January 30, 2023

Billing Date:

January 06, 2023

Service Period:

Nov 30 to Dec 29 (30 Days)

Total Gallons:

4,488

Account Summary – See page 3 for Account Detail

Prior Billing:

Payments - Thank You!

Balance Forward:

Service Related Charges:

Pass Through Charges:

Taxes:

Total Amount Due:

Account No.

Total Amount Due:

Payment Due By:

January 30, 2023

If paying after 1/30/23, pay this amount:

\$43.50

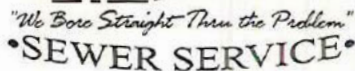
Amount Enclosed \$



MISSOURI AMERICAN WATER
PO BOX 6029
CAROL STREAM, IL 60197-6029

Public

0001017210013866881000000000004286017



SEWER & DRAIN CLEANING

Receipt
for
plumbing
work
as
directed
No AM
inst of

35 YEARS EXPERIENCE

INSURED FOR YOUR PROTECTION

INVOICE NO. 227950		DATE 4-1-23		SERVICE NO. MM		ARRIVED 0800		COMPLETED 0840		TYPE SYSTEM		JOB SITE CONDITION					
CUSTOMER Burdnow				PHONE #		SEWER <input checked="" type="checkbox"/> SEPTIC <input type="checkbox"/>		WATER SUPPLY <input checked="" type="checkbox"/> STORM <input type="checkbox"/>		GOOD <input checked="" type="checkbox"/> FAIR <input type="checkbox"/> POOR <input type="checkbox"/>							
ADDRESS [REDACTED]				CITY		Z [REDACTED]				DAMAGE							
KITCHEN SINK <input type="checkbox"/> LAUNDRY LINE <input type="checkbox"/> LAV. SINK <input type="checkbox"/> BATHROOM <input type="checkbox"/> SHOWER <input type="checkbox"/>		TOILET <input checked="" type="checkbox"/> MAIN DRAIN <input type="checkbox"/> FLOOR DRAIN <input type="checkbox"/> DISHWASHER <input type="checkbox"/> STORM DRAIN <input type="checkbox"/>		POOL DRAIN <input type="checkbox"/> SEPTIC TANK <input type="checkbox"/> URINAL <input type="checkbox"/> GREASE TRAP <input type="checkbox"/> FLOOR SINK <input type="checkbox"/>		WATER LINE <input type="checkbox"/> M/L REPLACE <input type="checkbox"/> OTHER: <input type="checkbox"/>		PAYMENT CASH <input type="checkbox"/> CHECK # <input type="checkbox"/> CREDIT CARD <input checked="" type="checkbox"/> OTHER <input type="checkbox"/>		WATER <input type="checkbox"/> CEILING <input type="checkbox"/> WALLS <input type="checkbox"/> FIXTURE(S) <input type="checkbox"/> FLOORS <input type="checkbox"/> NONE <input checked="" type="checkbox"/>							
ITEM												SERVICES TO BE PERFORMED		ESTIMATE		ACTUAL	
1) Found bad flapper on toilet causing run on.																	
Supplied and installed flapper on toilet to stop run on.																	
Found no leaks																	
90 Day Warranty																	
[REDACTED]																	
App. 00437m																	
QTY.		PART/NAME		PRICE		<div style="text-align: center; font-size: 2em; opacity: 0.3; transform: rotate(-10deg);">CUSTOMER</div> <p>The property owner and/or Authorized Agent of the property claim that no chemical have been used in the drain system in the last 48 hours except _____ Customer's Initials: _____</p> <p>The Customer has read and understands this invoice and all other terms and conditions set forth on the face and reverse side of this invoice.</p> <p>Original Estimate \$ _____ x <u>Sam E. Thacker</u> signature</p>						SERVICE					
1		Flapper										MATERIALS					
												SUB TOTAL		[REDACTED]			
						ADDITIONAL WORK \$ _____ X _____ initials ADDITIONAL PARTS \$ _____ X _____ initials TOTAL BILL \$ [REDACTED]											

Public

CUSTOMER'S RESPONSIBILITIES and REPRESENTATIONS

The customer represents that all water supply, sanitation waste disposal systems and storm water systems are in good repair and of sound condition, and agrees to hold Bore's Plumbing & Sewer Service and its employees harmless from damages arising out of the discovery of any of the following conditions:

1. Leaky, Defective, or Corroded traps or piping.
2. Unknown and/or Hidden lead piping in walls, floors or ceilings.
3. Faulty, Improper, or Illegal plumbing which is existing.
4. Restrictions due to, or caused by, mineral or hardwater build up.
5. Damage caused by cleaning chemicals (liquidfire, lye, drain-o, etc.).
6. Defective or improper venting.
7. Sanitary or storm lines that have become settled, broken, collapsed or damaged.

