

Jim Moriarty,

Complainant

V.

Case No. WC-2025-O204

Missouri American Water Company,

Respondent

Request for Reconsideration

December 4, 2025

Complainant is only a customer and has nothing to personally gain in this case but the opportunity to manage his water consumption and control his future water and wastewater costs. In this Request, Complainant asks for reconsideration of two of his compromised requests for relief from his Prefiled Testimony important to meeting the objectives stated to in the previous sentence, one of which likely impacts **all customers with outside meters**, and one

which likely impacts **all customers** regardless of the meter location. Complainant will also demonstrate the **futility of the utility complaint process** in Missouri.

Complainant feels his experience as a paying customer of the Respondent with extensive hands-on experience with Respondent's flawed MyWater app is the most valuable **qualification a customer** can have to discuss the MyWater app and Complainant purposely tried to present his case in that vein. To do otherwise would not be a **true test of the complaint process**. To discuss the complaint process itself, Complainant feels his professional experience, including numerous appearances as a utility expert witness and experience in the drafting of proposed **state utility law**, performing operational **investigations**, and **development and testing** of computer applications and reports are relevant (Attachment 1).

Consumer Bill Of Rights (Attachment 2)

The **Consumer Bill Of Rights (CBOR)** published by the MOPSC includes:

- You have the right to speak to qualified utility personnel during normal business hours.
- You have the right to question and dispute all or part of a charge. The utility company is then required to investigate promptly and thoroughly attempt to resolve the dispute in a manner satisfactory to both parties.
- You have the right to file an informal/formal complaint against the utility company with the Public Service Commission.

Complainant has shown that Customer Care Agents (CCAs) have not been able to answer his questions, especially in regards to the MyWater app when they told him they “cannot see the daily usage” (Exhibit 8, DR0001, pages 2 and 3), or “it is the responsibility” of the “Meter Reading Department” or “Web Services” (Exhibit 4, Formal Complaint, Section 7. 20 CSR 4240-13.040 Inquiries (2)(A)). Complainant could not get a phone number for these other functions from the CCAs and never received **the** promised follow up calls. Complainant did not receive any hint as to the obvious problems with the MyWater app until he filed his Formal Complaint and finally received a call from a **qualified** person in the local office. These are **clear** violations of the first bullet point and Complainant has consistently pled the **need for local office support** he could not get until he filed a Formal Complaint.

Complainant appeared at a MOPSC public hearing on November 12, 2024 and opposed the Respondent’s request for a rate increase based on the Respondent’s flawed MyWater app, the lack of current water usage data, and the lack of support from Respondent’s Customer Service when Complainant called (Exhibit 4, Formal Complaint, Section 8.E.). Complainant added that he had been hung up on by Customer Service so many times he thought it must be part of their training. It is **undeniable** that MAWC **did not** “**promptly and thoroughly** attempt to resolve the dispute in a manner satisfactory to both parties” as required by the **CBOR** and

did not even file a **serious** Answer to Complaint as Respondent witness [REDACTED] promised in his Rebuttal Testimony in the recent rate case (Exhibit 9, page 17, lines 18-19). These are **clear** violations of the second bullet point above.

Denying these rights of the Complainant are **clearly** violations of the **CBOR** and the MOPSC rules. It is **self-evident** that if customers “have the right to file an informal/formal complaint against the utility company with the Public Service Commission,” that the Public Service Commission will also “**promptly and thoroughly** attempt to resolve the dispute.” A **blanket denial** of the Formal Complaint after **two years** of complaining without a discussion of all the issues and requests for relief does not satisfy this logic and is **clearly** not in the spirit of the **CBOR**. Complainant has shown **unequivocally** that his rights were violated.

