
Wednesday, March 30, 2016

Mr. Jacob T. Westen

Missouri Bar Number 65265

Senior Counsel

Missouri Public Services Commission

P.O. Box 360

Jefferson City, MO 65102

RE: WC-2016-0201 Motion for Extension of Time Issued 3/30/2016

Mr. Westen,

This morning, March 30, 2016, I received the Staff's Motion for Extension of Time. The need, based on the receipt of data requests from Missouri-American Water Company ("Missouri-American"), is understandable. However, it also raises additional questions that the Missouri Public Services Commission should take into consideration in this matter.

"Motion for Extension of Time" issued March 30, 2016 by the Missouri Public Services Commission states, in part:

1. "As part of its investigation, Staff issued data requests to Missouri-American Water Company ("Missouri-American")."

What data was requested from Missouri-American and does the Complainant have right to review? When was this data requested and when was it provided by Missouri-American Water to the Missouri Public Services Commission?

2. "Missouri-American required more time to respond, to which Staff agreed."

On March 3, 2016, Missouri-American issued their "Answer" to the complaint. As noted by the date of the answer, Missouri-American met the obligation of the deadline. Therefore, it is assumed that Missouri-American requested additional time to provide the requested data. Please confirm.

3. "Staff received responses during the evening of on March 29, 2016."

What deadline was offered to Missouri-American? When the additional time was offered, was consideration given to the Missouri Public Services Commission's due date to issue a report?

4. "Staff respectfully requests an extension of time to allow to fully review the responses and to provide an opportunity to follow up with Missouri-American, if needed, prior to submitting its Report."

The purpose of filing a compliant was to garner the support of the Missouri Public Services Commission. Without an opportunity to confirm or deny the data presented as part of the request, it is assumed that the testimony and content of said data request is to deemed the source of truth.

"Answer" issued on March 3, 2016, by the Missouri-American Water Company states, in part:

2. "MAWC is without sufficient knowledge or information to form a belief as to the truth or falsity of Mr. Strohm's statements regarding his dishwasher, kitchen sink, hot water

heater, refrigerator, shower heads, faucets, sprinkler heads, flow valves, filters, neighbors' experiences and facebook posts, and contacts with other companies and repair personnel.

The Complainant contends that the admission of the cause by Wally Williams, the admission of fault by Mike McMillan, and the activities that took place to remedy the issues of the complaint confirm accountability.

An email dated February 7, 2012 by Wally Williams states, in part:

"We are aware that there is a problem. We are out here flushing the mains and working from the back to the front of the subdivision. It may go on for another year or so. But we are doing all we can to get it fixed. It is one of two things: the phosphates added nearly a year ago or the construction in the area. We are still finding deposits during our flushing. You can see them in the street."(Williams)

Missouri American Water employees states, in part,

"We are going to have a plumber out and put a filter on your line so it doesn't enter your house. You will still have to clean out the filter but at least you won't have to clean out all of your aerators." (McMillian)

An email dated February 12, 2012 by Michael Wood, Operations Manager states,

Jason: I believe Mike talked with you a day or two back and explained that we would be having an in line filter installed on your service line where it comes into the home. As he explained, this should eliminate any internal issues with your appliances. We are continuing to work on this issue so bare with us. I appreciate your patience and understanding thus far. We are making every effort to minimize your inconvenience. Michael Wood Operations Manager Missouri American Water Company Northwest Operations 3901 Beck Road, Suite B St. Joseph, MO 64506 Office (816) 233-4000 Ext. 2222 Internal 7-412-2222 Cell (816) 262-5246 Home (816) 689-6306

3. "MAWC admits that it visited Mr. Strohm's property at his request, provided suggestions to Mr. Strohm regarding his water service line and the pipes and fixtures on his property, and has been working on this matter with Mr. Strohm for many years."

Confirmed and agreed. Providing suggestions to solve the issues, at my expense for an admitted and acknowledged Missouri-American Water quality issue, is akin to a man beating his wife and contending it is her fault. No, I cannot fix your problem. I cannot fix your abuse. You need to fix it.

4. "MAWC denies all allegations of the complaint not admitted above, and MAWC admits no wrongdoing or liability in connection with the claim of Mr. Strohm."

MAWC's counsel denies all allegations of the complaint not admitted above but would the employees if put under oath? Again, the only conversations regarding this matter are being conducted in a political environment at arm's length from the actual Complainant.

5. In further response, MAWC (Missouri -American) states that the complaint of Mr. Strohm fails to state a claim upon which relief may be granted and should be dismissed, in that the allegations of Mr. Strohm, even if all taken as true, fail to establish any violation by MAWC of any law under the Commission's jurisdiction or of any Commission rule or order.

The claim was issued to Missouri-American's insurer—Traveler's. The claim was further acknowledged to be true by the employees of Missouri-American Water. In fact, as

suggested in the original complaint issued to the Missouri Public Services Commission by the Complainant, it was suggested that the testimony of Jodi Johnson and Mike McMillan be considered. Mike McMillan further confirmed that he had additional conversation with Traveler's Insurance to back the claim. Furthermore, if the Missouri Public Services Commission has no jurisdiction to rule or order, how is RSMO, Chapter 386, Section 390.1 (3) wherein it states, "*The commission shall not be required to dismiss any complaint because of the absence of direct damage to the complainant. Upon the filing of a complaint, the commission shall cause a copy thereof to be served upon the public utility, corporation or person complained of* (*"Section: 386.0390 Complaint, who may make--procedure to hear--service of process, how had--time and place of hearing, how fixed. RSMO 386.390," n.d.*)".

6. MAWC further states that it is willing to continue working with Mr. Strohm on this matter.

Over the past 4-years, this has been the corporate answer. For the past 4-years, the Complainant has continued to experience the same issues. For the past 4-years the Complainant has been told how the COMPLAINANT can fix the Missouri-American problem. For the past 4-years, the Complainant has been the sounding board for neighbors, experiencing the same issues, with requests for advice and assistance. For the past 4-years and continuing today, Missouri-American has condescendingly issued the same response; "We are continuing to work on this."

In closing, Missouri-American Water indicates that the Missouri Public Services Commission has no authority to oversee or offer any order or rule. If the Public Services Commission is mute on the quality and delivery of utilities, including water meter gauging, what is the purpose of the formal protest process?

One can only assume that the Public Services Commission actually means an organization serving the general public.

Respectfully,

Jason L. Strohm

Section: 386.0390 Complaint, who may make--procedure to hear--service of process, how had--time and place of hearing, how fixed. RSMO 386.390. (n.d.). Retrieved from <http://www.moga.mo.gov/mostatutes/stathtml/38600003901.html>

Section: 393.0260 Complaints as to quality and price of gas, water, electricity and sewer service--investigation by commission--form of complaints. RSMO 393.260. (n.d.). Retrieved from <http://www.moga.mo.gov/mostatutes/stathtml/39300002601.html>