

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

Seth and Jeanette Langton,	)	
	)	
Complainants,	)	
	)	
v.	)	<b><u>Case No. WC-2008-0350</u></b>
	)	
Missouri American Water,	)	
	)	
Respondent.	)	

**ORDER DIRECTING THE PARTIES TO FILE STIPULATION OF**  
**RELEVANT, MATERIAL FACTS NOT IN DISPUTE AND GRANTING**  
**COMPLAINANTS LEAVE TO AMEND THEIR COMPLAINT**

Issue Date: July 23, 2008

Effective Date: July 23, 2008

Seth and Jeanette Langton filed a formal complaint against Respondent Missouri-American Water Company ("MAWC") on April 25, 2008, in which they alleged that the company's customer service was substandard and unprofessional, that they had received annoying, unhelpful, and insensitive phone calls from MAWC, and that on two occasions, their account had not been credited for the full amount of the check they sent. For relief, they sought a Commission order requiring MAWC to compensate them for the 30 hours of time they spent making trips to the property and on the telephone with the company at a rate of \$120 per hour, for a total of \$3600.

MAWC filed its answer on May 29, 2008, Staff filed its verified report and recommendation based on its investigation on June 12, and the Commission held a prehearing conference in this matter on July 14. Prior to the prehearing conference, MAWC and Staff had sought to have this case dismissed because they alleged that the

Langton's had requested relief that the Commission could not legally grant. After the prehearing conference, the parties jointly filed a proposed procedural schedule culminating with an evidentiary hearing on September 15.

The Commission is unsure at this point if it is faced with only a decision on a matter of law or if there are relevant, material facts in dispute that relate to a form of relief the Commission is authorized to grant. Consequently, the Commission will not approve a procedural schedule at this time and will instead direct the parties to jointly file a stipulation as to all material facts not in dispute. Additionally, if the Langtons wish to proceed with their complaint, and modify their legal arguments in any way or make a change in the relief they are requesting from the Commission, they shall be given an opportunity to amend their complaint accordingly.

**IT IS ORDERED THAT:**

1. No later than August 13, 2008, the parties shall jointly file a stipulation as to all material facts not in dispute in this matter. Should there remain any material facts in dispute, the parties shall file with the Commission, in separate individual pleadings, a list of those facts, and the parties' positions on those facts.

2. The Complainants shall have until August 13, 2008, to file an amended complaint if they wish to modify their legal arguments or make a change in the relief they are requesting from the Commission.

3. This order shall become effective on July 23, 2008.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

( S E A L )

Harold Stearley, Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 23rd day of July, 2008.