

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

Jim Moriarty
Complainant,
Missouri American Water
Respondent

FORMAL COMPLAINT

1. Complainant resides at:
1580 Renderer Dr.
St. Louis, MO 63122

2. The utility service complained of was received at:
a. Complainant's address listed in paragraph 1.

3. Respondent's address is:
PO Box 2798
Canden, NJ 08101

4. Respondent is a public utility under the jurisdiction of the Missouri Public Service Commission.

5. The Amount at issue is: **\$ Unknown**

Date

Signature of Complainant

Complainant's Phone Number

Complainant's Printed Full Name

Alternate Contact Number

Complainant's E-mail Address

6. Complainant now requests the following relief:

- A. Respondent should be ordered to provide a complete accounting for the negative changes to the water usage identified in **7. 20 CSR 4240-13.025 Billing Adjustments**, including appropriate customer refunds, *explain adequately* and demonstrate that it has fixed the app “MyWater,” or issue refunds to all customers that experienced these reported reductions in their water usage on the 30 Days report.
- B. All customers should be able track their “up-to-the-hour water usage” as advertised by the Respondent in its “Advanced Metering Infrastructure” claims (Exhibit A, page 1) email sent to the Complainant on October 17, 2024. Such a claim is not possible unless the procedures include the installation of proper equipment and computer systems. Customers whose water meter has been relocated to an outside pit should be able to request and receive a wireless display that can be located in the customer’s house and show real time, “up-to-the-hour” water meter readings as shown on the outside water meter which should then be secured to prevent potential tampering with the meter.
- C. Customer should be able to call a **technical support** telephone number for MyWater and should not be directed to the current Respondent’s Customer Service function but rather should go directly to personnel who understand and have complete access to the MyWater application.
- D. The MyWater application and the related **technical support** function should include the ability to respond, both online and through a phone inquiry, in a timely manner, to customer inquiries regarding hourly and daily usage data for any day in the prior two years and produce past reports for same.
- E. Customer Service telephone personnel should be located within the customer’s state, or an adjacent state if closer, and should be required to disclose that state to customers.
- F. Reports and files available from the MyWater application should be date and time stamped.
- G. Customer monthly Statements should show the day and time of meter readings shown on the Statement.
- H. Respondent should be ordered to stop sending monthly water usage data to MSD until the data is demonstrated to be applicable (for example: 30 days without problems), complete, timely and accurate.
- I. Respondent should report all instances of Customer Service personnel hanging up on customers, retain the recording of the conversation and report it, including the reason for discontinuing the call, to the MOPSC.
- J. Respondent claims (Exhibit B, page 1) on the MyWater app in regards to its “Advanced Metering Infrastructure” (AMI) that it can “quickly detect and notify customers of costly leaks” but has not disclosed the definition of “quickly” or “costly” nor the method used to “notify” customers. All these terms need to be defined and disclosed by the Respondent in their official documents and should be implemented immediately.
- K. Real time meter readings should be available to all customers via the internet.

7. The relief requested is appropriate because Respondent has violated a statute, tariff, or Commission regulation or order, as follows:

20 CSR 4240-13.025 Billing Adjustments

(1) For all billing errors, the utility will determine from all related and available information the probable period during which the condition causing the errors existed and shall make billing adjustments for that period as follows:

(A) In the event of an overcharge, an adjustment shall be made for the entire period that the overcharge can be shown to have existed not to exceed sixty (60) consecutive monthly billing periods, or twenty (20) consecutive quarterly billing periods, calculated from the date of discovery, inquiry, or actual notification of the utility, whichever comes first;

I have recorded more than one hundred (100) changes to the "30 Days" report (Exhibit C, pages 1 - 3 show the date, original gallons reported, revised gallons and the date the change was detected) in the MyWater app since I first noticed the numbers changing in late July 2024 and continuing through December 4, 2024. These changes are always negative and usually occur on the second oldest day on the 30 Days report (the report never includes 30 days since the oldest day is usually and incorrectly reported as "0"). This report might be more appropriately named the "29 Days" report although I have seen many days when it is even less than 29 days.