Complainant has demonstrated violations of his rights and the rules through an informal complaint (Nov. 2023), appearance at the public hearing to dispute the Respondent’s request for a rate increase (Nov. 2024), a Formal Complaint (January 2025), Prefiled Testimony (August 2025), appearance at the case hearing in which Complainant made himself available for cross examination (August 2025), and the Brief of Complainant filed on September 30, 2025. Complainant knows his rights as a consumer and has attempted to follow all the rules to

present his case to the MOPSC. Complainant has devoted a lot of time and incurred unreimbursed out-of-pocket expenses to exercise his rights as a consumer and deserves more than a blanket denial of his Formal Complaint without any discussion of all eleven requests for relief. While this case will culminate with the Commission's Order and response to this Request, Complainant feels an **educated assessment** of the process is helpful.

The Commission Staff had been provided enough information from Complainant to start an investigation before Complainant filed his Formal Complaint and before the recent rate case hearings. Staff could have called Complainant to testify in its rate case, especially after Complainant expressed in an email on August 5, 2024 his willingness to "testify during the upcoming rate case hearings" (Attachment 3) and appeared at the public hearing on November 12, 2024 to informally object to the Respondent's request for a rate increase (Exhibit 4, Formal Complaint, Section 8.E.). **This case should never have gotten to the formal complaint stage** where Complainant had to do the Staff's work.

History Prior to Formal Complaint

Since the Order in this case seems to complete the **cycle of inaction** in regards to **protecting the consumer's rights** in regards to reasonable and

responsive reporting and customer service, Complainant feels the need to include events prior to his Formal Complaint and reasons for his dissatisfaction with the complaint process. The before-mentioned CBOR and Commission's own written description of PSC Consumer Services which states that "Consumer Services **investigates and responds** to informal complaints to ensure compliance with Commission rules and utility tariffs" (Attachment 4, third paragraph), which are a far cry from the September 25, 2024 staff email (Attachment 5) discussed below and suggests this case should not have gone beyond the Respondent and certainly not beyond his informal complaint filed in November 2023 and additional complaints Complainant **repeatedly made informally** through emails to the staff.

Complainant's first contact with the Commission regarding these violations occurred in **late 2023** when he called to complain about the delay in getting his water shut off at the curb so his plumber could replace the faulty main shut off in the house that had started to leak. It was suggested to him that this call be made into an informal complaint and Complainant agreed. According to MOPSC's own department description, "Consumer Services **investigates and responds** to informal complaints." There is no evidence of an investigation by the Respondent (not even a phone call) or MOPSC's Consumer Services and Complainant **never** received any written response to his informal complaint from either party.

Complainant did not prepare the informal complaint and did not even receive a copy until about six months later when he requested one as part of this case discovery. On **September 25, 2024**, Complainant received the following note in one of those return emails from a Commission staff member:

There are 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 (Attachment 5).

The obvious issues were the flawed MyWater app and the nonexistent customer service and not who maintained Respondent's website. Complainant never thought this obviously untrue comment made any sense and when he read the CBOR, MOPSC Rules/Statutes, and the Consumer Services requirement to "investigate and respond" on the MOPSC website, Complainant was convinced his rights had been violated, that the rules (especially 20 CSR 4240-13.040) applied to his situation, and he filed his Formal Complaint.

Brief of Complainant

Complainant made the following observation in his Brief:

The Respondent's complete disregard for customer service exemplifies a monopoly with little fear of reprisal from captive customers or a complacent Commission Staff. Nowhere was this

more obvious than its non answer in its Answer to Complaint filed in this case. When Complainant attempted to get an explanation as to why the Answer to Complaint provided less information than Respondent witness Derek Tarcza's January 2025 rebuttal testimony, seven months earlier, in the Respondent's recent rate case, Mr. Tarcza's nonsensical answer was "take some more time just to dive into it outside of the rate case" (Transcript, page 103, line 24 to page 104, line 13 and page 107, line 16 to page 109, line 11. The specific quotation is found on page 104, lines 10-11.) "Nonsensical" because the Answer to Complaint was not filed until February 18, nearly a month after Mr. Tarcza's rebuttal testimony in the rate case. Mr. Tarcza actually provided more information about the problems in MyWater in less time than the Answer to Complaint and much less time than witnesses' testimony (Brief of Complainant Jim Moriarty, bottom of page 24 and continuing on page 25).

