

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

Aaron Fallon,	)	
	)	
Complainant,	)	
	)	
v.	)	<b><u>File No. WC-2024-0258</u></b>
	)	
Missouri-American Water Company,	)	
	)	
Respondent.	)	

**ANSWER TO COMPLAINT AND REQUEST FOR MEDIATION**

**COMES NOW** Respondent Missouri-American Water Company (“MAWC” or “Company”), by and through the undersigned counsel, and for its *Answer to Complaint and Request for Mediation* in response to the *Complaint* filed by Aaron Fallon (“Complainant”), respectfully states to the Missouri Public Service Commission (“Commission”) as follows:

**ANSWER**

1. MAWC is without sufficient information to admit or deny that Complainant resides at \*\* \_\_\_\_\_ \*\*.
2. MAWC admits that it has at times provided water service to the service address of \*\* \_\_\_\_\_ \*\*.
3. MAWC admits that it is located at 727 Craig Road, St. Louis, MO 63141.
4. MAWC admits that it is a public utility under the jurisdiction of the Missouri Public Service Commission.
5. MAWC is without sufficient information to admit or deny the amount at issue identified by Complainant, and therefore denies the same.

6. MAWC states that the allegations and averments made in Paragraph 6 are either not allegations of fact to which a response is required, or allegations and averments to which the Company is without sufficient information or belief to admit or deny, and as such, denies the same. MAWC further states that it disagrees that the Commission may make a finding of “fault” in a Complaint case and that it disagrees that Complainant must have such a finding before he may initiate a case in circuit court.

7. MAWC admits that Complainant requested his water service at the service address identified in paragraph 2 above be terminated. MAWC denies that it is a negligent party. MAWC states that the remaining allegations and averments made in Paragraph 7 are either not allegations of fact to which a response is required, or allegations and averments to which the Company is without sufficient information or belief to admit or deny, and as such, denies the same.

8. MAWC admits that Complainant has communicated with both MAWC and its insurance company. MAWC is without sufficient information to admit or deny the remaining allegations in paragraph 8, and therefore denies the same.

9. Except as expressly admitted in this *Answer to Complaint*, MAWC denies each and every allegation contained in the *Complaint*.

#### AFFIRMATIVE DEFENSE

10. MAWC states that the Complainant has failed to state a claim to which the Commission can grant relief. Complainant’s incomplete *Complaint* has not cited a violation of statute, Commission regulation, or provision of the Company’s tariff. A complaint must *necessarily* include an allegation of a violation by MAWC of a law or of a Commission rule, order or decision or it does not invoke the Commission’s jurisdiction. *Tari Christ v.*

*Southwestern Bell Tele. Co. et al.*, 2003 Mo. PSC LEXIS 37 (Case No. TC-2003-0066, *Order Regarding Motions to Dismiss*, Jan. 9, 2003)(citing *Nazeri v. Missouri Valley College*, 860 S.W.2d 303, 306 (Mo. banc 1993)).

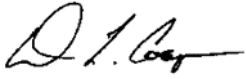
### REQUEST FOR MEDIATION

11. Commission Rule 20 CSR 4240-2.125(2) states that the Commission may order mediation “[a]s the commission deems appropriate, or upon a request for mediation . . . .” MAWC hereby requests that the Commission order such mediation if the Complainant is agreeable to participating in such an attempt to resolve the dispute.

**WHEREFORE**, having fully answered the Complainant’s *Complaint*, Missouri-American Water Company requests the Commission dismiss this Complaint for failure to state a claim on which the Commission can grant relief, or in the alternative, grant Missouri-American Water Company’s request for mediation, and grant such further relief as the Commission deems just and reasonable.

Respectfully submitted,

**BRYDON, SWEARENGEN  
& ENGLAND, P.C.**

By:   
Dean L. Cooper Mo. Bar #36592  
P. O. Box 456  
Jefferson City, Missouri 65102-0456  
Telephone: (573) 635-7166  
Email: [dcooper@brydonlaw.com](mailto:dcooper@brydonlaw.com)

Rachel Niemeier, MBE #56073  
Corporate Counsel  
**MISSOURI-AMERICAN WATER  
COMPANY**  
727 Craig Road  
St. Louis, MO 63141  
(314) 996-2390 (Rachel)  
[rachel.neimeier@amwater.com](mailto:rachel.neimeier@amwater.com)

**ATTORNEYS FOR MISSOURI-AMERICAN WATER COMPANY**

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic mail to all parties of record, this 29<sup>th</sup> day of April 2024.