From July 24, 2024 through December 4, 2024, a period of 134 days, I recorded 109 changes (81%) to the 30 Days report (See Exhibit C, pages 4 and 5, for examples of the 30 Daye report). Note the amount of water usage for November 28th reported on page 4 (printed on 12/26/24) of Exhibit C is 168 gallons. Notice on page 5 (printed 12/27/24) of Exhibit C, the same 30 Days report obtained on the following day, shows the water usage for November 28 as 100.3 gallons, a reduction of 67.7 gallons (40%). Complainant has similarly documented nearly all of the more than 100 changes to the 30 Days report during the period. **What may be the most disturbing aspect of these changes is that they have increased each billing period and have exceeded 96% of the days included in the last two billing periods (now nearly 16% of period usage).**

This is not to say that the rest of the days (19%) during the period did not contain negative changes because, with most changes being made to the oldest day included on the report (30th day always "0"), if the Respondent does not even produce a report on any particular day (which happens often and as recently as January 3, 2025 when I attempted to get the 30 Days report four times from 7:45 AM till 5:30 PM expecting to see a change to the 113.9 gallons originally recorded for Dec-5 but got the message "No data to display" and the next day, January 4, 2025, Dec-4 was now the oldest day reflecting the expected "0" gallons). Since the oldest day is generally reported as "0," you may never see a modified reading before the day of the change falls off the report for good. Respondent had one 10-consecutive-day period in early October when it did not update the 30 Days report for the entire 10-day period. On October 4, the 30 Days report reflected usage for October 3rd. On October 14, MyWater was still showing October

3rd as the most recent day reading. It was not until October 15 that an update was reported, then showing October 14 as the most recent day reading. I did produce about six 30 Days reports during the interim between updates but of varying numbers of reported days ranging from 20 days to 29 days and at least three changes to days in early September.

Despite this type of correction always being negative, I have never seen a billing adjustment.

20 CSR 4240-13.040 Inquiries

(1) A utility shall adopt procedures which shall ensure the prompt receipt, thorough investigation and, where possible, mutually acceptable resolution of customer inquiries. . . .

I have been trying to get reliable data on our daily water usage since the day late in 2023 the Respondent relocated my water meter from my basement to a pit in my yard and on that day its representative assured me I would be able to get the needed information off the Respondent's website. I now think that Respondent's representative believed what he was telling me because I think the Respondent does have "real time data" available but is not sharing it with customers on the MyWater app as claimed (Exhibit A, page 2). I believed the representative's statement then because I think field personnel have shown me real time data on their laptop computers in my home and so I expected to find real time information available to customers on the Web.

When I had difficulty finding it on the Web, I called Customer Service and was told that "information was not available to customers" which just reinforced my belief that the Respondent had available real time water usage data that it was not sharing. She never even mentioned the MyWater app. I eventually found the website titled "MyWater" on my own and, even though not the real time data I expected, it did appear to be useful information. I have, however, encountered far too many days of incomplete and inaccurate information on MyWater and encountered frequent days of stale, inconsistent or no data.

The Respondent's "procedures" are deficient if they do not result in customers having access to real time meter readings like they do with a basement meter. Respondent claims in its Advanced Metering Infrastructure that it "Improves customer experience" (Exhibit B, page 1) which is simply not true because MyWater is flawed, not designed to provide real time water usage data and the procedures do not include the installation of proper equipment to enable customers to self-monitor water usage or verify the accuracy of Respondent-reported data (the later deficiency is explained in detail in the later section **(3) (G) Explanation of meter reading procedures which would enable a customer to read his/her own meter; . . .**)

In its WELCOME, NEW CUSTOMERS web page (Exhibit D), the Respondent claims under MyWater that it enables the customer to "Manage your account online, any time, day or night, with MyWater." It is not even clear what the day the final meter reading is taken on any particular day because the "24 Hours" report indicates the final day's reading is "12 AM." Since 12 AM is a new day, it leaves one to question if the *day* reported is the day the meter is read or truly the previous day's water usage? Making truly "real time" water usage data available online

and date and time stamping reports would provide customers with more reliable water usage data to monitor their water consumption even when they are travelling away from home.

(2) (A) *At all times during normal business hours qualified personnel shall be available and prepared to receive and respond to all customer inquiries, service requests, safety concerns, and complaints. . .*

Respondent has failed to make knowledgeable personnel available to answer customer inquiries about MyWater. Usually when you press Customer Service representatives for information about MyWater, they either hang up on you or try to pass the buck. I've been told by Customer Service it is the responsibility of the "Meter Reading Department" and "Web Services" but not been transferred, repeatedly told the number is not available" and never received a call back despite my several requests and at least one Respondent representative promise of a call back.

