

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

Jocelyn Lewis,)	
)	
Complainant,)	
Vs.)	
)	
Raytown Water Company,)	<u>File: WC-2023-0166</u>
)	
Respondent.)	

STAFF’S REPORT AND RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through counsel, and makes the following report and recommendation.

On November 21, 2022, Jocelyn Lewis (“Ms. Lewis”) filed a high bill complaint against Raytown Water Company (“Raytown”), and the Commission issued its Notice of Small Formal Complaint and Order Directing Staff to Investigate and File a Report. The Commission ordered Staff to investigate and file a report no later than January 4, 2023. The Commission extended that deadline to February 17, 2023. Raytown filed a Response to the Complaint on December 29, 2022.

Staff’s Official Memorandum (“Memorandum”) is filed together with this Report and Recommendation. The issues which Staff considered are whether the evidence supports a conclusion that: 1) Raytown has over-billed Ms. Lewis for water service; and/or 2) whether Raytown violated a statute, regulation or tariff. Staff concludes that the evidence does not support a conclusion that Ms. Lewis was over-billed. Staff concludes, however, that the evidence does support a conclusion that Raytown violated Commission regulations and Raytown’s tariff.

As Staff’s memorandum sets out in detail, the high bill evidence does not point

to a meter accuracy problem. If anywhere, it most plausibly points to a leak. It does not, however, point to any leak on Raytown's side of the meter that would cause a high bill. While Ms. Lewis stated that she had had a plumber look for leaks on her side of the meter and that he found none; she was unable to provide Staff with contact information that would allow Staff to follow up on that information. A Raytown test, on the other hand, in which Ms. Lewis turned her water off from inside her home at the main shut off valve, after which the leak indicator on the meter stopped turning, pointed to a leak on her side of the meter. The full nature and extent of Staff's high bill investigation is set out in its Memorandum. While the evidence did not categorically rule out a leak on Raytown's side of the meter that could cause a high bill, neither did the evidence plausibly suggest such a leak;¹ while the evidence did support an inference that there was, at least temporarily, a leak on Ms. Lewis' side of the meter.

On the other hand, based on its investigation and its review of the information provided by Raytown and Mrs. Lewis, Staff has concluded that the evidence supports the conclusion that Raytown violated both Commission rules and its tariff. During the course of an ongoing informal complaint for a disputed amount, Raytown issued multiple disconnection notices and then actually disconnected Ms. Lewis' service. Those actions violated Commission Rules 20 CSR 4240-13.050(6), 20 CSR 4240-13.070(1) and 20 CSR 4240-13.070(6) as well as its Commission-approved tariff P.S.C. MO No. 5, 1st Revised Sheet No. 40.

¹ There was definitely a main leak on Raytown's side of the meter. The original customer issue was a main leak that was damaging Ms. Lewis' yard and driveway. Raytown stated it was understaffed and could not get help out to fix the leak quickly. This leak caused driveway damage which Raytown fixed. The Staff has seen no facts to suggest how this leak—on the company's side of the meter--could have caused Ms. Lewis' high bill.

As set out in its Memorandum, in the course of its investigation Staff encountered a number of Raytown business practice problems which made Staff's investigation difficult; interfered with Staff's ability to reach conclusions; and, indeed, possibly even contributed to Raytown's error in improperly disconnecting Ms. Lewis service for a disputed amount during the course of an ongoing informal complaint. Staff recommends, accordingly, that the Commission order Raytown to remediate these business practice problems, all as set out in Staff's Official Memorandum.

WHEREFORE, Staff respectfully submits the foregoing Report and Recommendation in compliance with the Commission's orders.

Respectfully Submitted,

/s/ *Paul T. Graham* #30416

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CERTIFICATE OF SERVICE

The undersigned by his signature below certifies that the foregoing pleading was served upon all persons who have entered an appearance of record in this matter on this February 17, 2023, by electronic filing in EFIS.

/s/ *Paul T. Graham*