

Complainant's Professional Bio

Complainant is a retired CPA and Management Consultant with five decades of experience in the public and private sectors. Complainant also helped four related Texas-based Wind Turbine manufacturers in marketing, represented one as an expert witness in an insurance claim, and actually held an equity position in two.

Utility Regulation

Complainant has testified before the Federal Energy Regulatory Commission (FERC); about ten state utility regulatory agencies, several more than once; and countless local boards and commissions; regarding oil pipelines, electric power, gas distribution, telephone, cable TV, water and wastewater. This expertise has also applied by Complainant to other industries including nursing home reimbursement rates for a state agency that had given the Complainant and his firm a contract to audit all nursing homes in the state. A nursing home manual published by the federal Department of Health, Education and Welfare (HEW) interestingly referred to the Hope and Bluefield Supreme Court cases when addressing nursing home financial returns. Complainant was also able to apply this expertise to a Midland, Texas data center interested in pricing its computer services to oil companies in a way that would stimulate more demand on its six mainframe computers during off-peak hours.

Complainant appeared several times as an expert witness before state regulatory commissions in the 1980s regarding the Public Utility Regulatory Policies Act, referred to as PURPA. This included investor-owned utilities and not-for-profit utilities like the Salt River Project in Arizona. Complainant actually drafted proposed law for one state regarding the implantation of PURPA by all electric and gas utilities in the state.

Complainant has prior experience with another American Water Works Company (AWWC) affiliate where he represented wholesale customers paying the AWWC affiliate the same price per gallon as the affiliate was charging its retail customers but, unlike its retail customers, the water was not being distributed to each home. Rather the communities that Complainant was representing had to build and

maintain their own distribution systems. After three consecutive rate cases over about five years, the affiliate reportedly adopted the Complainant's approach and the communities Complainant had represented actually received a rate decrease.

Complainant appeared before state regulatory agencies several times following AT&T's divestiture of the Bell System including one state in the early 1980s where he testified on changes to industry accounting and depreciation practices.

Complainant also testified before the MOPSC in the mid 1980s representing a major telecommunications company attempting to introduce competition, through a joint venture, into the Missouri telecommunications market. The local telephone companies resisted the concept but Complainant's client received a favorable order allowing the marketing concept to proceed as an unregulated business.

Computer Application Design and Implementation

Complainant has designed, programmed, tested, implanted, trained users, and provided ongoing support for a myriad of computerized apps. Complainant conducted dozens of computer audits and taught auditors on the use of a proprietary computerized audit tool for a major international accounting firm. That firm had hired Complainant from its own client even though it was against company policy after he served as chief architect of a statewide accounting system that the firm was engaged for assistance. This was one of three international firms had been engaged to assist with multiple integrated systems.

Complainant was hired as a Bureau Chief and Chief Fiscal Officer by the same state described in the previous paragraph shortly after getting his MBA from the University of Chicago to provide needed financial management and direct a major overhaul of the statewide Position Control and Payroll System. The overhaul was completed in six months while Complainant reduced his headcount by twenty-five percent (25% or about 40 positions) through attrition, exit interviews and the like.

Complainant provided project management and system design expertise for a St. Louis-based computer services company for more than thirty (30) years including the successful development and implementation of a successful internal

accounting system for the Missouri Department of Economic Development during the period when the Y2K panic gripped the nation.

Complainant's last engagement before retiring in 2010 was a multi-year engagement for an industrial city in California that started with credit management and a financial reporting system for the city's utilities (water, wastewater, electric and fiber optic) which was subsequently expanded to cover all city departments after the Director of Utilities became the City Manager.

Operational Audits and Investigations

Complainant was a project manager on a comprehensive review of the construction and operations of the Trans Alaska Pipeline System and testified before the FERC on the financing of the pipeline. Complainant wrote all the financial-related text for the FERC staff's 500 page brief at the lead attorney's specific request. This was the firm's largest and most profitable engagement for two consecutive years although Complainant's return to assist with the brief was as a private consultant after his employment with the accounting firm had ended.

Complainant spent several years with a major, diversified and international manufacturer performing operational investigations and financial audits of its operations in various parts of the world while obtaining his MBA at the University of Chicago. He spent a week reviewing and reporting on the Canadian operations in Toronto which resulted in an offer by the Canadian Controller to transfer to Toronto. When the company decided to move its audit staff to satellite offices to better serve the separate divisions within the company, Complainant was selected to manage the satellite office in the important Communications division.