ACCESS and PROTECTION of CUSTOMER'S PROPERTY

The customer will be responsible for indicating all property lines and easements. Should Bore's Plumbing & Sewer Service or any sub-contractor have to cross said property lines to gain access to the work-site, the customer must first obtain in writing, Authorization from the adjoining property Owner(s) for access across said property lines before the work may begin. The customer shall also secure the job-site inside and outside and prevent the entry of sightseers, children, or animals onto the work-site area whether workers are present or not. The customer agrees to protect or remove any personal property from the work-site area including but not limited to: wall(s), carpeting, rug(s), furniture, concrete work, driveways and any animals.

The customer agrees to accept any responsibilities for all underground services and/or utilities that are improperly located or that are not located at all.

BORE'S PLUMBING & SEWER SERVICE RESPONSIBILITIES and REPRESENTATIONS

BORE'S PLUMBING & SEWER SERVICE shall perform all work in a reasonable and workmanship like manner. However, this will not create any additional obligations which would expand or extend the company's obligations under the limited warranty. BORE'S PLUMBING & SEWER SERVICE will not be held or accept responsibility for any damage caused by attempting to gain access into a line. The company will notify the customer of the condition(s) of the access point and of any additional cost or charges that may be incurred. If the customer refuses to authorize the necessary repair(s), BORE'S PLUMBING & SEWER SERVICE will not be responsible or liable for any damages thereafter caused by sewer gas, back-ups, leaks, or water damage through the access that BORE'S PLUMBING & SEWER SERVICE was required to use. BORE'S PLUMBING & SEWER SERVICE is not responsible for any damage caused to toilets or urinals during cleaning unless indicated in writing on the face of this invoice. BORE'S PLUMBING & SEWER SERVICE accepts no responsibility for any dry wall or sheet rock, replacement.

LIMITED WARRANTY

BORE'S PLUMBING & SEWER SERVICE warrants its work to be free from defects in its workmanship for a warranty period set forth on the face of this invoice, but in any event not to exceed 90 days. ALL WARRANTIES ARE VOID IF PAYMENT IS NOT RECEIVED WHEN IT IS DUE. This covers both Commercial and Residential customers. The limited warranty of this invoice is extended only to the customer on the face of this invoice and not transferable. BORE'S PLUMBING & SEWER SERVICE will not be responsible for the following conditions which will be excluded from the limited warranty coverage unless they are listed on the face of this invoice.:

1. Industrial and Commercial waste lines.
2. Any condition sited in the Customer's Responsibilities and Representations..
3. Materials and work performed by others that are not BORE'S PLUMBING & SEWER SERVICE employees.
4. Failures and Defects caused by abuse, mistreatment, and/or neglect.
5. Excessive roots that can not be removed with BORE'S PLUMBING & SEWER SERVICE standard equipment, but may require Heavy Equipment for excavation purposes.

BORE'S PLUMBING & SEWER SERVICE gives no warranty, expressed or implied, other than the LIMITED WARRANTY contained herein. Any variations of the LIMITED WARRANTY must be in writing and signed by an authorized agent of BORE'S PLUMBING & SEWER SERVICE. No verbal warranties made by any person shall be accepted by BORE'S PLUMBING & SEWER SERVICE. BORE'S PLUMBING & SEWER SERVICE obligation under this LIMITED WARRANTY shall be limited to repairing free of charge any defective workmanship performed by a BORE'S PLUMBING & SEWER SERVICE agent(s), servants and employees. Should any provision in this agreement be deemed to be invalid or ineffective in accordance with Missouri law, the remaining provisions shall survive and operate as the complete agreement between customer and BORE'S PLUMBING & SEWER SERVICE. This agreement has been entered into freely by both BORE'S PLUMBING & SEWER SERVICE and the customer on the face of this invoice. The individual who signs this invoice as the customer or as customers authorizing agent accepts full responsibility for the payment of this invoice when payment is due.

