

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

Edward Travis,)	
)	
Complainant,)	
)	
v.)	<u>File No. WC-2024-0316</u>
)	
Missouri-American Water Company,)	
)	
Respondent.)	

ANSWER TO COMPLAINT

COMES NOW Respondent Missouri-American Water Company (“MAWC” or “Company”), by and through the undersigned counsel, and for its *Answer to Complaint* in response to the *Complaint* filed by Edward Travis (“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 ** _____ **, and therefore denies the same.
2. MAWC admits that it has provided, and provides, water service to the service address of ** _____ **.
3. MAWC states 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 states that the allegation made in Paragraph 5 is either not an allegation of fact to which a response is required, or an allegation and averment to which the Company is without sufficient information or belief to admit or deny, and as such, denies the same.

6. MAWC admits that referenced items 2 and 4 are true and correct copies of documents prepared by the Company. MAWC further states that the Company is without sufficient information or belief to admit or deny the truth and correctness of items 1, 3, 5 and 6 referenced in paragraph 6, and as such, denies the same.

7. MAWC admits that it will allow up to two (2) high bills to receive a leak adjustment. If the current bill is twice the usage of the prior year's usage for the same month, the prior year's usage is subtracted from the current month usage to determine the overage and then that amount is reduced from the impacted months usage to the the overage. Then the overage is reduced by 50%.¹ MAWC denies the remaining allegations and averments made in Paragraph 7.

8. MAWC states that the allegations made in Paragraph 8 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.

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,

¹ For example, Jan 2024 - 8000 gallons usage; Jan 2023 - 2000 gallons usage; Overage = 6000 gallons; 50% of the overage is 3000 Gallons; the customer receives a leak adjustment = 3000 gallons.

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)).

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 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

Timothy W. Luft, MBE #40506
Rachel Niemeier, MBE #56073
Corporate Counsel
**MISSOURI-AMERICAN WATER
COMPANY**
727 Craig Road
St. Louis, MO 63141
(314) 996-2279 (Tim)
(314) 996-2390 (Rachel)
timothy.luft@amwater.com
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 17th day of May 2024.