Complainant also worked for appliance and business products manufacturers while attending night school to complete his undergraduate degree in Finance. The appliance manufacturing position was Complainant's first introduction to computerized billing and inventory control systems. The business products manufacturer position involved analyzing client operations and the design, programming of specific business applications and the implementation, testing, user training, and ongoing business and technical support of the final product.

Consumer Bill of Rights

An Overview

This flier is designed to provide residential customers with information regarding their rights under Chapter 13 of the Missouri Public Service Commission's rules and regulations.

As a residential customer of a utility regulated by the Missouri Public Service Commission you have certain rights. For example:

- If utility service is denied, the company must provide an explanation to you verbally and/or in writing for the refusal and advise you as to what steps are necessary to resolve the denial and to receive service.
- 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; and 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.
- A utility shall postpone service disconnection for a time not in excess of 21 days if the service disconnection will aggravate an existing medical emergency of the customer, a member of his/her family or other permanent resident of the premises where service is rendered. Any person who alleges a medical emergency shall, if requested, provide the utility company with reasonable evidence of the necessity.
- At least 24 hours before a service disconnection, a utility company shall make reasonable efforts to contact the customer to advise the customer of the proposed service disconnection and what steps must be taken to avoid it.

Important Weather Related Information

- Under the Missouri Public Service Commission's Cold Weather Rule, utilities cannot disconnect heat related utility service to customers when the National Weather Service predicts, for the following 24 hour period, that the temperature will drop below 32 Degrees Fahrenheit. This applies when the Cold Weather Rule is in effect from November 1 to March 31.
- Under the state Hot Weather Law, cooling related service cannot be disconnected when the National Weather Service predicts, for the following 24 hour period, that the temperature will rise above 95 Degrees Fahrenheit or that the heat index will rise above 105 Degrees Fahrenheit. The Hot Weather Law is in effect from June 1 to September 30.

Consumer Responsibility

When working with a utility regulated by the Missouri Public Service Commission, it is important the customer provide the following information:

- Name and proof of identification
- Service and mailing address
- Contact information

In order to establish or maintain service, the customer should:

- Pay a deposit if required
- Pay your bill on time
- Follow through on payment arrangements
- Provide the company access to their equipment
- Pay a bill correcting a previous under charge

While not required, you may want to contact the utility company several weeks before you move.

Consumer Services Unit

The Missouri Public Service Commission's Consumer Services Unit handles thousands of calls a year and saves Missouri customers involved in utility-related problems hundreds of thousands of dollars.

Specialists can help you with:

- Improper termination of utility service
- Incorrect or unauthorized charges on the utility bill
- Problems with reading the utility meter
- Customer deposits for utility service
- Poor service quality
- High bill complaints
- Problems with delayed service connection
- Problems with back billing



Missouri Public Service Commission

200 Madison Street • P.O. Box 360 • Jefferson City, Missouri 65102-0360
Website: psc.mo.gov **Email:** pscinfo@psc.mo.gov **Phone:** 1-800-392-4211



Attachment 3

Jim Moriarty <[REDACTED]>

MAWC complaint

Jim Moriarty [REDACTED]

Mon, Aug 5, 2024 at 10:39 AM

To: [REDACTED]

Jay,

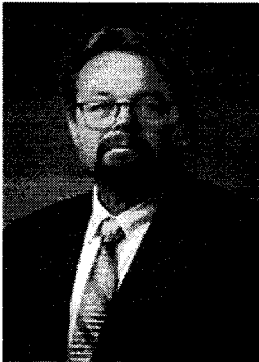
Thank you for your quick response. I appreciate your efforts and am willing to testify during the upcoming rate case hearings. Please keep me abreast of things leading up to those hearings. Do you have any idea when those hearings will be held?

Jim Moriarty

[REDACTED]

[Quoted text hidden]

PSC Divisions



Administration Division---Loyd Wilson, Director

The Administration Division is responsible for managing the Commission's human, fiscal and technical resources. The division has agency wide responsibilities with departments that are responsible for the annual budget, fiscal services and procurement, human resources and payroll. The human resources office includes a position dedicated to training, education and recruiting diverse and qualified job applicants.