BORE'S PLUMBING & SEWER SERVICE

P.O. BOX 306
ARNOLD, MISSOURI 63010
314-843-0059

Public

**HOW TO PRESENT YOUR
FORMAL COMPLAINT
BEFORE THE
MISSOURI PUBLIC SERVICE COMMISSION**



200 Madison Street
P.O. Box 360
Jefferson City, MO 65101
(573) 751-3234
www.psc.mo.gov

Revised – May 11, 2023

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INTRODUCTION

This guide describes the Missouri Public Service Commission (“PSC”) complaint process and how you can present your case to the PSC without a lawyer. In every case, the PSC wants to make the best decision possible. Therefore, the PSC wants to hear the best presentation from all sides.

The PSC has a Consumer Hotline to assist you. If you have talked over your problem with the utility, and have not reached a satisfactory resolution, you can call the PSC’s Consumer Hotline. The number is 800-392-4211. The PSC also has a website. The PSC website has information, and links to other sites, addressing a wide range of utility issues. The address is <http://psc.mo.gov/>. The PSC does not discriminate on the basis of disability in the provision of programs, services, or employment. Anyone with an impairment of speech, hearing or vision, or

needing other such assistance, may call 800-392-4211 or TDD hotline 1-800-829-7541. The Commission will make every effort to get this information to you in a usable form.

All complaints are unique so you will probably have an issue not addressed in this guide. This guide therefore references other resources including sources of law. This guide is not law. If the law ever conflicts with this guide, the law controls. Neither this guide nor any other document can substitute for hiring your own lawyer.

THE COMPLAINT PROCESS

WHAT IS A COMPLAINT?

A complaint is a statement that a utility has violated a statute, tariff, or Commission order or regulation. The statutes and PSC regulations provide for an informal complaint and a formal complaint. PSC regulations provide a small formal complaint process designed to be more accessible and easier to use.

INFORMAL COMPLAINT

An informal complaint addresses your dispute with the utility without legalistic procedures. Staff can explain the statute, tariff, or Commission order or regulation governing your complaint. Staff can also serve as an intermediary with the utility. Staff does not speak on the Commission's behalf so, when Staff discusses your informal complaint, that discussion is not the Commission's decision. You have the right to make a formal complaint to the Commission.

FORMAL COMPLAINT

A formal complaint starts a proceeding that resembles a trial in circuit court and leads to a legally binding decision on whether the utility violated a statute, tariff, or Commission order or regulation. That decision is so important that the statutes provide all parties with the right to a

hearing. In addition, the PSC's regulations provide pre-hearing procedures including discovery and dispositive motions. A formal complaint is much like a trial in circuit court without a jury.

SMALL FORMAL COMPLAINT

A small formal complaint is a formal complaint in which the amount at issue is less than \$3,000. A small formal complaint differs from other formal complaints in that the hearing must be near where you live: in St. Louis City if that is where you live, your county seat, or within 30 miles of where the utility service was provided. Also, the order deciding your complaint on the merits can issue within 100 days after you file it, though most complainants need more time than that to prepare their case.

HOW TO START A FORMAL COMPLAINT PROCEEDING

First you must write down your formal complaint. You may use the sample complaint form in the back of this guide and fill in the blanks. Or you may draft your own document. Either way, a formal complaint must allege conduct that violates a statute, tariff, or Commission order or regulation. If a formal complaint does not allege conduct that violates a statute, tariff, or Commission order or regulation, the Commission can do nothing with the formal complaint except dismiss it.

Next, you must file that written formal complaint. Filing means that the Commission receives the formal complaint. Send the complaint to:

Secretary
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102-0360

Or use the Commission's Electronic Filing and Information System ("EFIS") at psc.mo.gov.

Once you have filed your formal complaint, the Commission will assign it a file number. Use the file number when discussing your formal complaint in writing or in person. It helps avoid confusion.

FORMAL COMPLAINT PROCEDURE

Your formal complaint is a type of action called a “contested case,” meaning a formally “contested” proceeding before the Commission. It is similar to a trial in circuit court. Formality is reduced but the decision must stand on the law and evidence entered into the record. Generally, see the following authorities:

- Chapter 536, RSMo is the chapter of the Missouri Revised Statutes that sets forth administrative procedure in general. It sets forth the basics of contested case procedure.
- Chapter 386, RSMo is the chapter of the Missouri Revised Statutes that sets forth PSC procedure specifically. It contains several provisions regarding PSC hearings and formal complaints.
- 20 CSR 4240-2.070. This is the regulation that applies to PSC formal complaint procedure specifically.

Other laws cited above also apply.

