

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

LOUIS DEFEO _____,)

(Your name here)

Complainant,)

v.)

File No.)

MISSOURI AMERICAN WATER _____,)

(Utility's name here)

Respondent,)

(PSC fills this in)

COMPLAINT

1. Complainant resides at:

1700 Green Berry Road _____
(Address of complainant)

Jefferson City, MO 65101 _____
(City) (State) (Zip Code)

2. The utility service complained of was received at Complainant's address listed below:

1700 Green Berry Road, Jefferson City, MO 65101.

3. Respondent's address is: 906 W High Street, Jefferson City, MO 65109

4. Respondent ("Company") is a public utility under the jurisdiction of the
Missouri Public Service Commission.

5. The amount at issue is about \$250.00 but the more important issue is fairness to the
customers.

6. Complainant (“Customer”) now requests the following relief:

MISSOURI AMERICAN WATER (the Company) claims that Complainant (the Customer) received over 40,000 gallons of water which he did not. Customer requests that Company remove any charge base on this alleged use.

7. The relief requested is appropriate because Respondent Company has violated a statute, tariff, or Commission regulation or order, as follows: (See Appendix for excerpts from cited PSC regulations)

- a. The Company violated 4 CSR 240-13.020 (2) Billing and Payment Standards because the billing statement rendered by a utility shall be computed on the actual usage during the billing period.
- b. The Company violated 4 CSR 240-13.025(1) Billing Adjustments by failing to consider all related and available information including physical evidence offered by the Customer and the analysis of a professional hydrologist.
- c. The Company violated 4 CSR 240-13.045(9) Disputes and 4 CSR 240-13.070(3) Commission Complaint Procedures by failing to inform the Customer of right to make an informal complaint to the commission, and of the address and telephone number where the customer may file an informal complaint with the commission.
- d. According to Company’s Data Log (**Exhibit A**) On April 1, 2020 at 1:52:00 PM the hourly consumption was 23.6 gallons. One hour later, at 2:52 PM on the same day the hourly consumption was 567.8 gallons. For 73 hours ending April 4, 2020 at 2:52:00 PM the consumption averaged 559.4 gallons per hour totaling 40,838 gallons. One hour later the consumption was 18.3 gallons. The hourly consumption rate both before April 1, 2020 at 1:52:00 PM and after April 4, 2020 at 2:52:00 PM was consistent with the 23 to 18-gallon rate. The 40,838 gallons in 73 hours is clearly a very large spike.
- e. No modification in the Customer’s water system occurred before or after the 40,838 gallons spike.
- f. **Exhibit B** is a line graph showing how the alleged use spiked quickly and ended as quickly after the 73 hours.
- g. If you do not include the 40,838 gallons in 73 hours spike, Customer’s total six-month total usage from January through June 2020 was only 3,561 gallons. The Company is claiming that Customer used over 11 times as much water in three days as he did in six months!

- h. The Company did not test the water meter during the 73-hour spike. The Company's test was done in May weeks after the hourly consumption rate, according to Company's Data Log, returned to normal. This test is no proof that the Company's metering equipment did not malfunction during the 73 hours in question.
- i. The Company at no time informed the Customer of the 73-hour spike.

8. The Complainant has taken the following steps to present this matter to the Respondent:

- a. The Company at no time informed the Customer of the 73-hour spike.
- b. The alleged use was claimed in Customer's April and May statements. Upon discovering the overcharge Customer called the Company requesting an explanation. Customer met with Company's field inspector on three occasions to resolve the matter. Together we reviewed Company's Data Log of use and all aspects of the Customer's water system. Together it was determined that there are no automatic water devices (e.g. a lawn sprinkling system). Further it was determined that there are no leaks or anything else in Customer's water system which would be consistent with 40,838 gallons consumption within 73 hours. Both the Company and the Customer tested for underground leaks between the meter and the buildings. There are none. The Company's field representative found no physical evidence of 40,838 gallons of water being provided on the Customer's property.
- c. To visualize 40,838 gallons: Customer has an indoor swimming pool. The pool is 36 feet long and 18 feet wide. It holds 20,000 gallons of water. 40,838 gallons is more than twice the capacity of the pool. If 40,838 gallons were added to the pool, the water would have flowed out the doors and created a pond. If the customer attempted to save 40,838 gallons of water in 55-gallon drums, it would take 743 drums. You can't hide 40,838 gallons of water!
- d. Customer consulted an internationally recognized professional hydrologist at Washington University. His analysis concluded that Customer did not receive the 40,838 gallons as alleged by the Company. **Exhibit C** is the Affidavit of the professional hydrologist.
- e. After thoroughly analyzing the situation with the Company's field inspector, Customer spoke with the Company's Senior Supervisor Operations. He refused to listen to any evidence that Customer offered including the analysis of the facts by an internationally recognized professional hydrologist at Washington University. He merely asserted that the Company's meter was correct.

- f. After attempting to resolve the matter with the Company, Customer requested help from the PSC’s Consumer Services Department. Customer received an unsigned letter from an unknown person that the Department was investigating the matter and that the investigation would take up to 30 days. After hearing nothing for 30 days. Customer called and talked to the investigator and learned that his investigation consisted of talking to the Company the day before and the investigator refused to listen to any of the evidence of the Customer including the analysis of the expert hydrologist. How can there be an “investigation” without hearing from both sides? He did not inform the Customer of his right to file a formal complaint. The PSC investigator failed to comply with 4 CSR 240-13.070(4) Commission Complaint Procedures.

September 18, 2020
Date

Louis DeFeo
Signature of Complainant

(573) 635-6768
Complainant’s Phone Number

Louis DeFeo
Complainant’s Printed Full Name

Alternate Contact Number

ldefeolaw@socket.net
Complainant’s E-mail Address

APPENDIX

4 CSR 240-13.020 Billing and Payment Standards

(2) Each billing statement rendered by a utility shall be computed on the actual usage during the billing period....

4 CSR 240-13.025 Billing Adjustments

(1) For all billing errors, the utility will determine from all related and available information the probable period during which the condition causing the errors existed and shall make billing adjustments for that period....

4 CSR 240-13.040 Inquiries

(1) A utility shall adopt procedures which shall ensure the prompt receipt, thorough investigation and, where possible, mutually acceptable resolution of customer inquiries. The utility shall submit the procedures to the commission for approval and the utility shall notify the commission and the public counsel of any substantive changes in these procedures prior to implementation.

4 CSR 240-13.045 Disputes

(9) If the utility does not resolve the dispute to the satisfaction of the customer, the utility representative shall notify the customer that each party has a right to make an informal complaint to the commission, and of the address and telephone number where the customer may file an informal complaint with the commission.

4 CSR 240-13.070 Commission Complaint Procedures

(3) If a utility and a customer and/or applicant fail to resolve a matter in dispute, the utility shall advise the customer and/or applicant of his/her right to file an informal complaint with the commission under 4 CSR 240-2.070.

(4) If the staff is unable to resolve the informal complaint to the satisfaction of the parties, the staff shall call the complainant and utility and note such conversation into the commission's electronic file and information system and send a dated letter or email to that effect to the complainant and to the utility. Staff shall also advise the customer of his/her right to file a formal complaint with the commission under 4 CSR 240-2.070.