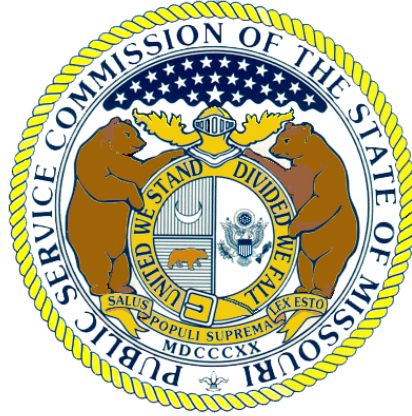


BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI



REPORT AND ORDER

Issue Date: November 5, 2025

Effective Date: December 5, 2025

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

Jim Moriarty,)	
)	
Complainant,)	
)	<u>Case No. WC-2025-0204</u>
v.)	
)	
Missouri-American Water Company,)	
)	
Respondent.)	

APPEARANCES

For the Complainant:

Fred James “Jim” Moriarty, 1580 Renderer Drive, St. Louis, Missouri 63122.

For Missouri-American Water Company:

Dean L. Cooper, Brydon, Swearingen & England, P.C., 312 E. Capitol Ave., Jefferson City, Missouri 65102.

Jennifer Coleman, 727 Craig Road, Creve Coeur, Missouri 63141.

For the Staff of the Missouri Public Service Commission:

Carolyn Kerr, Legal Counsel, P.O. Box 2230, 200 Madison Street, Suite 800, Jefferson City, Missouri 65102.

For the Office of the Public Counsel:

Anna Martin, 200 Madison Street, Suite 650 P.O. Box 2230, Jefferson City, Missouri 65102.

Regulatory Law Judge: **Karolin Walker**

REPORT AND ORDER

The Missouri Public Service Commission (Commission), having considered all the competent and substantial evidence upon the whole record, makes the following findings of fact and conclusions of law. The positions and arguments of all of the parties have been considered by the Commission in making this decision. Failure to specifically address a piece of evidence, position, or argument of any party does not indicate that the Commission has failed to consider relevant evidence but indicates rather that the omitted material was not dispositive of this decision.

Procedural History

On January 16, 2025, Jim Moriarty filed a complaint against Missouri-American Water Company (“MAWC” or “the Company”) and on that day the Commission issued an Order giving notice and directing a response. MAWC filed an Answer and a request that the complaint be referred to a neutral third-party mediator for voluntary mediation of the complaint. On March 4, 2025, the Complainant declined to participate in mediation. On March 7, 2025, the Commission issued an Order directing the Staff of the Commission (Staff) to file a report and recommendation. On May 14, 2025, Staff filed its investigation report.

In its report, Staff discussed Mr. Moriarty’s contentions that MAWC violated 20 CSR 4240-13.025(1)(A) which regulates billing practices and service for residential customers and 20 CSR 4240-13.040(1), 13.040(2)(A), 13.040(3)(G), and 13.040(5) which regulate billing inquiries and adjustments. After investigation, Staff concluded none of these regulations were violated. Staff did note in their report that the Company committed to make adjustments to the My Water Application¹ to correct display errors and the

¹ Also referred to as the “My Water App”.

Company committed to make further adjustments to call center procedures and more My Water Application adjustments to benefit their customers.

By Order of the Commission, a procedural schedule was filed and on August 28, 2025, an evidentiary hearing was held. At the hearing, MAWC put forth the testimony of two witnesses: Paul Ebbeler who testified and submitted pre-filed testimony; and Derek Tarcza who testified and submitted pre-filed testimony. Mr. Moriarty testified on his own behalf. Lisa Stockman testified on behalf of Staff.

The Complainant identified the following issues:

- A. Should the Commission require the Company to move the meter from outside in a pit to inside the Complainant's house?
- B. Should the Company be required to provide water usage data every hour?
- C. Did the Company violate a rule, regulation, tariff or statute by failing to timely answer Complainant's calls and provide water usage data from the My Water Application?