Your formal complaint may proceed through several phases before the Commission’s resolution.

- Pleadings include your formal complaint and responsive documents in which the parties set forth what they want, the law that allows that relief, and facts relevant under that law.

- Discovery is the process by which the parties learn about what the other parties know and how they know it. It includes devices like data requests, depositions, interrogatories, document production requests, and subpoenas.
- Pre-Hearing Motions ask the Commission to do something in preparation for hearing, like set a schedule or enforce discovery.
- Dispositive Motions ask the Commission to dispose of the formal complaint without a hearing. Dismissal means the Commission has no authority to address the formal complaint. Summary determination means that no hearing is necessary to decide who wins. Both must have support in the record, like admissions in an opponent's pleadings, or an affidavit to support an allegation outside the pleadings.
- Hearing is where the parties offer the Commission evidence on which the Commission decides the formal complaint. Though statutes and regulations relax the law of evidence, certain fundamentals still apply. Consult the authorities cited above.
- Briefs are written arguments in which parties tell the Commission why they should win by citing the statute, tariff, or Commission regulation or order violated; and citing something in the record, like testimony in the transcript, showing that the violation occurred.
- Report and Order is the Commission's name for a decision made after a hearing on a formal complaint. If no hearing occurs, the Commission calls the decision an order. The Regulatory Law Judge drafts a recommended decision but the Commission is the final decision-maker.

The Commission votes on the decision at an open meeting under an agenda posted in advance. The Commission webcasts its agenda meetings so you can listen on your computer.

The Commission's decision is subject to rehearing until the effective date set forth in the decision. This means that you may ask the Commission to look at the formal complaint some more, including facts that arose after the Commission voted on the decision. But you **must** file your application for rehearing **before the decision's effective date**. An application for rehearing filed **on the effective date is too late**. If the Commission denies an application for rehearing the party who filed it may appeal to a court of law as the statutes provide. If you appeal the Commission's decision, the reviewing court will only look at the issues you set out in an application for rehearing.

HOW THE PSC WORKS

WHAT IS THE PSC?

The PSC is an executive-branch agency of Missouri government that regulates investor-owned utilities and some manufactured houses. The legislative branch of Missouri government created the PSC in 1913 and continues to set legal standards for the PSC to follow. The judicial branch of Missouri government reviews decisions of the PSC for compliance with the law. Subject to those branches of government, the PSC operates its own internal legislative, judicial, and executive functions.

STATUTES, TARIFFS, REGULATIONS AND ORDERS

The subject of the complaint must be a violation of at least one of the following.

- Statutes: The Missouri Revised Statutes. The statutes are laws made by elected officials—your State representatives and State senators—in the Missouri General Assembly. Chapters 386, 392, 393, and 536 contain most of the statutes that

govern your complaint. You can view the statutes online at

<https://revisor.mo.gov/main/Home.aspx>.

- Tariffs. Tariffs are schedules of rates, charges, and terms of service that every utility must have on file with the PSC. You can view tariffs online through the Commission's Electronic Filing and Information System ("EFIS") at <https://efis.psc.mo.gov/mpsc/TariffSearch.html>.
- Regulations. The Code of State Regulations. Regulations (or "rules") are laws made by officials like the Commissioners of the PSC. The PSC's regulations are at 20 CSR 4240. You can view the regulations online at <http://www.sos.mo.gov/adrules/csr/csr.asp>.
- Orders. the PSC might also impose other requirements on a utility by order directed to that utility alone. You can view orders online through the Commission's Electronic Filing and Information System ("EFIS") at <https://efis.psc.mo.gov>.

OTHER LAW

Other sources of law that determine your complaint are published in hard copy, which might be available at a public library or law library, and online. The most important laws include:

- Case Law. Case law is made by Missouri appellate courts—the Missouri Court of Appeals and the Missouri Supreme Court—when they decide an appeal from another governmental body. Missouri appellate court opinions are posted at <http://www.courts.mo.gov/page.jsp?id=1944>.

- Commission Decisions. Decisions in other cases can give you an idea of how the Commission analyses formal complaints like yours.
- Federal Authorities. These may include federal statutes, regulations, and case law.

You can also consult secondary sources—books and journal articles that generally outline legal processes and explore specific legal issues. They include the Missouri Bar’s deskbook series, Thomson Reuter’s Missouri Practice Series, and the Journal of the Missouri Bar. Each of those bodies of law is available from other hard copy and online sources, but some online sources are expensive, and some are not as easy to use as the hard copies of authorities listed here. You may find secondary sources at a public library or a law library.

