

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

Ralph Rudolph,)	
Complainant)	
v.)	Case No. WC-2022-0162
)	
Missouri-American Water Company,)	
Respondent)	

Response in Opposition to Request to Dismiss

COMES NOW the Office of the Public Counsel (“OPC”) and for its response in opposition to Missouri American Water Company’s (“MAWC”) request to dismiss, states as follows:

1. On December 16, 2021, the Complainant filed a small formal complaint against MAWC.
2. On January 18, 2022, MAWC filed its Answer to Complaint that included a request to dismiss the complaint. MAWC’s Motion to Dismiss claims the Complainant has “not cited a violation of statute, Commission regulation, or provision of the Company’s tariff.”
3. The OPC files this response to first point out that the Complainant disputes specific charges appearing on his bill. This complaint raises issues involving MAWC’s compliance with Commission billing rules, 20 CSR 4240-13.020, as well as provisions of MAWC’s tariff and the specific authority under which MAWC assessed the charges in question.

4. Secondly, the OPC files this response to defend and preserve the rights of the Complainant and all other residential public utility customers to file complaints, as they are lawfully entitled to do under Sections 386.390 and 386.400 RSMo, without an attorney's understanding of the applicable laws, orders or tariffs. Even if a complainant does not cite to a particular law or tariff, residential customers should still have their cases heard when a complaint explains in practical terms the basis for the complaint. The Commission's Staff is fully capable of discerning whether the facts that form the basis of the complaint implicate any statute, rule, order and/or tariff.

WHEREFORE, the Office of the Public Counsel respectfully urges the Commission to reject MAWC's request to dismiss and allow the Complainant to pursue his complaint in this case.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the Complainant and all counsel of record this 24th day of January 2022.

/s/ Marc Poston
