

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

Robert J. Clancy III,)	
)	
Complainant,)	
)	Case No. WC-2012-0283
v.)	
)	
Missouri-American Water Company,)	
)	
Respondent.)	

ANSWER

COMES NOW Respondent Missouri-American Water Company (MAWC) and for its Answer to the Complaint of Robert J. Clancy III (Complainant) and Motion to Dismiss states as follows:

1. Respondent, Missouri American Water of 535 N. New Ballas, St. Louis, MO 63141 is a public utility under the jurisdiction of the Public Service Commission of the State of Missouri.

Answer: MAWC admits that it is a public utility under the jurisdiction of the Public Service Commission of the State of Missouri. Further answering, MAWC states that its address is 727 Craig Road, St. Louis, Missouri 63141.

2. As the basis of the complaint, Complainant states the following facts:

(a) Missouri American Water (MAW) has overcharged me for the entire time I have lived in this home up until the meter was changed on October 28, 2010.

Answer: MAWC admits that it changed Complainant's meter on October 28, 2010.

MAWC denies the remaining allegations contained in paragraph 2(a).

(b) I moved into this home in May 1998 and had the water place [sic] into our name. We have paid on time every time. We moved from the city of St. Louis and did not know our reported usage was excessive. We asked for a review and MAW sent a tech and suggested we change the inner working of the toilets. We did and no change in billed usage occurred.

Answer: MAWC states its records show the first time Complainant contacted MAWC related to a usage or billing question was in September 2005 in connection with a high bill. Following an estimated read, the Company reread the meter, obtained an actual read, and sent Complainant a corrected bill based on the actual reading. Further answering, MAWC records show the next time Complainant called to report a high bill was on or about October 7, 2010. In response, MAWC sent Complainant a leak kit to determine if usage could be attributable to internal plumbing issues. Complainant requested to have the meter inspected and possibly replaced. The Company replaced the meter on October 28, 2010. Further answering, MAWC is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 2(b) and therefore denies the same.

(c) After 6-7 years and suggestions by family we asked again and a 'self-test' kit was sent to us. Again no problems were found and a customer service Rep suggested we have the meter changed out. On 10-28-2010 MAW changed the meter.

Answer: MAWC restates its Answer in response to paragraph 2(b) above. Further answering, MAWC is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 2(c) and therefore denies the same.

(d) Now our bills reflect a quarterly usage of 19-20 100 CFs. Down from 155 100 CFs. The Rep stated that the water meters are usually changed every 10 years and her records show that our meter was probably the original one when the house was built in 1975.

Answer: MAWC states that the meter it removed on October 28, 2010 at Complainant's residence had been set on August 10, 1993. Further answering, MAWC states that after removing the meter, the meter was tested. The meter tested within permissible limits at the high and mid-flow tests (101.2% and 101.4% respectively) and at low-flow it tested slow in the customer's favor, (90%). Further answering, MAWC admits Complainant's bills reflect less water usage after the meter was changed. Further answering, the Company is not aware of the

reasons for any changes in Complainant's usage, but there are many factors that may contribute to fluctuations in water usage, such as: the number of people living in the household; changes in individual usage patterns; changes in irrigation methods; repairs made to irrigation systems, other plumbing systems or appliances; or efficiency of appliances or installation of new appliances installed, among other possible factors. Further answering, MAWC is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 2(d) and therefore denies the same.

(e) Since the MSD bill is based on water usage report to MSD by MAW our MSD charges were affected.

Answer: MAWC admits it reports water usage for St. Louis County customers to MSD and on information and belief MSD uses such data for billing its customers.

(f) I request a refund for the overbilling for the time I have lived at this residence. Water usage overcharge totals: 135 CFs overcharged per quarter totaling \$313.56 per quarter for 12 years. Grand total of \$15,050.88 plus MSD overcharges.

Answer: MAWC denies that it overcharged Complainant or that it owes him any adjustment to his past bills. Further answering, MAWC states that in the event of any overcharge, the Company can only be required to make a billing adjustment going back five years. See 4 CSR 240-13.025. If any usage adjustments are made, that data will be forwarded to MSD. Further answering, as stated above, upon investigation of the meter that was replaced, it tested within permissible limits. The Company is not aware of the reasons for any changes in Complainant's usage but denies it is related to the meter it replaced.

AFFIRMATIVE DEFENSES

1. As its First Affirmative Defense, MAWC states that Complaint fails to state a claim upon which relief may be granted.

WHEREFORE, Respondent Missouri-American Water Company prays that the Public Service Commission of the State of Missouri dismiss the Complaint with prejudice at Complainant's cost.

Respectfully submitted,

MISSOURI-AMERICAN WATER COMPANY

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was filed electronically and served either electronically or mailed postage prepaid the 26th day of March, 2012, to:

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