WHO IS WHO AT THE PSC?

The PSC consists of five commissioners, each appointed by the governor subject to confirmation by the Missouri Senate. The commissioners serve staggered six-year terms. Biographies of the commissioners are available online at <https://psc.mo.gov/Commissioners/>.

The Commissioners employ the following persons to help them process complaints.

- Data Center. The PSC’s Data Center operates EFIS, receives filings, transmits order and notices, and keeps the Commission’s records.
- Staff. The PSC hires neutral experts in engineering, accountancy, economics, and others, to help it make the best decisions possible. So that everyone knows what Staff is telling the Commission, the Commission’s regulations provide that Staff is a party—like you and the utility—to your complaint. Staff will investigate your complaint and file a report of its findings in your complaint file.
- Staff Counsel. Staff Counsel is a group of lawyers that the PSC hires to represent Staff in actions including your complaint.

As in an informal complaint, Staff does not speak on the Commission's behalf, nor does Staff Counsel. Staff reports to the Commission, and sometimes the Commission agrees with Staff, but sometimes the Commission does not. So when Staff issues a report or a recommendation, it does not determine your complaint. In a formal complaint, you have the right to make your case to the Commission.

You may contact any of those persons about your complaint but none of them is your advocate in a formal complaint. Unlike a criminal prosecution, there is no right to appointed counsel before the PSC.

In addition, the Commission assigns to your formal complaint a:

- Regulatory Law Judge ("RLJ"). An RLJ is a lawyer employed by the PSC to conduct proceedings in a variety of actions including your formal complaint. The RLJ will manage your case, issue orders on motions or on the RLJ's own initiative, convene conferences and an evidentiary hearing, and issues orders addressing your formal complaint. The RLJ's order may constitute a recommendation to the Commission for the commissioners to vote on, or an order may be effective right away.

Do not contact the RLJ about your case except in writing copied to all parties.

To represent all ratepayers, the statutes also create:

- The Office of Public Counsel ("OPC"). OPC is an office of Missouri government independent of the PSC. But OPC represents the public in general and no one person in particular. PSC regulations make OPC a party to every case.

FORMAL COMPLAINT FORM

Attach extra pages as necessary.

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

_____)	
(Your name here))	
)	
Complainant,)	
)	
v.)	File No.
)	
_____)	
)	(PSC fills this in)
_____)	
(Utility's name here))	
)	
Respondent,)	

FORMAL COMPLAINT

1. Complainant resides at:

(Address of complainant)

(City) (State) (Zip Code)

2. The utility service complained of was received at:

a. Complainant's address listed in paragraph 1.

b. A different address:

(Address where service is provided, if different from Complainant's address)

(City) (State) (Zip Code)

3. Respondent's address is:

(Address of complainant)

(City)

(State)

(Zip Code)

4. Respondent is a public utility under the jurisdiction of the Missouri Public Service Commission.

5. The amount at issue is: \$

(If your complaint is about money state how much is in dispute here.)

6. Complainant now requests the following relief:

(Explain what you want the Commission to do: the specific results you are seeking in this complaint.)

7. The relief requested is appropriate because Respondent has violated a statute, tariff, or Commission regulation or order, as follows:

(Explain why the Commission should grant the relief you seek: the facts that constitute a violation of a statute, tariff, or Commission regulation or order.)



Missouri Public Service Commission

MAIDA J. COLEMAN
Commissioner

KAYLA HAHN
Commissioner

SCOTT T. RUPP
Chairman

POST OFFICE BOX 360
JEFFERSON CITY, MISSOURI 65102
573-751-3234
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JASON R. HOLSMAN
Commissioner

GLEN KOLKMEYER
Commissioner

Information Sheet Regarding Mediation of Commission Formal Complaint Cases

Mediation is a process where the parties work together to try to resolve their dispute with the aid of a neutral party, the mediator. The mediator's role is help the parties talk to each other. The mediator may offer suggested solutions, but the mediator has no authority to tell the parties what they must do or to determine who "wins." Instead, the mediator simply works with both parties to help them reach an agreement.

Typically, at a mediation session the parties meet for an off-the-record discussion. The mediation session is not a formal proceeding like a hearing and no attorney is required to participate. The Regulatory Law Judges at the Public Service Commission are trained mediators and this service is offered to parties who have formal complaints pending before the Public Service Commission at no charge. If mediation is agreed to by the parties, the Commission will send notice of who the mediator will be and that person will set up the first meeting.