The Public Policy and Outreach Department develops and distributes information to the media on agency activities, responds to media requests, and provides utility consumers with educational materials. The division's Legislative Director works closely with the General Assembly and utility representatives in addition to assisting with constituent inquiries. The Information Services Department is responsible for supporting all information technology aspects of the Commission, which requires customized applications, specialized equipment and the highest levels of data security.

The division also houses the Consumer Services Department, which serves as a clearinghouse for all utility consumer inquiries. Consumer Services investigates and responds to informal complaints to ensure compliance with Commission rules and utility tariffs. When a consumer has an issue that is not satisfactorily resolved after an initial contact with the utility, the consumer may call the Commission's consumer hotline (1-800-392-4211) for assistance.



Attachment 5

Jim Moriarty >

Missouri American Water

>
To: Jim Moriarty <>

Wed, Sep 25, 2024 at 3:37 PM

Mr. Moriarty,

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. The rules/tariff **do** require the company to provide certain information on its monthly billing statements to customers. That information is regulated by the PSC. Information the company provides, or fails to provide, on its website is outside our jurisdiction.

If you'd like, I can take a Consumer Comment from you with regard to the issue your having with the website and attach it to the company's current water rate case for PSC staff and commissioners to review. Let me know if you'd like me to file a Consumer Comment on your behalf.

[Quoted text hidden]

Missouri Public Service Commission

Commission Purpose and Responsibilities

Established in 1913, the Missouri Public Service Commission (Commission) has the statutory responsibility of ensuring that consumers receive safe and adequate service at just and reasonable rates. Those rates must be set at a level which will provide the companies' shareholders with the opportunity, not a guarantee, to earn a reasonable return on their investment. The Commission must balance a variety of often competing interests to ensure the overall public interest.

The Commission regulates investor-owned utilities operating in the state. The Commission also regulates the manufacturers and dealers of manufactured homes and modular units. In addition, the Commission regulates the state's rural electric cooperatives and municipally-owned utilities for operational safety. The Commission also oversees service territory issues involving investor-owned electric utilities, rural electric cooperatives and municipally-owned electric utilities as well as investor-owned water and sewer utilities and public water supply districts. Under federal law, the Commission also acts as mediator and arbitrator of local telephone service disputes regarding interconnection agreements.

The Commission does not regulate the cellphone industry, companies that provide Internet or paging services or cable television rates and services.

Virtually every Missouri citizen receives utility service — whether it is electric, natural gas, water, sewer or telecommunications — from a company regulated in some manner by the Commission.

Utility services and infrastructure are essential to the economy of Missouri. Services provide heating and cooling during extreme

temperatures. They offer access to emergency services and vital information systems. They provide safe drinking water and ensure the environmentally sound disposal of wastewater. Because these utilities fulfill these essential needs, the Commission must ensure the rate paying public that quality services will be available on a nondiscriminatory basis at just and reasonable rates.

The Commission has established standards for safety and quality of service to which companies must adhere. Routine and special investigations are conducted by the Commission Staff to ensure companies comply with those standards.

The Commission is both quasi-judicial and quasi-legislative. The Commission is responsible for deciding cases brought before it and for the promulgation of administrative rules and their enforcement. Many of the Commission's duties are performed in hearings of contested cases. Hearings are conducted in a trial-type setting using evidentiary standards of the Missouri Administrative Procedures Act.

The basic statutory provisions governing the Commission are contained in Chapters 386, 392, 393 and 700 RSMo. The Commission is funded through assessments of those entities the Commission regulates and not by general revenue.

RATE CASE PROCEEDINGS

Utility rate cases handled by the Commission perhaps have the most immediate impact on public utilities and the customers they serve. Rate cases are often both lengthy and complex and can, at times, draw much public attention.

The process begins when a utility files, with the Commission, new tariffs for authority to increase its rates. The Commission then, except in unusual or emergency situations, sets a schedule for hearing the case. In general rate

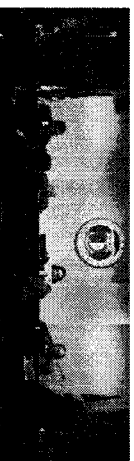
cases, the Commission has 11 months from the date a case is submitted to make a decision on that proposal. Less formal procedures apply for some smaller utilities and the process takes approximately 150 days.