Findings of Fact

The Commission, having considered all of the competent and substantial evidence upon the whole record, makes the following findings of fact. When making findings of fact based upon witness testimony, the Commission will assign the appropriate weight to the testimony of each witness based upon their qualifications, expertise and credibility with regard to the attested to subject matter.²

² *In the Matter of Kansas City Power & Light Company's Request for Authority to Implement a General Rate Increase for Electric Service*, 509 S.W.3rd 757 (2016).

1. Complainant, Mr. Moriarty, is a natural person residing in the suburbs of St. Louis, Missouri. Complainant was, at all pertinent times, a customer of MAWC.³

2. Respondent, MAWC, is a Missouri corporation engaged in the sale of water at retail to persons in the region of St. Louis, Missouri.⁴

3. Staff is a party in all Commission investigations, contested cases, and other proceedings, unless it files a notice of its intention not to participate in the proceeding within the intervention deadline set by the Commission. Staff participated as a party in this matter.⁵

4. The Office of the Public Counsel is authorized to “represent and protect the interests of the public in any proceeding before or appeal from the public service commission[.]”⁶ Public Counsel participated in this matter.

5. The Company moved Complainant’s water meter from inside his house to a pit outside his house.⁷

6. After the move, Complainant and other customers were supposed to be able to download their water usage data from the My Water App.⁸

7. Paul Ebbeler, the Senior Manager for Operational Services, testified as to how bills from water usage were generated from meter readings.⁹

8. Derek Tarcza, Senior Manager of Customer Digital Products, testified about the My Water Application used by the Company.¹⁰

³ Exhibit 4, p. 1.

⁴ *Answer and Request for Mediation*, filed February 18, 2025.

⁵ 20 CSR 4240-2.010 and 20 CSR 4240-2.070.

⁶ Section 386.710(2), RSMo (2016).

⁷ Exhibit 1, pages 5 and 7; and Exhibit 2, page 13.

⁸ Exhibit 4, page 23.

⁹ Exhibit 2, pages 8 and 17; and Transcript, pages 22-23.

¹⁰ Transcript, pages 78, 85-88.

9. Prior to moving the water meter, water usage data could be accessed by the Complainant every hour by reading the meter.¹¹

10. At the time the complaint was filed, the My Water App did not provide real-time water usage data on an hourly basis.¹²

11. Complainant attempted to contact the Company several times by telephone and did not receive an answer.¹³

12. Several calls between the Complainant and the Company's call center were disconnected abruptly.¹⁴ The Company's witness could not determine from listening to the calls why the calls ended and the Company made no further investigation into the matter.¹⁵

13. Lisa Stockman, employed by the Commission in the Customer Experience Department, confirmed that four out of nine calls from the Complainant to the Company were terminated, but she did not investigate whether the calls were hang-ups or dropped.¹⁶

14. Since the filing of the Complaint, the Company has retrained its staff and changed their process to be more responsive to customers.¹⁷

15. The Company has made changes to the My Water App so that water data is more readily available.¹⁸

¹¹ Formal Complaint.

¹² Transcript, pages 40-42.

¹³ Exhibit 4, page 3.

¹⁴ Exhibit 1, page 5.

¹⁵ Transcript, pages 69-70.

¹⁶ Transcript, pages 147.

¹⁷ Transcript, page 97.

¹⁸ Transcript, pages 83-84, 92.

16. Since the filing of the Complaint, the Company has removed the cover from Mr. Moriarty's meter so that he can read his water usage at the meter at any time.¹⁹

17. Staff's witness also confirmed that a customer's water usage data could be obtained from the Company website and the Company office in addition to the My Water Application and calling customer service.²⁰

Conclusions of Law

The Commission has reached the following conclusions of law.

Jurisdiction:

Respondent is a water corporation and a public utility as those terms are defined in Section 386.020, RSMo, and is subject to the jurisdiction of this Commission.

The Commission is authorized to hear and determine complaints made by customers against public utilities by Section 386.390.1, which states:

Complaint may be made by ... any ... person ... by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any corporation ... or public utility, including any rule, regulation or charge heretofore established or fixed by or for any corporation, person or public utility, in violation, or claimed to be in violation, of any provision of law, or of any rule or order or decision of the commission[.]

