

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

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

RESPONDENT'S MOTION FOR SUMMARY DETERMINATION

COMES NOW Respondent Missouri-American Water Company (MAWC) and for its Motion for Summary Determination states as follows:

1. On September 14, 2009, Complainant Roman Dzhurinskiy installed a new water heater at his home, 32 Crabapple Court, St. Louis, Missouri 63132. Complaint, ¶ 2(a). (Unless otherwise noted, all further references to the record are to the Complaint.) The new water heater has an expansion tank. Id.
2. Since installation of the new water heater, the dial in the left corner of Complainant's water meter – the flow indicator – “behave[s] in an unusual manner” (¶ 2(b)); that is, it sometimes moves in both directions. ¶ 2(d).
3. When the inlet water valve to the water heater is shut, however, the movement on the flow meter stops. Id.
4. By Complainant's own admission, the cause of the movement of the flow meter in both directions is his own interior plumbing – the new water heater with the expansion tank.
5. According to MAWC's on-file tariff with the Commission, P.S.C. MO. No. 6 First Revised Sheet No. R19.1 (Exhibit A):

All Water Service Line installations, including a "Master Water Service Line," meter yokes, gate valves, corporation cocks, stop cocks, stop and waste valves, stop boxes, meter boxes, check valves, pressure reducing valves, backflow preventers or other appurtenances, are not the property of the Company and must be kept operational, maintained and repaired by the owner or customer as a condition of service.

6. The water meter at Complainant's premises was removed and tested. ¶ 2(f) and Exhibit B. The test results showed that the water meter was properly working within regulatory parameters set forth in the applicable MAWC tariff: 99.7 percent at 10 gpm, 100.6 percent at 2 gpm, and 99 percent at 1/8 gpm. Exhibit C and Exhibit D.

7. Clearly, any reverse movement on the flow indicator is being caused by Complainant's water heater. Accordingly, there is no dispute as to material fact, and as a matter of law judgment must be entered for MAWC because Complainant is responsible for his own plumbing.

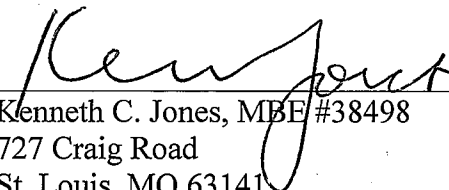
8. Furthermore, the Commission should order Complainant to install a backflow device, such as a residential dual check valve, to prevent the admitted backflow into MAWC's system.

WHEREFORE, MAWC prays for an order entering judgment against Complainant and in favor of MAWC, with Complainant to pay his costs, and for such further relief as is just and proper.

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)

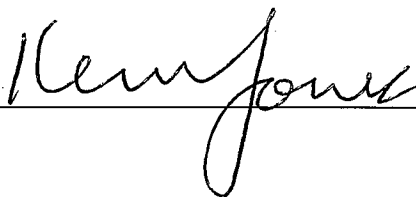
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was filed electronically and mailed postage prepaid the 10th day of September, 2010, to:

Jennifer Hernandez
Legal 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

A handwritten signature in cursive script, appearing to read "Jennifer Hernandez", is written over a horizontal line.

FORM NO. 13 P.S.C.MO.No. 6 First Revised SHEET No. R19.1

Cancelling P.S.C.MO.No. 6 Original SHEET No. R19.1

ST. LOUIS COUNTY WATER COMPANY For ST. LOUIS COUNTY, MISSOURI

RECEIVED

JUN 3 1988

CUSTOMER OBLIGATIONS FOR MAINTENANCE OF WATER SERVICE LINE AND COMPONENTS
(CONTINUED) (LEAK ON A WATER SERVICE LINE) Public Service Commission

RULE 19.1 All Water Service Line installations, including a "Master Water Service Line," meter yokes, gate valves, corporation cocks, stop cocks, stop and waste valves, stop boxes, meter boxes, check valves, pressure reducing valves, backflow preventors or other appurtenances, are not the property of the Company and must be kept operational, maintained and repaired by the owner or customer as a condition of service. It is the responsibility of the owner or customer to keep all remote meter reading devices and all Water Service Line appurtenances, except for the corporation cock, readily accessible to the Company.

Liability for damages caused by the failure of any component part of a Water Service Line, is not that of the Company.

When a leak occurs on any portion of a Water Service Line between the Company's main and the premises being served, the Company, when made aware of the water leak, will notify the owner, customer or tenant of such leak. As part of the notification, the Company will inform the owner, customer or tenant that needed repairs must be made at owner's, customer's, or tenant's expense. Repairs must be completed within a reasonable time, not to exceed 30 (calendar) days from the date of notification. However, service can be discontinued without notification if the Water Service Line leak is causing property damage, or hazard, or if discontinuance is ordered by an appropriate governing authority.

If such repairs are not made within the 30 days specified, the Company will discontinue service and issue a bill to the owner, customer, or tenant, covering any appropriate combination of service charges and/or actual costs for Discontinuance of Service (leak or service line) as provided under Company's tariff for Miscellaneous Charges. These costs must be paid before service can be restored to the premises being served.

