

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

Roman Dzurinskiy,)	
)	
Complainant,)	
)	Case No. WC-2010-0215
v.)	
)	
Missouri-American Water Company,)	
)	
Respondent.)	

ANSWER

COMES NOW Respondent Missouri-American Water Company (MAWC) and for its Answer to the Complaint of Roman Dzurinskiy (Complainant) states as follows:

1. *Respondent, Missouri American Water Comp. of St. Louis ph # 1-800-430-0820 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) *On September 14, 2009, I replaced my old water heater with a new one. To comply with a new St. Louis County plumbing code, I hired a licensed plumbing company, which installed it with an expansion tank (wasn't before). It cost me an additional \$200. After installation it was inspected by St. Louis County plumbing department's inspector and it was ok.*

Answer: MAWC is without knowledge or information sufficient to form a belief as to the truth of the averments contained in paragraph 2(a) and therefore denies the same.

(b) *Before the MAWC took its water meter reading on Nov. 13, 2009, I checked it by myself. It showed 8m³ of water usage from the previous reading. It would be ok, but I noticed some dial in the left corner behaved in unusual manner. I checked the water company website a reference book, but couldn't find anything about a small dial. I called their Customer Service and explained the situation. At first they couldn't explain to me what*

it was (shame, their cust. serv. represent. not familiar with water meters' gear). After consulting with someone in their office they said I probably had a leak somewhere in my house and they would send a field technician to investigate. By the company definition all their technicians are highly trained experts to detect a leak.

Answer: MAWC admits that Complainant's water meter was read on November 13, 2009 and that the reading showed usage of 8 units (800 cubic feet, or 6,000 gallons) since the prior reading on August 17, 2009. Further answering, MAWC admits that at various times Complainant contacted MAWC personnel to discuss his bill, and that MAWC personnel conducted investigations at Complainant's home. Further answering, MAWC states that it is without knowledge or information sufficient to form a belief as to the truth of each and every other averment contained in paragraph 2(b) and therefore denies the same.

(c) *On December 4, 2009 about 10:00 a.m a water company technician (#2823, no name) arrived. He checked all my appliances for leakage and was also looking for some devices, such as water pressure reduction valves (which are not installed on my property) but couldn't find anything wrong. He checked the water meter movements, gave me a copy of the report indicating he couldn't find any leak and would send a crew to pump out box.*

Answer: MAWC admits that on December 4, 2009, one of its field service representatives made a service call to 32 Crabapple and noted movement on Complainant's water meter. No leak was detected, and the field service representative called a two-man crew. Further answering, MAWC states that it is without knowledge or information sufficient to form a belief as to the truth of each and every other averment contained in paragraph 2(c) and therefore denies the same.

(d) *About 30 minutes later, a crew of 2 men arrived. When they looked how the water dial behaved, they asked me if I recently replaced or installed any appliances. And when I said I replaced my water heater with an expansion tank they said they have already had complaints like mine. One of them came inside of my house and without recitation declared "I am shutting the water heater inlet water valve and you will see no movement on the water meter." After that we came outside. He was right - no movement was detected. I asked them if I have had any leak either inside or outside of my house up to the water meter, and they assured me there was no leak. They also told me that the water meter leak dial (water flow indicator) is not supposed to run in both directions when usage or leaking*

detected. The water in pipes is under pressure and any leak or usage should force the dial to move in one direction. Logically, this couldn't be water leak directly from the pipes, because by estimate it is about 2m³ a quarter, or about 10 gal., a day, not too much. It is usually either a leaky faucet or toilet but none failed. They also pointed out it appeared the water had pumped out backward through the water meter and pumped forward again (and I agree, with them). They couldn't explain why and said it is their company problem and apparently we will have more complaints in the future like this one when people realize actual water usage. The promised to submit a report about this to their supervisor (pointing out the manufacturer of the water meter needs to be contacted) and I would receive a call from him about results. They also called the first technician who sent them to my home and explained the situation, all in my presence. They left no report or their names.