There cannot be a mediation unless both parties to the complaint agree to try in good faith to resolve the dispute. If both parties agree to mediate the complaint, the only information about the mediation that will be disclosed to the Commission is (a) whether the case has been settled and (b) whether the mediation effort was considered to be helpful. The Commission will not ask what was discussed during the mediation.

If the dispute is settled at the mediation, the Commission will require a signed release from the party filing the complaint before the formal complaint case can be dismissed. If the dispute is not resolved through the mediation process, neither party will be penalized for having taken part in the mediation and the formal complaint case will simply pick up where it left off.


Nancy Dippell
Secretary



Missouri Public Service Commission

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Commissioner

Information Sheet Regarding Mediation of Commission Formal Complaint Cases

Mediation is a process whereby the parties themselves work to resolve their dispute with the aid of a neutral third-party mediator. This process is sometimes referred to as "facilitated negotiation." The mediator's role is advisory and although the mediator may offer suggestions, the mediator has no authority to impose a solution nor will the mediator determine who "wins." Instead, the mediator simply works with both parties to facilitate communications and to attempt to enable the parties to reach an agreement which is mutually agreeable to both the complainant and the respondent.

The mediation process is explicitly a problem-solving one in which neither the parties nor the mediator are bound by the usual constraints such as the rules of evidence or the other formal procedures required in hearings before the Missouri Public Service Commission. The Regulatory Law Judges at the Public Service Commission are trained mediators and this service is offered to parties who have formal complaints pending before the Public Service Commission at no charge. In addition, the assistance of an attorney is not necessary for mediation. In fact, the parties are encouraged not to bring an attorney to the mediation meeting.

The formal complaint process before the Commission invariably results in a determination by which there is a "winner" and a "loser" although the value of winning may well be offset by the cost of attorneys fees and the delays of protracted litigation. Mediation is not only a much quicker process but it also offers the unique opportunity for informal, direct communication between the two parties to the complaint and mediation is far more likely to result in a settlement which, because it was mutually agreed to, pleases both parties. This is traditionally referred to as "win-win" agreement.

The traditional mediator's role is to (1) help the participants understand the mediation process, (2) facilitate their ability to speak directly to each other, (3) maintain order, (4) clarify misunderstandings, (5) assist in identifying issues, (6) diffuse unrealistic expectations, (7) assist in translating one participant's perspective or proposal into a form that is more understandable and acceptable to the other participant, (8) assist the

participants with the actual negotiation process, (9) occasionally a mediator may propose a possible solution, and (10) on rare occasions a mediator may encourage a participant to accept a particular solution. The Judge assigned to be the mediator will not be the same Judge assigned to the contested complaint.

In order for the Commission to refer a complaint case to mediation, the parties must both agree to mediate their conflict in good faith. The party filing the complaint must agree to appear and to make a good faith effort to mediate and the utility company against which the complaint has been filed must send a representative who has full authority to settle the complaint case. The essence of mediation stems from the fact that the participants are both genuinely interested in resolving the complaint.

Because mediation thrives in an atmosphere of free and open discussion, all settlement offers and other information which is revealed during mediation is shielded against subsequent disclosure in front of the Missouri Public Service Commission and is considered to be privileged information. The only information which must be disclosed to the Public Service Commission is (a) whether the case has been settled and (b) whether, irrespective of the outcome, the mediation effort was considered to be a worthwhile endeavor. The Commission will not ask what took place during the mediation.

If the dispute is settled at the mediation, the Commission will require a signed release from the complainant in order for the Commission to dismiss the formal complaint case. If the dispute is not resolved through the mediation process, neither party will be prejudiced for having taken part in the mediation and, at that point, the formal complaint case will simply resume its normal course.

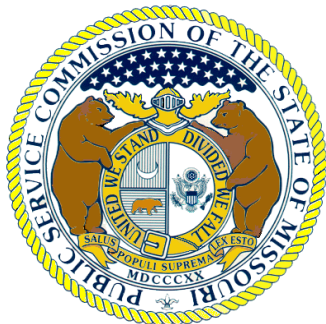

Nancy Dippell
Secretary

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 25th day of July, 2023.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

July 25, 2023

File/Case No. WC-2024-0013

**Missouri Public Service
Commission**

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Rachel Niemeier
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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.