FILED[2]
FEB 7 2000
Missouri Public Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

LORRAINE KEEVEN)
(your name))
Complainant,)
)
vs.) Case No. WC-2000-479
)
ST. LOUIS COUNTY WATER CO.)
(company's name))
Respondent.)

COMPLAINT

1. Complainant resides at 4240 CHARBONIER FLORISSANT, MISSOURI 63031

2. Respondent, ST LOUIS COUNTY WATER COMPANY, 535 N. NEW BALLAS ROAD, ST. LOUIS, MO 63141-6879, is a public utility under the jurisdiction of the Public Service Commission of the State of Missouri.
(Company's name and address)

3. As the basis of this complaint, complainant states the following facts: WE ARE CURRENTLY IN THE PROCESS OF TRYING TO EXTEND A WATER LINE ON CHARBONIER ROAD. OF THE EIGHT RESIDENCE IT WILL SERVE, ONLY FIVE ARE WILLING TO PAY THEIR FAIR SHARE. IT IS OUR UNDERSTANDING THAT AFTER THE MAIN LINE IS INSTALLED THESE THREE RESIDENTS STILL WILL BE ABLE TO HOOK ON FOR A FRACTION OF THE INITIAL COST.

4. The Complainant has taken the following steps to present this complaint to the respondent:

WE EXPLAINED THIS TO SAINT LOUIS COUNTY WATER CO. AND THEY WERE VERY UNDERSTANDING ABOUT OUR UNIQUE SITUATION. UNFORTUNATLY, WE WERE TOLD THAT THOSE WERE THE RULES AND WE WOULD HAVE TO GET PERMISSION FROM THE PUBLIC SERVICE COMMISSION TO MAKE ANY CHANGES.

WHEREFORE, complainant now requests the following relief: IF A FEW RESIDENTS ARE WILLING TO PAY FOR THE ENTIRE COST OF THE WATER MAIN NOW, WE JUST ASK THAT ANYONE HOOKING ON TO IT AFTER COMPLETION PAYS HIS FAIR SHARE BACK TO THE ORIGINAL PAYERS. WE ALSO REQUEST THAT YOU EXTEND THE HOOK ON PERIOD OF TEN YEARS TO FIFTEEN YEARS.

1-18-2000
Date

Lorraine Keeven
Signature of Complainant

Missouri Public Service Commission

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Information Sheet Regarding Mediation of Commission Formal Complaint Cases

Mediation is process whereby the parties themselves work to resolve their dispute with the aid of a neutral third-party mediator. This process is sometimes referred to as "facilitated negotiation." The mediator's role is advisory and although the mediator may offer suggestions, the mediator has no authority to impose a solution nor will the mediator determine who "wins." Instead, the mediator simply works with both parties to facilitate communications and to attempt to enable the parties to reach an agreement which is mutually agreeable to both the complainant and the respondent.

The mediation process is explicitly a problem-solving one in which neither the parties nor the mediator are bound by the usual constraints such as the rules of evidence or the other formal procedures required in hearings before the Missouri Public Service Commission. Although many private mediators charge as much as $250 per hour, the University of Missouri-Columbia School of Law has agreed to provide this service to parties who have formal complaints pending before the Public Service Commission at no charge. Not only is the service provided free of charge, but mediation is also less expensive than the formal complaint process because the assistance of an attorney is not necessary for mediation. In fact, the parties are encouraged not to bring an attorney to the mediation meeting.

The formal complaint process before the Commission invariably results in a determination by which there is a "winner" and a "loser" although the value of winning may well be offset by the cost of attorneys fees and the delays of protracted litigation. Mediation is not only a much quicker process but it also offers the unique opportunity for informal, direct communication between the two parties to the complaint and mediation is far more likely to result in a settlement which, because it was mutually agreed to, pleases both parties. This is traditionally referred to as "win-win" agreement.

The traditional mediator's role is to (1) help the participants understand the mediation process, (2) facilitate their ability to speak directly to each other, (3) maintain order, (4) clarify misunderstandings, (5) assist in identifying issues, (6) diffuse unrealistic expectations, (7) assist in translating one participant's perspective or proposal into a form that is more understandable and acceptable to the other participant, (8) assist the participants with the actual negotiation process, (9) occasionally a mediator may propose a possible solution, and (10) on rare occasions a mediator may encourage a participant to accept a particular solution. The mediator will not possess any specialized knowledge of the utility industry or of utility law.

In order for the Commission to refer a complaint case to mediation, the parties must both agree to mediate their conflict in good faith. The party filing the complaint must agree to appear and to make a good faith effort to mediate and the utility company against which the complaint has been filed must send a representative who has full authority to settle the complaint case. The essence of mediation stems from the fact that the participants are both genuinely interested in resolving the complaint.

Because mediation thrives in an atmosphere of free and open discussion, all settlement offers and other information which is revealed during mediation is shielded against subsequent disclosure in front of the Missouri Public Service Commission and is considered to be privileged information. The only information which must be disclosed to the Public Service Commission is (a) whether the case has been settled and (b) whether, irrespective of the outcome, the mediation effort was considered to be a worthwhile endeavor. The Commission will not ask what took place during the mediation.

If the dispute is settled at the mediation, the Commission will require a signed release from the complainant in order for the Commission to dismiss the formal complaint case.

If the dispute is not resolved through the mediation process, neither party will be prejudiced for having taken part in the mediation and, at that point, the formal complaint case will simply resume its normal course.

Date: January 25, 1999

Dale Hardy Roberts

Dale Hardy Roberts
Secretary of the Commission