The Order in this case not only confirms the above statement but likely also explains the futility of the complaint process and the Commission staff's lax attitude toward regulation, lack of investigative curiosity, and its shallow review disguised as the Staff Report in this case. Complainant may not have yet received a single one of his eleven requests for relief but he will not remain silent.

Commission Meeting and Order Approval of November 5, 2025

Complainant watched the Commission meeting on November 5, 2025 but is confused as to its purpose. There was not even a discussion of the merits of the issues or relief requested in the Formal Complaint. The Complainant's request to

provide customers with outside meters the ability to read their meters from inside their homes rather than attempt to read an outside meter in an in-ground pit that is difficult for even an able-bodied adult, in good weather (Formal Complaint, 7. 20 CSR 4240-13.040 Inquiries, (3)(G), second paragraph), and identified in the Complainant's Brief as "the most important issue" (Brief of Complainant Jim Moriarty, page 27, first paragraph) was completely ignored.

The Commission meeting and Order, like the Staff Report, were not helpful to anyone except the parties interested in hearing the untrue words "no violation of the Commission rules and statutes." If lying to its customers about the capabilities of MyWater, withholding available current water usage data, lack of qualified personnel to answer customer questions, and hanging up on customers when they call Respondent's Customer Service are not clear violations of the customer's rights, the PSC Rules/Statutes, or "dispositive of this decision;" Complainant apologizes to everyone that wasted their time in this case.

Hearings, Deliberations and Decisions and Civil Law

Hearing guidelines, part of the MOPSC Information Guide, (Attachment 6, page 1) includes the statement that "These hearings are very similar to civil courtroom." Complainant is not an attorney and does not have any legal

representation in this case so he inquired through ChatGPT, an OpenAI tool, and Copilot, Microsoft's AI tool, into the issue of "burden of proof" in civil case. They both indicate that in civil cases, the burden of proof is typically "preponderance of the evidence" which means that "a party must show that their claim is more likely true than not true" (Attachment 7).

Many issues raised by the Complainant in his frequent emails to staff and informal complaint, Prefiled Testimony, and Brief clearly meet this test: "**more likely true than not true.**" For example, Respondent has lied to its customers about MyWater being "real time" and "up-to-the-hour" as seen in its own email (Exhibit 4, Formal Complaint, Exhibit A), the very first exhibit presented by any party in this case. In fact, **none** of the issues raised by Complainant have actually been challenged except the weak arguments about the **sacred** violation of rules.

The Respondent argues on page 8 of its Brief that it has provided "qualified personnel" . . . "available and prepared to receive and respond to all customer inquiries . . ." by presenting the same irrelevant "call center" staffing hours that it presented in its opening statement at the hearing, as if staffing hours has anything to do with qualifications. The Complainant's efforts to get qualified support for MyWater (Exhibit 4, Formal Complaint, Section **7.20 CSR 4240-13.040**

Inquiries,(2)(A)), including two CCAs that said they “**couldn’t see his usage data**” (Data Request 0001, pages 2 and 3), supervisors, the “**Meter Department**” and “**Web Services**” (Complainant Brief, page 22, first full paragraph), and field representatives (Exhibit 4, Formal Complaint, Section 8.D.) have shown that, it is “**more likely true than not true,**” that qualified personnel usually are not available, **clearly** a violation of the CBOR and **20 CSR 4240-13.040(2)(A).**