Answer: MAWC admits that a two-person crew made a service call to Complainant's residence in order to pump out the meter box, which was filled with water. The water in the box prevented the crew from checking for a leaking service line. The two-person crew found that the stop and waste valve would not shut off completely, and so the service line could not be inspected. MAWC denies each and every other averment in paragraph 2(d), including but not limited to the allegation that MAWC personnel said: *"it is their company problem and apparently we will have more complaints in the future like this one when people realize actual water usage."* Further answering, MAWC states that on December 17, 2009, a two-person crew came to Complainant's residence and again noted movement on the meter and that Complainant stated that he began noticing this movement after he installed a new hot water heater. Further answering, MAWC states that its personnel changed the meter on December 17, 2010, and that the movement was still occurring on the new meter while the hot water heater was on. Further answering, MAWC states that the old meter was subjected to a test in MAWC's service center and results showed the meter was properly working within regulatory parameters: 99.7 percent at 10 gpm, 100.6 percent at 2 gpm and 99 percent at 1/8 gpm.

(e) *I waited about a week – no one called me. Then I called their customer service (It is the only phone number available on our bills, not other phone number and address for*

the company listed either in the yellow pages or their web). It as a surprise to me to learn they didn't have any records of the second crew on my property, but had a record from the first worker and his remarks to send to me another crew. I explained to them I had already had their people on my property and would like to have contact with their local office in our area. They said they have no phone numbers and communicate only via e-mails. They promised someone will contact me soon, but no one called. I called Customer Service again and again, each day without results. I even talked to their supervisor (Mrs. Dona) who personally sent a couple of e-mails and promised a call back from the local office. It never happened. Every time when I called Customer Service, I requested to have my conversations to be recorded what they said they did. Then I filed an informal complaint with the MPSC. Each time afterward when I called them back, I told them about my informal complaint and they said they would send someone to replace my water meter.

Answer: MAWC admits that its representatives had numerous contacts with Complainant, both via telephone and during service calls to his home, and have been very responsive to his inquiries. MAWC admits that it changed Complainant's meter on December 17, 2009, and that Complainant filed an informal complaint against MAWC. Further answering, MAWC states that it is without knowledge or information sufficient to form a belief as to the truth of each and every other averment contained in paragraph 2(e) and therefore denies the same.

(f) On December 11, 2009, a technician from the company came on my property and asked me how she could help me. I explained to her my situation, but she offered to replace my water meter with a new one. I couldn't resist because the water meter is their property. She replaced it and it behaved the same way as the previous one.

Answer: MAWC admits that its crew changed Complainant's water meter on December 17, 2009. Further answering, MAWC denies that the meter was changed on December 11, 2009. Further answering, MAWC states that it is without knowledge or information sufficient to form a belief as to the truth of each and every other averment contained in paragraph 2(f) and therefore denies the same.

(g) On December 18, 2009, I received a call from the local MAWC office. A woman, named Lora, said I would receive a call from the district supervisor (Lamar) today or tomorrow. No one called. I called by 314-996-2430, as her title, (she said she was hired just 2 weeks before and couldn't provide her title). She said supervisor was sick and would

call tomorrow. No one called back. I called her again. She transferred me to his voice-mail. I left him my message and have never received a call.

Answer: MAWC admits that on December 18, 2009 its Customer Support Representative Laura called and discussed with Complainant his matter, and that her supervisor was out sick. Further answering, MAWC states that it is without knowledge or information sufficient to form a belief as to the truth of each and every other averment contained in paragraph 2(g) and therefore denies the same.

(h) On December 23, 2009, I called the Customer Service again and complained about the situation. They refused to talk to me because they had already received an inquiry from MPSC and could comment on the matter. But after my insistence they transferred me to a "specialist" named Mary, ext 6849, Phone # 1-800-430-0820 to discuss the issue. Even she didn't want to discuss the issue deeply, she indicated that my water usage for a family of 3 is 2 – 3 times less than usual and even if it was my rights to complain, it wasn't a big deal to pay a couple of dollars more for water. I indicated that issue not with my real usage of water but paying for water I don't use. It's not right, and it will affect my next sewer bills, which will cost me about \$200 more a year. As a low income family it will create a big hardship. I also indicated I had already had 2 plumbers on my property to investigate and they couldn't find anything wrong and explain the water meter lead dial moving in both directions, or not at all from 30 seconds to 2-3 minutes. (What kind of leak could it be?)

