

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

Claude Scott,)	
)	
Complainant)	
v.)	<u>File No. WC-2020-0194</u>
)	
Missouri-American Water Company,)	
)	
Respondent)	

ORDER GIVING NOTICE OF CONTESTED CASE AND DIRECTING ANSWER

Issue Date: January 6, 2020

Effective Date: January 6, 2020

On January 6, 2020, Claude Scott filed a complaint with the Commission against Missouri-American Water Company. A copy of the complaint accompanies this notice. This is a contested case¹ pursuant to Section 386.390, RSMo. Because this complaint involves less than \$3,000, it shall proceed under the Commission's small complaint procedure.² If any party believes this matter should not proceed under the small complaint procedure, that party may file a motion consistent with the Commission's rule.

As required by Section 536.067(2)(f), RSMo, the Commission informs the parties that the Commission's provisions governing procedures before the Commission, including provisions relating to discovery, are found at Commission Rule 20 CSR 4240-2.090.

Under Commission rule 20 CSR 4240-2.070(15), Missouri-American shall have 30 days from the date of this notice to file a response to the complaint. A copy shall be served upon the Claude Scott at his address.

¹ A "[c]ontested case' means a proceeding before an agency in which legal rights, duties or privileges of specific parties are required by law to be determined after hearing." Section 536.010.4, RSMo.

² 20 CSR 4240-2.070(15).

The Commission will also direct the Staff of the Commission to investigate this complaint and file a report. Commission rule 20 CSR 4240-2.070(15)(D) requires Staff to file its report and recommendation within 45 days of a small formal complaint being filed, which may be extended upon a showing of good cause. The Commission finds that the time spent on activities, such as the required coordination between Staff and Missouri-American Water Company, between Staff and Claude Scott, investigation, data requests, and in person inspections will exceed 45 days. The Commission finds that good cause exists to extend the time for Staff to file its report and recommendation from 45 to 60 days.

Claude Scott's complaint alleges that Missouri-American Water Company is discontinuing his service on January 7, 2020, over failure to pay \$109.36, an amount formally in dispute. Under Commission Rule 20 CSR 4240-13.050(1)(A) nonpayment of disputed delinquent charge does not support discontinuance of service. The Commission will order Missouri-American Water Company to cease any disconnection of Claude Scott's service, as to the amount in dispute, pending the Commission's decision on the merits of his complaint

As an alternative to the formal evidentiary hearing procedure, the Commission offers mediation. Mediation is a voluntary process in which a neutral person assists the parties in exploring opportunities for settlement. Upon a written request for mediation, the Commission may suspend the schedule set forth in this order.

THE COMMISSION ORDERS THAT:

1. Missouri-American Water Company shall file a response to this complaint no later than February 5, 2020.

2. Missouri-American Water Company is ordered to cease disconnection or, if disconnection has already occurred, to re-connect service as set forth in the body of this order.

3. The Staff of the Commission shall investigate and file a report of this complaint no later than March 6, 2020.

4. The Commission's Data Center shall send, by certified mail, a copy of this notice and order and a copy of the complaint to:

Missouri-American Water Company
Legal Department
727 Craig Road
St. Louis MO 63141

5. This order is effective when issued.



BY THE COMMISSION

A handwritten signature in dark ink, reading "Morris L. Woodruff".

Morris L. Woodruff
Secretary

John T. Clark, Senior Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 6th day of January, 2020.



WILLIAM P. KENNEY
Commissioner

VACANT
Commissioner

Missouri Public Service Commission

RYAN A. SILVEY
Chairman

POST OFFICE BOX 360
JEFFERSON CITY, MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
<http://psc.mo.gov>

SCOTT T. RUPP
Commissioner

MAIDA J. COLEMAN
Commissioner

Information Sheet Regarding Mediation of Commission Formal Complaint Cases

Mediation is a process where the parties work together to try to resolve their dispute with the aid of a neutral party, the mediator. The mediator's role is help the parties talk to each other. The mediator may offer suggested solutions, but the mediator has no authority to tell the parties what they must do or to determine who "wins." Instead, the mediator simply works with both parties to help them reach an agreement.

Typically, at a mediation session the parties meet for an off-the-record discussion. The mediation session is not a formal proceeding like a hearing and no attorney is required to participate. The Regulatory Law Judges at the Public Service Commission are trained mediators and this service is offered to parties who have formal complaints pending before the Public Service Commission at no charge. If mediation is agreed to by the parties, the Commission will send notice of who the mediator will be and that person will set up the first meeting.

There cannot be a mediation unless both parties to the complaint agree to try in good faith to resolve the dispute. If both parties agree to mediate the complaint, the only information about the mediation that will be disclosed to the Commission is (a) whether the case has been settled and (b) whether the mediation effort was considered to be helpful. The Commission will not ask what was discussed during the mediation.

If the dispute is settled at the mediation, the Commission will require a signed release from the party filing the complaint before the formal complaint case can be dismissed. If the dispute is not resolved through the mediation process, neither party will be penalized for having taken part in the mediation and the formal complaint case will simply pick up where it left off.

Morris L. Woodruff
Secretary

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

**WITNESS my hand and seal of the Public Service Commission,
at Jefferson City, Missouri, this 6th day of January 2020.**




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

January 6, 2020

File/Case No. WC-2020-0194

**Missouri Public Service
Commission**

Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Office of the Public Counsel

Marc Poston
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opc@opc.mo.gov

Claude Scott

Claude Scott
3725 Geraldine Ave.
Saint Ann, MO 63074-2004
claude17scott@gmail.com

**Missouri-American Water
Company**

Legal Department
727 Craig Road
St. Louis, MO 63141

Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.