Complaint’s claim of Customer Service hanging up on him is supported by the Staff Report which identified four of the nine Complainant’s **land line calls** to Customer Service that it reviewed were “unexpectedly dropped” (Order, page 6, #13). Respondent witness Ebbeler stated during cross examination that it was Company policy “if -- it dropped, to call the customer back” (Transcript, page 71, lines 5-17). The fact that the Staff Report states “the CCAs did not attempt to reconnect with Mr. Moriarty” only adds to the fact that Complainant’s claim of “hang ups” is “more likely true than not true.” The fact that no disciplinary review was conducted (Transcript, page 29, line 19 to page 30, line 10) shows the practice is condoned and may also support Complainant’s view that it is “part of their training.” Regardless of the reasons, the rate of disconnect is high and the Complainant’s request for Staff only to begin monitoring the problem should have been granted.

Respondent states in its Brief that it “provides a written description of ‘How to Read Your Water Meter’” (MAWC’S BRIEF, page 9) which doesn’t mean a thing to any customer that does not have at the ready access to the meter. It is self-evident that the Respondent is guilty of violating Rule **20 CSR 4240-13.040(3)(G)** if it doesn’t provide at the ready meter access along with the instructions.

Factual Errors in the Order

Before getting into the justification for the Request for Reconsideration, it is important to point out inherent errors of fact in the Order itself. On page 4 of the Order, the Commission states the following:

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 be required to provide water usage data every hour?
- C. Did the Company violate any rule, regulation, tariff or statute by failing to timely answer Complainant’s calls and provide water usage data from the My Water Application?

Complainant never asked that his meter, moved to an outside pit merely for the Respondent’s convenience, be moved back into his house as stated in A above. Complainant has simply asked for real time access to current and accurate water usage data like he had when the meter was inside his house, that is

required to effectively manage a valuable resource, and as promised in the Respondent's October 27, 2024 email to its customers (Exhibit 4, Formal Complaint, Exhibit A).

Complainant did not ask that the "Company be required to provide water usage data every hour" as stated in B above. Complainant's only requests the ability for customers to obtain real time water usage on demand. The Company field reps already have this ability and Complainant has only asked in his Prefiled Testimony that the Company consider making this functionality available to its customers as a possible alternative to a different remote device in customers' homes (Exhibit 1, Mr. Moriarty's Prefiled Testimony, page 2, lines 32-37) if it meets the real time need of customers serious about conserving water and is convenient for MAWC.

Complainant limits his Request for Reconsideration to two compromised requests for relief from his Prefiled Testimony. The first request from the Formal Complaint, related to the lack of an adequate explanation for water usage reductions on the latest 30 Days reports (Exhibit 4, Formal Complaint, 20 CSR 4240-13.025 Billing Adjustments), was intended to make the Respondent accountable to all customers with outside meters but will not be repeated in this

Request. Any customer using the latest applicable MyWater reports at the time to verify monthly water bills would likely take the view that it is “more likely true than not true” that such differences were “billing errors.” No refunds or clear explanation that MyWater was producing invalid data is a violation of the **CBOR**.

First Request for Relief

Complainant’s first request for relief is a compromised request from his Prefiled Testimony for which he made the following statement in that testimony:

I repeat my claim that customers with outside meters require a wireless device in their homes connected to the outside meters or an alternative solution to enable them to obtain current and accurate water usage data independent of MyWater. As an alternative, I think MAWC should investigate making the “headend” of its data collection system available over the Internet, if it has not already done so for MAWC field personnel or for any other purpose, to provide a source of usage data to customers via the Internet, and/or via the wireless devices recommended for customers not wishing to use the Internet, so every customer can obtain real-time water usage data independent of MyWater and the billing system. (Exhibit 1, Mr. Moriarty’s Prefiled Testimony, page 2, lines 30-37).

The Respondent has completely changed its description of water usage reporting in MyWater from the October 2024 email to customers claiming the data was “real time” and “up-to-the-hour” to the following footnote on MyWater reports:

Usage may be delayed up to 72 hours and may include allocated and actual reads. Hourly and daily consumption on accounts with multiple meters may only be displayed for one of the meters. If a meter read is unavailable for an hourly or daily read, the system will allocate usage based on the meter reading before or after the period of unavailability (Attachment 8, page 1).