(3) (G) *Explanation of meter reading procedures which would enable a customer to read his/her own meter; . . .*

The Respondent's "procedures" are deficient if they do not result in customers having access to real time meter readings like they do with a basement meter. The simple first solution is to include in the "procedures" the installation of a wireless device in the customer's home that will enable the customer to read his own meter anytime day or night, summer or winter, clear or stormy. Making the same "real time" data available to the customer from a wireless device inside the home will also enable each customer to compare actual real time water usage from the wireless device to Respondent-reported data on the Web, when it is finally available.

Let me describe the outside meter experience. I must go to an underground (three feet deep) pit located in my front yard, almost kneel, remove the pit cover, reach in to the pit and lift the meter cover. I must then sometimes reach in and wipe off the meter display, always crouch very low and try to read the meter in the dark pit, which is becoming more difficult as I age, and try to memorize the number. This can take several seconds depending on the status of the meter at that particular moment (the meter read out displays several numbers in a defined sequence). I must then close the meter cover and replace the pit cover before returning to the house to record the six-digit meter reading from memory. Throughout the procedure I must be careful not to drop anything into the pit like my glasses or the tool I use to remove the pit cover. I can only do this during daylight hours (I don't want to drop a flashlight into the pit) since the meter readout does not have a backlight. Recently I have encountered many cold and rainy days and even a day when the pit was full of water and the meter remained below water the entire day. I also experienced other periods of several days when my yard was covered with snow.

Advanced metering may give the Respondent the real time data it is seeking while making it easier for the Respondent to get to the meter without notifying the customer, but it is fantasy to think it makes it easier for customers to manage their water usage. I don't know how much longer I will be physically able to read my own outside meter. I don't think my wife or many, if not most, of my neighbors are able to now read an outside meter in a dark pit. The simple first solution is to include in the "procedures" the provision of a wireless device in the customer's

home that will enable the customer to read his own meter anytime day or night, summer or winter, clear or stormy.

(5) A utility shall maintain records on its customers for at least two (2) years which contain all information concerning -

Water usage is not mentioned in this provision but the Respondent has represented publicly that “AMI meters are high-tech water meters that allow customers to track their up-to-the-hour water usage through MyWater” (Exhibit A, page 1). This statement is not true. On most days when the data is updated, the hourly and daily data is, I estimate, 36 to 50 hours old. Hourly consumption is missing for more than 38 different days from July 24, 2024 through the end of the year, a period of 161 days. Thirty-eight (38) days out of a possible 161 days is 24 percent of the days with no hourly water usage. Daily water consumption information is only available for a maximum of 29 days and changes regularly which makes the retention of hourly and daily water usage records a necessity. The Respondent needs to provide customers, by request, hourly and daily reports for any day over a period of at least the last two years.

I had planned to end my study of the problems with MyWater at the end of the year (2024) but old and new problems surfaced on the last day of the year (12/31/24) which is shown on Exhibit J. Page 1 of Exhibit J was the first 30 Days report I obtained on December 31 which showed “0” water usage for the previous day (December 30). I have seen this problem on a few previous occasions along with the usual change to the second oldest day (December 2) and the usual “0” reported for the oldest day (December 1) on the report. I looked up the report at least four (4) more times that day, the last time at 6 PM, and did not see any corrections or updates to the report. At 8 PM on December 31, I did detect a change to the report and reprinted it (Exhibit J, page 2). December 30 was still showing “0” water usage but the “0” for December 1 had been dropped from the report and the oldest day was now December 2.

At 8 AM the next day (January 1), I printed the report and saw things I don’t ever remember seeing before on the 30 Days report (Exhibit J, page 3). An update had occurred, showing 89.64 gallons of water for December 31 but now the “0” for December 30 had been duplicated. In addition, the two oldest days on the report (December 2 and 3) were also duplicated. Also the two readings for December 3 were different reflecting a reduction from the previously reported 97.6 gallons to 80.8 gallons. It was not until 7:45 AM on January 2 that I finally got a reading (Exhibit J, page 4) for December 30 of 70.06 gallons. In addition December 4 was now showing a decrease from the previously reported 106.9 gallons to 98 gallons. This series of reports over a 3-day period (12/31/24-1/2/25) contained some of the strangest peculiarities on the 30 Days report that I have seen since I started viewing the data on MyWater early in 2024. I decided at that point to continue my study of MyWater into 2025.

