

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

George L. Eliceiri,	)	
	)	
Complainant	)	
	)	
v.	)	<b><u>Case No. WC-2020-0145</u></b>
	)	
Missouri-American Water Company,	)	
	)	
Respondent	)	

**STAFF MEMORANDUM**

**COMES NOW** the Staff of the Missouri Public Service Commission (“Staff”), by and through undersigned counsel, and submits its Staff Report.

1. On November 22, 2019, George L. Eliceiri (“Complainant”) filed a formal complaint against Missouri-American Water Company (“MAWC”).

2. On November 25, 2019, the Commission issued its *Order Giving Notice of Contested Case and Directing Answer* (“Order”). The *Order* recognized that the Complainant requests non-monetary relief, and stated that the matter will be treated as a formal complaint, as opposed to a small formal complaint case pursuant to 20 CSR 4240-2.070(15). Further, the *Order* directed Staff to conduct an investigation and file a report by January 10, 2020.

3. Having concluded its investigation, Staff offers its *Memorandum*, filed concurrently, which is confidential pursuant to 20 CSR 4240-2.070(11), and which details Staff’s investigation and analysis. In summary, Staff concludes that the Company has not violated any applicable statutes, Commission Rules, or Commission-approved Company tariffs related to the complaint.

4. The attached *Memorandum* more fully explains the circumstances and facts that led Staff to make these conclusions. Staff recommends that the Commission make findings in accordance with the attached *Memorandum*.

**WHEREFORE**, Staff hereby tenders its *Memorandum* for the Commission's information and consideration.

Respectfully Submitted,

**/s/ Casi Aslin**

Casi Aslin  
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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand delivered, transmitted by facsimile or electronically mailed to all counsel of record this 10<sup>th</sup> day of January, 2020.

**/s/ Casi Aslin**

## **MEMORANDUM**

**TO:** Missouri Public Service Commission Official Case File  
Case No. WC-2020-0145  
George L. Eliceiri, Complainant v. Missouri-American Water Company, Respondent

**FROM:** David A. Spratt, Utility Operations Technical Specialist II

<u>/s/ James A. Busch</u> <u>01/10/2020</u> Water & Sewer Department / Date	<u>/s/ Casi Aslin</u> <u>01/10/2020</u> Staff Counsel Department / Date
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**DATE:** January 10, 2020

### **Case Background**

On November 22, 2019, Dr. George Eliceiri (Complainant) filed a formal Complaint (Complaint) with the Commission against Missouri-American Water Company (MAWC or Company). Dr. Eliceiri had previously filed an informal complaint, C202000735, on October 19, 2019. Staff of the Consumer Services Department requested information from MAWC and, based on its review, determined the Company had not violated the rules or its tariff.

The Complaint stems from a leak that occurred February 3, 2019, in which the Complainant's yard and part of his driveway were excavated in order to make repairs. The Complainant alleges that this is not the first time that an excavation by MAWC has occurred in his yard and that he was told by a Company employee that there was a valve in his yard that was very deep that must be operated by the Company in order to reduce or stop the leak occurring in the leaking section of pipe. Dr. Eliceiri also stated he was concerned for the safety of the workers and the home owners because there is a gas line near the water line where the Company was digging.

### **Staff's Investigation**

Staff visited Dr. Eliceiri at his home on December 4, 2019, to see the site and speak to the Complainant in person about the incident. It was apparent that the yard had been excavated and that a section of the driveway did not match the rest of the driveway; however, the cause of the excavation was undeterminable. While Staff understands that the excavation to the customer's yard may be a nuisance, the location of the excavation was in the utility right of way. The Complainant states the yard has not been restored but, as the excavation had occurred several months earlier, Staff was unable to see the extent of the work performed, or determine the condition of the yard prior to the excavation. MAWC has stated that it made the necessary repairs to the yard and driveway. The Complainant also claimed that MAWC has dug up his yard before. According to MAWC, this is the only leak it has recorded at this address; however, the Company has stated that it only has records back to 2013.

Dr. Eliceiri also stated that he was concerned about the workers digging in his yard because the gas line to his house crosses over the water line. Staff explained to him that it is not uncommon for multiple utilities to use the same trench in a utility corridor or for services to cross over other utilities in order to provide service to a home. Often in subdivisions with underground utilities, electric, water, gas, phone, and cable television will install infrastructure in the same ditch due to limited space and to save money on excavation. Some pipes or conduits will lay side by side and some utilities will position pipes or conduits on top of another utility. The typical spacing for such an arrangement requires about twelve inches between them for excavation purposes.