The Respondent finally, after a Formal Complaint, discloses that MyWater is not “real time” and actually may not even be actual water usage data but can be allocated quantities. The Respondent does not even disclose on the reports which readings are actual data and which are allocated data. The customer obviously cannot only rely on MyWater for current and accurate data but the customer does not even know if it is real data. This is confirmed by continuing discrepancies between the 24 Hours and 30 Days reports, about half the days in November 2025, as high as twenty-seven percent (27%) as shown in Attachment 9.

All customers should be able track their “up-to-the-hour water usage” (“real time”) as advertised by the Respondent” (Exhibit 4, Formal Complaint, Section 6.B. and Exhibit A). This request is necessary for customers to manage their water usage and verify the accuracy of water billings. MyWater is not a practical solution for customers that really want to manage their water usage and they require an alternative to MyWater to obtain water usage data. Complainant

said on page 27 of his Brief that “Complainant feels this is the most important issue in this case”.

Second Request for Relief

The second request for relief is to ensure that customer water usage data sent to the local sewer district reports normal seasonal usage and provides the opportunity to correct this data for unusual anomalies in water usage caused by water leaks and the like.

Complainant’s second request for relief is another compromised request from his Prefiled Testimony (Exhibit 1, Mr. Moriarty’s Prefiled Testimony, page 5, line 30 to page 6, line 13):

Something that has occurred as a result of my contact with the local office in Creve Coeur is an adjustment that fulfilled my desire to normalize water usage reported to MSD. On January 8, 2025 we had a toilet valve that got stuck in the early morning hours causing the water to run for several hours. My wife noticed it when she got up that morning and was able to stop the water. I don’t think I was ever able to print the 24 Hours Report for that day. Fortunately, it was during the period when I had a local MAWC contact who provided the hourly data I was missing and had another person from the local office contact me about a possible adjustment.

I determined that I used more than [REDACTED] [REDACTED] of water over a 4-5-hour period (1 AM – 6 AM), 30 to 45 times our normal hourly usage for those hours during the period that MSD considered the “winter

months.” My concern was not so much about the water bill adjustment which came a couple months later as an “Unexplained Usage Adjustment” which I understand does not have the “once in a lifetime” limit like the traditional water usage adjustment and it was also sent to MSD. I called MSD sometime later and was informed that they had the adjustment and it would be factored into our winter usage that could potentially save us more than four times (\$6 a month for 12 months) the water bill adjustment in the coming months. If MAWC is going to continue providing confidential customer water usage data to MSD, this “Unexplained Usage Adjustment” should be available to all customers, whether or not it results in a water bill adjustment. It might also be restricted to certain time periods, or in the case of MSD, its “winter months” which can be extended beyond the first quarter in case of disputes. I would think that MAWC and MSD, working together, could come up with an improved method of using MAWC usage history to normalize customer water usage reporting for sewer billing purposes and welcome their ideas.

The Complainant has made it clear throughout this proceeding that his reason for seeking a leak adjustment was primarily to normalize water usage reporting to MSD (Complainant Brief, page 19, last paragraph) so he is not punished on his sewer bills for an entire year because of water leaks and the like during MSD’s “winter months.” The “Unexplained Usage Adjustment” the Respondent gave him for his February 2025 usage on his April 2025 water bill accomplished that end (Exhibit 1, Mr. Moriarty’s Prefiled Testimony, page 5, line 30 to page 6, line 13).

Respondent referred to this adjustment as a “courtesy adjustment” (Respondent’s Brief, page 17, second full paragraph) which may have been nothing but an inducement for Complainant to mediate. Complainant has only requested that the “Unexplained Usage Adjustment” be made available to all customers to normalize unusually high water usage reported to the local sewer district (Exhibit 1, Mr. Moriarty’s Prefiled Testimony, page 6, lines 7-13).