8. The Complainant has taken the following steps to present this matter to the Respondent:

A. (2023 – 2024): Complainant has called the Respondent's "Customer Service" countless times over the last year or so trying to get an explanation of how the MyWater app works. Customer Service reps generally are ignorant about the app, mention that it is the responsibility of someone else such as "Meter Department" or "Web Services," but don't have or won't provide a telephone number and can't transfer the call. Even when they say they will forward a request for a return call, the call never comes. I have experienced a "supervisor" who refused even to indicate where she was located which apparently could be a state nowhere near Missouri and numerous reps who simply terminate the call without notice.

B. 2023 (Fall): Complainant filed an informal complaint with the MOPSC, likely about the Respondent's Customer Service function and/or staff and the Respondent's "local office" not calling me as promised by Customer Service. Complainant does not have a copy of the informal complaint and never received a follow up call from the Respondent or Commission staff and, therefore, I don't know if Respondent even received the informal complaint. I called a plumber to replace the main water shut off in the basement and he ended up making (and charging) for two visits because of a faulty curb shut off. The Respondent, after two failed attempts to shut off my water, eventually replaced the curb shut off and in the process moved my water meter from the basement to a pit in my yard. My initial concern was the potential difficulty in reading the meter but the Respondent's representative assured me I could get all the data on the Respondent's website.

C. February, 2024: At the end of January and early February, I noticed extremely high water usage and started calling Customer Service. I was never notified of the high usage by the Respondent even though I reportedly used 3,600 hundred gallons over three days, twelve times my normal use. I became frustrated with Customer Service and in late February sent a second informal complaint (Exhibit E) to the MOPSC regarding difficulty encountered in getting through to Customer Service, Respondent's representatives hanging up on me and the inability to get past Customer Service to Respondent representatives familiar with MyWater.

Because of the high water usage at the end of January 2024 (Exhibit F), I requested a "Leak Adjustment" for the obviously high water usage at the end of January 2024. Two months later I finally got a response (Exhibit G) from Respondent which indicated it had completed a "review" of my account for two periods, "September 08, 2023-October 06, 2023" and "October 06, 2023-November 06, 2023." The Respondent concluded that both periods' water usage was "not 2 times the average" but neither period reviewed even included the end of January 2024, just two months earlier, which was the period in question.

D. Because of the high variance in water usage on the 30 Days (Exhibit H, page 3) and 24 Hours (Exhibit H, pages 1 and 2) reports on April 30 and May 1, 2024, I requested an on-sight meter inspection and it took two weeks to get the Respondent to send field personnel to my home. Two Respondent representatives, "Hozey" and "Paul," first checked my meter, found it was not running (no leak) and changed the pit cover so I could remove it myself anytime I wanted to read my own meter. I then explained to Hozey and Paul my ongoing frustrations with the MyWater app and was told "they could not help me" but Hozey did offer to write a report that included a request for someone that could help me to give me a call. A draft report was written (Exhibit I, page 1), I reviewed it and pointed out one incorrect detail that never did get corrected, and the report was finalized with a sentence that a "supervisor or IT associate with more knowledge on how the system works" call me but that call never came. I did get a letter from the Respondent's home office in Camden, NJ (Exhibit I, page 2) a couple of weeks later but the letter did not even address my concerns made clear in Hozey's request on my behalf. I responded (Exhibit I, page 3) to the letter the day I received it and repeated my request for a call from "someone familiar with the system" but a call never came and, in fact, I never received any response to my letter.

E. November 12, 2024: When I attended the public hearing to testify, I told the Respondent's Vice President, General Counsel and Secretary, Timothy W. Luft, that I would be happy to talk with the appropriate Respondent personnel to explain all the problems I have encountered with MyWater and it wouldn't cost the Respondent anything. It has been almost two months since the hearing and I've received no call.

F. I have had considerable contact with the MOPSC over the last year or so expressing my dissatisfaction with the MyWater app and the lack of the Respondent's lack of support for same and, in particular, the constant reaction of Customer Service representatives ending the call (hanging up) without warning. One MOPSC employee, Jay Eastlick, has, in my opinion, tried to be helpful. I think the low point in this communication, however, came on September 25, 2024 when Mr. Eastlick stated in an email that "There is no Commission rules or anything in Missouri American Water Co.'s Commission-approved tariff that pertains to the company's website, which most likely is maintained by a third party not regulated by the PSC." Assuming this statement is true, I could not disagree more with the Commission's position on the subject. **As I have pointed out in this Formal Complaint related to CSR 4240-13.040 Inquiries, (1), (2)(A), (3)(G), and (5) the Respondent and, therefore, the MOPSC and any third party engaged by the Respondent, have a duty to ensure that these State Regulations are followed.**