Answer: MAWC admits that on December 23, 2009 Complainant again contacted MAWC regarding his meter. Further answering, MAWC states that it is without knowledge or information sufficient to form a belief as to the truth of each and every other averment contained in paragraph 2(h) and therefore denies the same.

(i) When I received a call from the MPSC investigator and explained the situation, I believe she didn't follow through details asking MAWC explanations why the water meter behaves improperly (not only results of the testing, a report (which can't be found) from their 2 employees (very important piece of evidence). Instead, I received a copy from the MAWC and later conversation stating their water meter is compliance with rules and I have no excessive use of the water. (It's not of their business how much water I should use. I am a conservationist.) And I need to make repair. It is up to me to find out why the water meter shows usage. As long as it rotates, I have to pay for water. (Comments from my conversation to a representative from the company, Mrs. Chelsie Harmon at phone # 314-996-2367).

Answer: MAWC admits that it sent a December 23, 2009 letter to Complainant noting that MAWC replaced his meter on December 17, 2009, and that the old meter was tested and shown to be registering within regulatory parameters. Further answering, MAWC denies that its meters were "behaving improperly." Further answering, MAWC states that it is without knowledge or information sufficient to form a belief as to the truth of each and every other averment contained in paragraph 2(i) and therefore denies the same.

(j) As a customer, accordingly provisions 4 CSR-240-10(S); (37); (43) I acted in good faith to resolve the issue, but the MAWC relies only on the water meter testing but no other facts and refuses to communicate with me. I believe they had some information and don't want public to know about this. I hope you will conduct full investigation including engineering opinion. I feel I am punished by the MAWC for nothing.

Answer: MAWC admits that it conducted testing of Complainant's meter as required by state law and regulations, and that test results showed that the meter was properly working within regulatory parameters. Further answering, MAWC denies each and every other averment contained in paragraph 2(j).

(k) I have been unsuccessfully trying to communicate with the company's management to address the true facts and resolve the problem. Beside as indicated in my complaint, there is no attempt from the company administration to investigate further and settle the issue. They insist this is only my problem to investigate and don't want either to acknowledge facts (hide it) their employees statements or even being on my property (no reports from 2 employees).

Answer: MAWC denies the averments contained in paragraph 2(k). Further answering, MAWC states that its representatives had numerous contacts with Complainant, both via telephone and during service calls to his home, and have been very responsive to his inquiries.

(l) I consider this situation a very unique one and my complaint (as a little man) is no way to fight a big corporation. I believe either a wrong person handled this matter or they didn't pay attention to unusual circumstances. I hope the MAWC will also get in good faith as I do to resolve the issue.

Answer: MAWC denies the averments contained in paragraph 2(l).

3. Except as expressly stated herein, MAWC denies each and every other allegation contained in the Complaint.

4. As its First Affirmative Defense, MAWC states that it conducted testing of Complainant's meter as required by state law and regulations, and that test results showed that the meter was properly working within regulatory parameters.

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.

MOTION TO DISMISS

1. Complainant alleges that he had high water usage because of conditions in his own plumbing.

2. MAWC conducted testing of Complainant's meter as required by state law and regulations, and test results showed that the meter was properly working within regulatory parameters. As a result, Complainant is presumed to have used the amount of water registered on the meter.

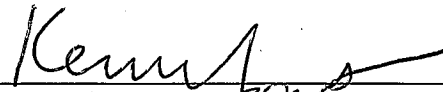
3. Complainant has set forth no legally cognizable grounds to support his claim that his bill was inaccurate, and therefore his complaint should be dismissed with prejudice.

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

By:


Kenneth C. Jones, MBE #38498
727 Craig Road
St. Louis, MO 63141
kenneth.jones@amwater.com
(314) 996-2278 (telephone)
(314) 997-2451 (telefax)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was filed electronically and mailed postage prepaid the 26th day of February, 2010, to:

Kevin Thompson
Chief Staff Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Lewis R. Mills, Jr.
Public Counsel
Missouri Office of Public Counsel
P.O. Box 2230
Jefferson City, MO 65102-2230

Roman Dzhurinskiy
32 Crabapple Ct.
St. Louis, MO 63132