Conclusion

Complainant wants nothing from his efforts in this case but the opportunity to manage his water consumption and control his future water and wastewater costs. Complainant knows from experience that this is not possible unless he has at the ready access to his water meter. Complainant also knows from experience that the Respondent has the ability to adjust Complainant’s water usage reporting to MSD for unusual anomalies in his water usage from a stuck toilet valve and the like and stated that he doesn’t even care if he gets an adjustment to his water bill. He simply wants to avoid being penalized for a year on his sewer bills because of such unavoidable events. Respondent has already demonstrated it has this capability and Complainant only asks that it be available to all customers and not have the severe limitations like the usual water adjustment.

Complainant provided the following information in his Brief about a tool already available to Respondent for reporting current water usage:

Just one tool that may be available for Complainant's Badger meter (Transcript, page 32, lines 10-12) is the Badger "EyeOnWater®" tool. The following partial description was taken directly off of Badger Meter's website:

EyeOnWater® is a consumer engagement application that enhances the connection between utilities and their customers by providing direct access to water consumption data. It allows users to view and understand their usage profiles through easy-to-understand consumption graphs. The application is available exclusively through the BEACON® Software as a Service (SaaS) platform and enables customers to establish alerts to better manage their water use.

The application aims to promote water conservation by providing users with the tools to monitor and manage their water usage effectively.

Complainant is not recommending this as the solution and is not familiar with the costs and benefits of this tool but since the Respondent and Staff have not offered any information, offers this example to indicate that there are other tools already available that may address this critical need. Considering the ongoing problems identified with MyWater, particularly the long delays (at least 72 hours) in getting updated water usage data to the customer, this recommendation is likely the Complainant's most important recommendation for customers to manage water consumption and conserve a valuable resource (Brief of Complainant Jim Moriarty, page 27).

The Respondent has not addressed the costs and benefits of this Complainant request for an alternative to MyWater anywhere in this proceeding and the Staff has been remiss in not calling attention to that fact. Complainant stated in his Brief that he “feels this is **the most important issue in this case**” and asks that the Respondent be ordered to provide such capability to all customers with outside meters that they currently cannot get with the MyWater app.

Complainant requests that the Commission reconsider these two requests for relief first requested in the Formal Request (Exhibit 4, Formal Complaint, Section 6, B. and H.) and modified in Complainant’s Prefiled Testimony (Exhibit 1, Mr. Moriarty’s Prefiled Testimony, page 2, lines 30-37 and page 5, line 30 to page 6, line 13).

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

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Complainant

Case No. WC-2025-0204

v.

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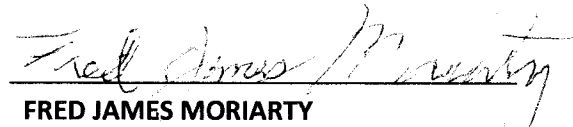
STATE OF MISSOURI

SS.

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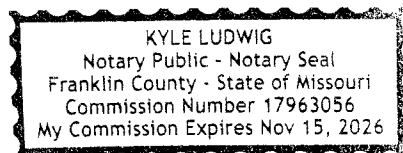
COMES NOW FRED JAMES MORIARTY, and on his oath declares that he is of sound mind and lawful age; that he contributed to the foregoing Brief; and that the same is true and correct according to his best knowledge and belief, under penalty of perjury.

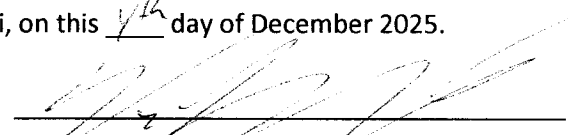
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FRED JAMES MORIARTY
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

JURAT

Subscribed and sworn before me, a duly constituted and authorized Notary Public, in and for the County of St. Louis, State of Missouri, on this 4th day of December 2025.




NOTARY PUBLIC