Staff submitted data requests (DRs) to MAWC to ascertain more information about this incident. Staff asked the Company if there was a valve at the address of the Complainant. The Company stated that to the best of its knowledge there is not a valve located at this address. Staff requested a copy of a map of the water lines in the area. The map provided by the Company does not show a valve in Dr. Eliceiri's yard, but does show a valve at each end of the street. This is customary for a water line; this valve placement allows a water utility to isolate a section of main providing service to that street. The map provided by MAWC indicates that a valve is located where each connection is attached to the main to provide water service to an adjacent street in order to turn off water to a specific street or smaller area; this allows the Company to reduce the number of outages while a leak is being repaired, if it is not able to be repaired while the water is still flowing.

Dr. Eliceiri reiterated in his response to MAWC's Motion to Dismiss and Suggestions In Support that there is a valve in his front yard based on what he was told by a Company employee. Further, he noted that there was not a leak in his yard the evening of February 3, 2019, but rather the water leak was at the entrance to the nearby bird sanctuary, and that the leak stopped when the valve in his front yard was turned off. However, Company records indicate that the excavation of Dr. Eliceiri's property on February 3, 2019, was to repair a leak on a length of pipe in front his home. In MAWC's response to Staff DR 0010 asking for the details about the February 3, 2019, leak, it provided documents indicating the reason for the excavation of the Complainant's yard was a longitudinal break due to corrosion of the old pipe on a six-inch cast iron main located four feet deep. The Company had to excavate the yard and part of the driveway in order to make the necessary repairs. Further, the Company has denied many times that there is a valve at this location, and Company records support this claim.

Based on the information provided by the Company, Staff believes that Dr. Eliceiri's property would not be an ideal location for a valve; this site would require the Company to excavate each time it needed to access the valve. Based upon Staff's investigation, it appears that the excavation and repairs conducted on the evening of February 3, 2019, were most likely in response to leak, as the Company states, which would require a greater amount of digging to find and repair, or replace a section on pipe. Staff has found no evidence that a valve exists at the location as asserted by Dr. Eliceiri.

However, if the Company were to investigate this further to determine if there is indeed a valve here or if this location needs to be excavated again in the future, this situation should be remedied at that time by installing a riser from the valve to the yard to make the valve more easily accessible.

**Conclusion**

As part of its investigation of this case, Staff visited the site where the February 3, 2019, excavation occurred, spoke with the Complainant, and reviewed information provided by the Company and the Company's tariff. Staff concludes, based on its investigation, that the Company has not violated any statutes, Commission rules, or the Company's tariff in regard to this matter.

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OF THE STATE OF MISSOURI**

George L. Eliceiri,                     )  
                    Complainant                 )  
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                    v.                                 )  
  )  
Missouri-American Water Company,    )  
  )  
                    Respondent                 )

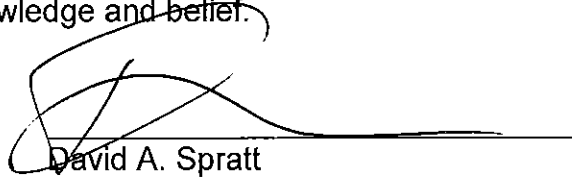
**Case No. WC-2020-0145**

**AFFIDAVIT OF DAVID A. SPRATT**

State of Missouri    )  
                              ) ss.  
County of Cole        )

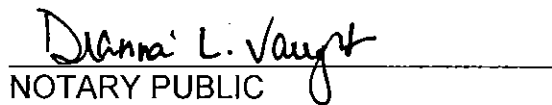
**COMES NOW** David A. Spratt and on his oath declares that he is of sound mind and lawful age; that he contributed to the attached *Staff Memorandum*; and that the same is true and correct according to his best knowledge and belief.

Further the Affiant sayeth not.

  
\_\_\_\_\_  
David A. Spratt

**JURAT**

Subscribed and sworn before me, a duly constituted and authorized Notary Public, in and for the County of Cole, State of Missouri, at my office in Jefferson City, on this 10th day of January, 2020.

  
\_\_\_\_\_  
NOTARY PUBLIC

DIANNA L. VAUGHT  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for Cole County  
My Commission Expires: July 18, 2023  
Commission Number: 15207377