Before any proceedings are held, the Commission Staff conducts an independent investigation into the company's books and records. This helps the Commission Staff provide the Commission with a recommendation as to the fair amount of profit the company should have an opportunity to earn and what amount of a proposed increase, if any, should be granted. This investigation can take several weeks or months. Other parties such as the Office of the Public Counsel, consumer groups, industries, and cities are also given an opportunity to present evidence on the proposed increase and take part in the proceedings.

Once the parties in a case file their written evidence, a prehearing conference is held. The parties meet at the prehearing conference to determine which issues are contested and which issues they may agree to settle.

HEARINGS, DELIBERATIONS AND DECISIONS

At formal evidentiary hearings, participants in the case present evidence to the Commission regarding their various recommendations. These hearings are very similar to civil courtroom proceedings and witnesses are cross-examined by other parties as well as Commissioners.



After the hearing is completed, a transcript of the hearing is filed and parties in the case file post-hearing arguments. When all the filings are

in, the entire record is before the Commission. Commissioners review that record in making their decision on the case.

Once a decision has been reached, the Commission announces that decision in a written report and order. That decision is subject to appeal to the courts by any of the parties in the case, except the Commission Staff.

COMMISSIONERS

The Commission consists of five commissioners who are appointed by the governor with the advice and consent of the Missouri Senate. The governor designates one member as the chairman who serves in the capacity at the pleasure of the governor. Commissioners are appointed to six-year terms. These terms are staggered so no more than two terms expire in any given year.

Organizational Functions of the Commission

The Commission is assisted by a staff of professionals in the fields of engineering, accounting, law, finance, management, economics and consumer affairs. Duties range from helping individual consumers with utility complaints to investigating multi-million dollar rate requests.

Commission Staff participates as a party in all cases before the Commission.

ADMINISTRATION AND REGULATORY POLICY DIVISION

The Administration and Regulatory Policy Division is responsible for managing the education Commission's human and fiscal resources. The division has agency-wide responsibilities with units that are responsible for the annual budget, fiscal services and procurement, human resources and payroll.

The Regulatory Policy and Public Information Unit, a unit of the division, develops and distributes information to the media on agency activities, responds to media requests, and provides utility consumer education materials. The Outreach and Diversity Officer is also within the division. The Outreach and Diversity Officer is responsible for consumer outreach and education events.

The Legislative Coordinator, the agency's primary contact person with the General Assembly, is assigned to this division and assists in responding to constituent inquiries. The Consumer Services Unit is also a part of the division. The Consumer Services Unit is the clearinghouse for all utility consumer inquiries. Consumer Services investigates and responds to complaints to ensure compliance with Commission rules and utility tariffs. When a consumer has an issue that is not satisfactorily resolved after an initial contact with the utility, the consumer may call the Commission hotline (1-800-392-4211) for assistance.

The Commission's Information Technology (IT) Unit is also a part of this division.

GENERAL COUNSEL DIVISION

The General Counsel is authorized by statute to represent the Commission in all actions and proceedings, whether arising under the Public Service Commission Law or otherwise. Attorneys in the General Counsel's Office appear in state and federal trial and appellate courts on behalf of the Commission. When authorized by the Commission, the General Counsel seeks civil penalties from persons or companies that have violated the Public Service Commission Law or the Commission's regulations or orders. The External Litigation Department manages and processes these cases. The General Counsel also provides legal advice to the Commission and each Commissioner as requested.

The Regulatory Analysis Department, within the General Counsel's Division, represents the Commission's interests in various forums related to federal energy issues, including those before the Federal Energy Regulatory Commission (FERC),

along with providing analysis on policy issues facing the Commission.

SECRETARY OF THE COMMISSION

The Adjudication Department is the Commission's quasi-judicial component. Regulatory law judges within the Adjudication Department handle cases from their filing until their resolution. The judge assigned to a case presides over the hearing, rules on objections and motions, and drafts orders as directed or delegated by the Commission. The Secretary of the Commission is statutorily responsible for the records of the Commission and, acting through the Data Center, manages, maintains and preserves the official case files, tariffs and other official documents of the Commission. The Secretary, again acting through the Data Center, receives all incoming pleadings and issues all Commission orders.

The Data Center is responsible for managing and maintaining the Commission's records and ensuring that the official Commission files are accurate and complete.

COMMISSION STAFF DIVISION

The Staff Director is responsible for leading all departments of the Commission's Staff. The position supervises and coordinates a number of PSC Staff functions including rate cases, complaints, tariff filings, certificate applications, rulemakings and investigatory dockets. The Operational Analysis, Staff Counsel, Auditing, Energy Resources, Water and Sewer, Manufactured Housing and Telecommunications Departments are a part of the Commission Staff Division.