However, authority to hear and determine the complaint does not necessarily equal authority to grant the relief therein requested. The Commission "is purely a creature of statute" and its "powers are limited to those conferred by the [Missouri] statutes, either expressly, or by clear implication as necessary to carry out the powers specifically granted."²¹ While the Commission properly exercises "quasi judicial powers" that are

¹⁹ Transcript, page 50.

²⁰ Transcript, pages 144, 146.

²¹ *State ex rel. Utility Consumers Council of Missouri, Inc. v. Public Service Commission*, 585 S.W.2d 41, 47 (Mo. banc 1979); *State ex rel. City of West Plains v. Public Service Commission*, 310 S.W.2d 925, 928 (Mo. banc 1958).

“incidental and necessary to the proper discharge” of its administrative functions, its adjudicative authority is not plenary.²² “Agency adjudicative power extends only to the ascertainment of facts and the application of existing law thereto in order to resolve issues within the given area of agency expertise.”²³

Burden of Proof:

The Complainant bears the burden of proof in a case, such as this one, in which the complainant alleges that a regulated utility has engaged in unjust or unreasonable actions.²⁴ Thus, Mr. Moriarty must establish all facts necessary to support the relief he seeks by a preponderance of credible evidence.

Decision

Complainant has failed to prove his complaint, through either prefiled testimony, or via the evidentiary hearing conducted on August 28, 2025. Complainant has not shown that the Company violated any rule, regulation, statute, or order. For this reason, Complainant’s case must fail.

The evidence shows that Mr. Moriarty’s concerns contained in his complaint are true. Mr. Moriarty has had great difficulty getting his water meter usage data from the My Water App and he has been unable to always access customer service at MAWC. The Company does not deny that there are issues with the My Water App and that calls were disconnected when Complainant tried to get help with his complaints. In addition, the Company does not dispute that the Complainant could access his water usage data by

²² *State Tax Commission v. Administrative Hearing Commission*, 641 S.W.2d 69, 75 (Mo. 1982), quoting *Liechty v. Kansas City Bridge Co.*, 162 S.W.2d 275, 279 (Mo. 1942).

²³ *State Tax Commission*, *supra*.

²⁴ *Ahlstrom v. Empire District Electric Company*, 4 Mo.P.S.C.3d 187, 202 (1995); *Margulis v. Union Electric Company*, 30 Mo.P.S.C. (N.S.) 517, 523 (1991).

reading his meter if there was not a cover bolted over the meter. The Company removed the cover so that Mr. Moriarty could access his data.

Neither the Commission's rules nor MAWC's tariff require the Company to move its meter inside the Complainant's home. They also do not require the Company to provide hourly or even daily water meter readings. Nonetheless, as a result of Mr. Moriarty's complaint, MAWC has committed to change both its customer service procedures and its My Water App programming. Because Mr. Moriarty has not presented evidence that MAWC violated any Commission order, rule, tariff or statute, the Commission is denying Mr. Moriarty's requested relief. However, the Commission recognizes and thanks the Complainant for being an agent of positive change both with customer complaint response and changes to the My Water App.

Any relief not specifically granted in this order is denied. Any requests for reconsideration of this order pursuant to 20 CSR 4240-2.160(2) or any application for rehearing of this order pursuant to Section 386.500.1, RSMo, shall be filed prior to the effective date of this order. The denial of an application for rehearing under Section 386.500, RSMo, is a prerequisite to filing a notice of appeal in an appropriate appellate court pursuant to Section 386.510, RSMo. If a motion for reconsideration or rehearing is granted, the Commission will make appropriate orders at that time.

THE COMMISSION ORDERS THAT:

1. The complaint is denied.
2. All objections not ruled on are overruled and all motions not granted are denied.

3. This order shall become effective on December 5, 2025.



BY THE COMMISSION

Nancy Dippell

Nancy Dippell
Secretary

Hahn, Ch., Coleman, Kolkmeier,
and Mitchell CC., concur and certify compliance
with the provisions of Section 536.080, RSMo (2016).

Walker, Regulatory Law Judge

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 5th day of November 2025.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

November 5, 2025

File/Case No. WC-2025-0204

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

Sincerely,



**Nancy Dippell
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.