FILED

JUN 8 1988

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Public Service Commission

*Indicates new rate or text

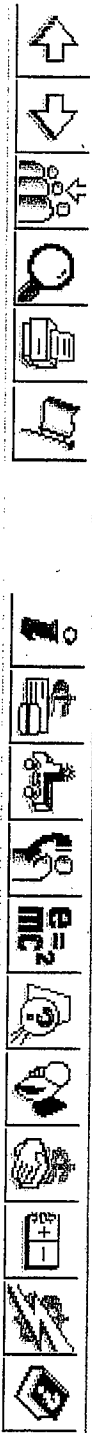
+Indicates change

DATE OF ISSUE JUN 03 1988

DATE EFFECTIVE JUN 08 1988

ISSUED BY T. L. Reeder, V.P., Admin., 535 N. New Ballas Rd., St. Louis, MO 63141

Ex.A



Path 1 Account # 649266-4 Name Dzhurnskaya, Zinaida

Misc Chng List | Fixed Chng List | Contract Entry | Billed Svc List |

Work with S/O | New/Edit S/O | S/O Acct Info | Premises Addtl | S/O Predel Cmt | S/O Comments | S/O Services |

Service Order Type MTRCH Meter Change-out Service Order Number 5079426

Comment Lines		Type
Rescheduled Reason: FRCC - Reschedule Expired Order		S
W001 Out meter reading: 94.		S
W001 In meter ID: 0088655183 reading: 0.		S
changed meter and this will be held for test. customer does not think our meters work with his new hot water heater expansion tank.		S
Removed Meter		S
Installed Meter		S
W001 Remote ID entered: 0088655183.		S
		*

FoldUnfold

OK Cancel

E:\CIS\3025\103

Ex.B

WRKSVCORDP - Work with Service Orders by Premise

File Edit Functions Go Help



Work with S/O

Premise 350185083 32 Crabapple CT

Account 649266 Dzhurninskaya, Zinaida

All Times Central

Position to order number

Open Only ☐ Yes ☒ No

S/O Number	Scheduled	Type	Account	Closed	Issue Date	Order	Draw	S/O
5079426	12/21/2009	All Day	649266	Y	12/17/2009	N	35C14	
5075734	12/17/2009	All Day	649266	Y	12/17/2009	Y	35C14	
5067636	12/10/2009	All Day	649266	C	12/09/2009	N	35C14	
5061110	12/04/2009	All Day	649266	Y	12/04/2009	N	35C14	
3465331	03/01/2006	12:31 PM	649266	Y	03/02/2006	N	35C02	
3464102	02/28/2006	08:00 AM	649266	Y	02/28/2006	N	35C02	
3461794	02/28/2006	All Day	649266	Y	02/28/2006	N	35C02	

New S/O

Select

S/O Log

OK

Cancel

FORM NO. 13

P.S.C.MO.No. 6

Original
Revised
Original
Revised

SHEET No. R7.0

Cancelling P.S.C.MO.No.

SHEET No.

ST. LOUIS COUNTY WATER COMPANY

For ST. LOUIS COUNTY, MISSOURI

Name of Issuing Corporation

Community, Town or City

METER TESTING/ADJUSTMENTS FOR METER ERROR
(ADJUSTMENT TO BILL FOR METER ERROR)

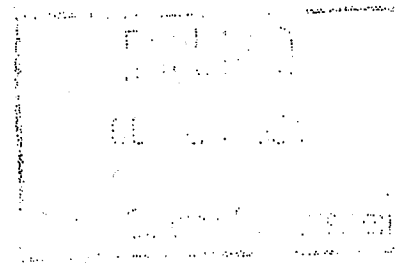
RULE 7.0 Customers shall accept the meter installed by the Company as the standard of measurement for water service. If the meter, when inspected and tested using the Company's intermediate and maximum flow rate testing procedures, shall be found to be more than five percent (5%) defective or incorrect to the prejudice of the customer or the Company, the Company, as a basis for adjusting the billing to the customer, will determine the quantity of water used, either by a test of the meter, by the amount of water used during a corresponding period the preceding year, or by an estimate based on the average amount of water used during the preceding twelve months proportioned to the period during which the meter is shown to have become defective or inaccurate, at the Company's option. If the Company is unable to read a customer's meter at a regular reading time, the Company shall estimate the amount of water used for billing purposes as described in Rule 5.0, which billing shall be adjusted, if necessary, at the time a meter reading is obtained.

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*Indicates new rate or text

+Indicates change



DATE OF ISSUE

SEP 24 1984

DATE EFFECTIVE

OCT 24 1984

month day year

month day year

ISSUED BY

H. E. Molinar, V.P., Comp.; 535 N. New Ballas Rd., St. Louis, MO 63141

name of officer

title

address

Ex.C

Missouri American Water

P.O. Box 578, Alton IL 62002
1-866-430-0820

12/23/2009

Dzhurinskaya, Zinaida
32 Crabapple CT
Saint Louis MO 63132-3416

Account Number: 35-0649266-3
Premise Number: 350185083
32 Crabapple CT

Dear Customer:

On Thursday, December 17, 2009, water meter number 0082105025 was removed from the above referenced premise and brought into our shop for evaluation of its accuracy.

The meter reading was 94.00 when removed and tested. The results of the tests are shown below and are within the limits approved by the Missouri Public Service Commission.

When tested at a rate of 10 gallons of water per minute, the meter registered 99.70%.

When tested at a rate of 2 gallons of water per minute, the meter registered 100.60%.

When tested at a rate of .125 gallons of water per minute, the meter registered 99.00%.

We will hold this meter in our shop for two months. If you dispute this information or wish to see the meter retested in your presence, please contact our Customer Service Center at 1-866-430-0820. We are available 24 hours per day, 7 days a week for your convenience.

Sincerely,

Customer Service

MTRTSTMO

38382523

Ex. D