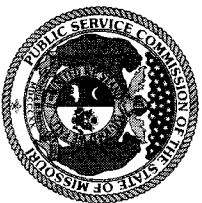
The Commission Staff Division supports the Commission in meeting its statutory responsibilities by providing technical expertise in safety, utility rates, tariffs, rules and regulations; economic analysis; engineering oversight and investigations; and construction inspections.

Commission Staff provide expertise in the areas of utility accounting, auditing,

engineering, finance, management and natural gas procurement. Staff members perform audits, examinations, analyses and review the books and records of the utilities providing service in Missouri.

The Commission Staff Division is also responsible for investigating and responding to consumer complaints and making recommendations to the Commission regarding their resolution. The Commission Staff Division accomplishes its mission by making recommendations to the Commission in the form of expert testimony, formal recommendations and presentations.

Attorneys in the Staff Counsel's Department represent the PSC Staff in administrative matters before the Commission. The Staff Counsel's Department also provides legal advice to the PSC Staff.



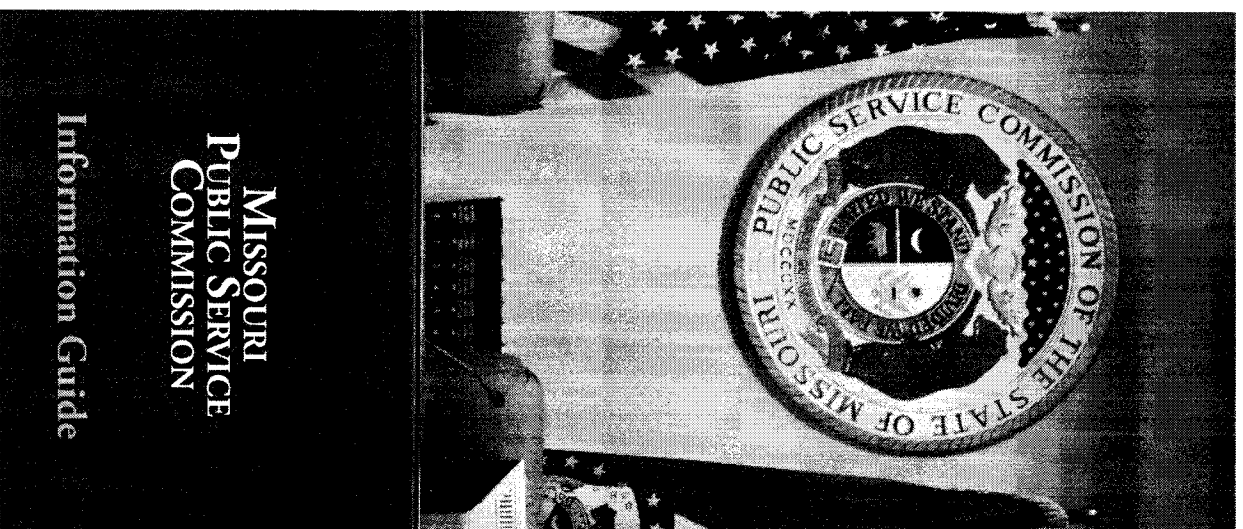
Missouri Public Service Commission

200 Madison Street, P.O. Box 360
Jefferson City, Missouri 65102-0360

Website: www.psc.mo.gov
Email: pscinfo@psc.mo.gov
Phone: 1-800-392-4211



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MISSOURI
PUBLIC SERVICE
COMMISSION

Information Guide

BURDEN OF PROOF IN CIVIL CASE

Question: What is the burden of proof in a civil case?

Open AI ChatGPT:

In a U.S. civil case, the **burden of proof** is typically “**preponderance of the evidence.**”

Preponderance of the Evidence (standard in most civil cases)

This means that a party must show that their claim is **more likely true than not true**—even just **51%** persuasive.

It is the lowest burden of proof in the U.S. legal system.

Higher Burden in Some Civil Matters

Certain types of civil claims require a higher standard called “**clear and convincing evidence.**” This is used in cases involving:

- Fraud
- Punitive damages
- Termination of parental rights
- Some types of injunctions

“Clear and convincing” means the evidence must show the claim is **highly probable**, though still less demanding than the criminal standard.

