

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

Keith Edwards,)	
)	
Complainant,)	
)	
v.)	Case No. SC-2024-0379
)	
Missouri American Water Company,)	
)	
Respondent.)	

PUBLIC COUNSEL’S RESPONSE

COMES NOW the Office of the Public Counsel (“Public Counsel”) and for its response to Missouri American Water Company’s (“MAWC” or “Company”) motion to dismiss, respectfully requests the Missouri Public Service Commission (“Commission”) deny the motion, and further states:

1. The Complainant filed his petition pursuant to § 386.390 RSMo, which states in part:

386.390. Complaint, who may make — procedure to hear — service of process, how had — time and place of hearing, how fixed. — 1. Complaint may be made by...any corporation or person...by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any corporation, person or public utility in violation, or claimed to be in violation, of any provision of law subject to the commission's authority, of any rule promulgated by the commission, of any utility tariff, or of any order or decision of the commission;

2. Public Counsel concurs that the Commission lacks the statutory authority to impose damages upon a public utility, however, that request should

not prevent the Commission from investigating this incident and whether MAWC violated any statute, rule, or tariff subject to the Commission's jurisdiction.

3. If MAWC's actions caused the damages as alleged, MAWC would, *at a minimum*, potentially be in violation of 393.130 RSMo., which states:

393.130. Safe and adequate service... — 1. Every...water corporation, and every sewer corporation shall furnish and provide such service instrumentalities and facilities as shall be safe and adequate and in all respects just and reasonable.

4. Residential ratepayers receiving services from a public utility should not be expected to understand and cite to Missouri utility law with an attorney's level of understanding, and the public interest is best promoted by giving considerable leeway to residential ratepayers bringing complaints before the Commission. Moreover, the public should have sufficient trust in the Commission and its Staff that those bodies do have a complete understanding of the obligations of a public utility in providing safe and adequate services that are just and reasonable. The public should further have trust in the Commission that violations of those provisions will be addressed.

5. The Commission employs experts capable of investigating the incident and providing the Commission with their expert opinion of whether MAWC's actions, or those of an agent working on behalf of the Company, constituted the provision of safe and adequate services, and whether those actions were just and reasonable.

6. Often complainants seeking damages related to utility service are aided by a Commission order that determines whether the utility's actions violated a law, rule, or tariff, or whether the utility was otherwise negligent and

responsible for those damages. The Complainant would then have the results of that investigation and Commission order to aid them in pursuing damages in a court of law, and the Commission would have a better understanding of the incident to address steps to be taken to hopefully prevent such incidents from reoccurring, if necessary.

WHEREFORE, the Office of the Public Counsel respectfully requests that the Commission deny the motion to dismiss.

Respectfully submitted,

/s/ Marc Poston

Marc Poston (Mo Bar #45722)
Missouri Office of Public Counsel
P. O. Box 2230
Jefferson City MO 65102
(573) 751-5318
(573) 751-5562 FAX
marc.poston@opc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 9th day of August 2024.

/s/ Marc Poston