Who Has the Burden?

- The **plaintiff** generally has the burden to prove each element of their claim.
- The **defendant** carries the burden for any **affirmative defenses** (e.g., self-defense, statute of limitations).

Microsoft Copilot:

In a civil case, the burden of proof is typically “*by a preponderance of the evidence*”, meaning the plaintiff must show that their claims are more likely true than not. This is a lower standard than in criminal cases, where guilt must be proven *beyond a reasonable doubt*.

□ □ Detailed Explanation

- **Definition:** The *burden of proof* is the legal obligation placed on a party to prove the facts they assert in court. In civil cases, this responsibility usually falls on the **plaintiff** (the person bringing the lawsuit).
 - **Standard in Civil Cases:**
 - The plaintiff must prove their case by a **preponderance of the evidence**.
 - This means the evidence must show that it is *more likely than not* (greater than 50% likelihood) that the claim is true.
 - Example: If a jury believes there's a 51% chance the plaintiff's version of events is correct, the plaintiff meets the burden.
 - **Contrast with Criminal Cases:**
 - Criminal cases require proof **beyond a reasonable doubt**, a much higher threshold.
 - Civil cases use a lower standard because they typically involve disputes over money, contracts, or rights rather than criminal punishment.
 - **Two Components of Burden of Proof:**
 - **Burden of Production:** The obligation to present enough evidence to support a claim.
 - **Burden of Persuasion:** The obligation to convince the judge or jury that the claim is true under the applicable standard.
 - **Other Standards in Civil Law:**
 - In some civil matters (like fraud or certain constitutional claims), courts may require “**clear and convincing evidence**”, which is a higher standard than preponderance but lower than beyond a reasonable doubt.
-

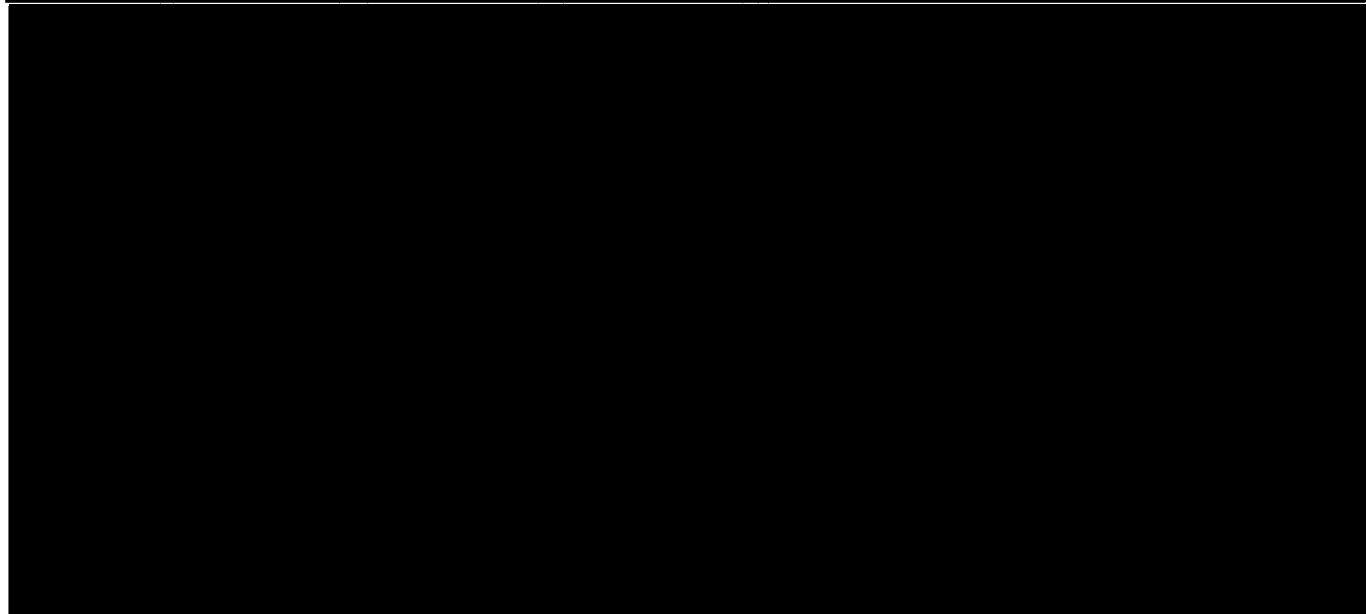
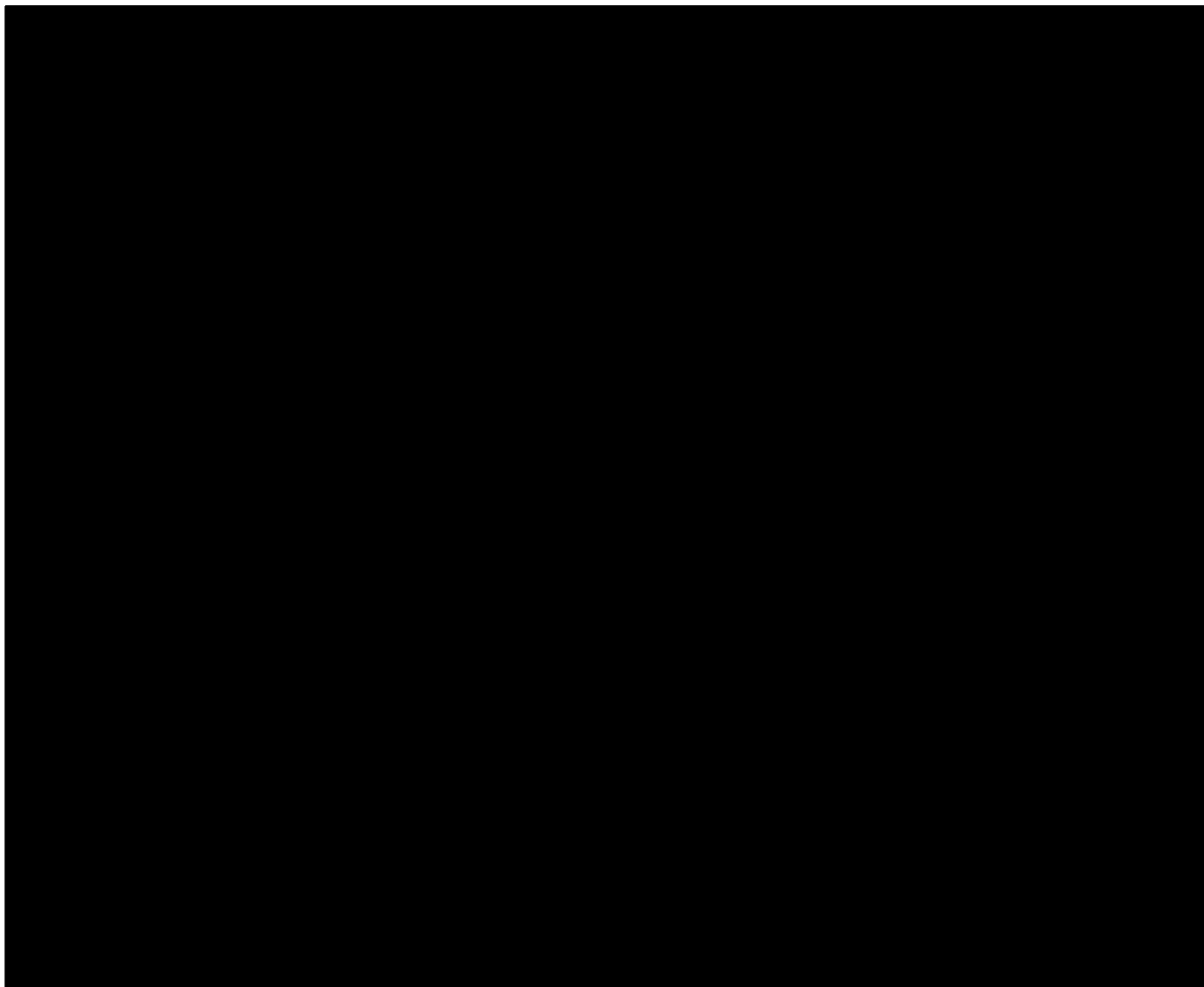
□ Key Takeaways

- Civil cases rely on **preponderance of the evidence** (more likely than not).
- The plaintiff carries the burden of proof, though defendants may bear it for certain defenses.
- Standards can vary: *preponderance* (most common), *clear and convincing* (special cases), and *beyond a reasonable doubt* (criminal only).



AMERICAN WATER

Attachment 8, page 1



AMERICAN WATER

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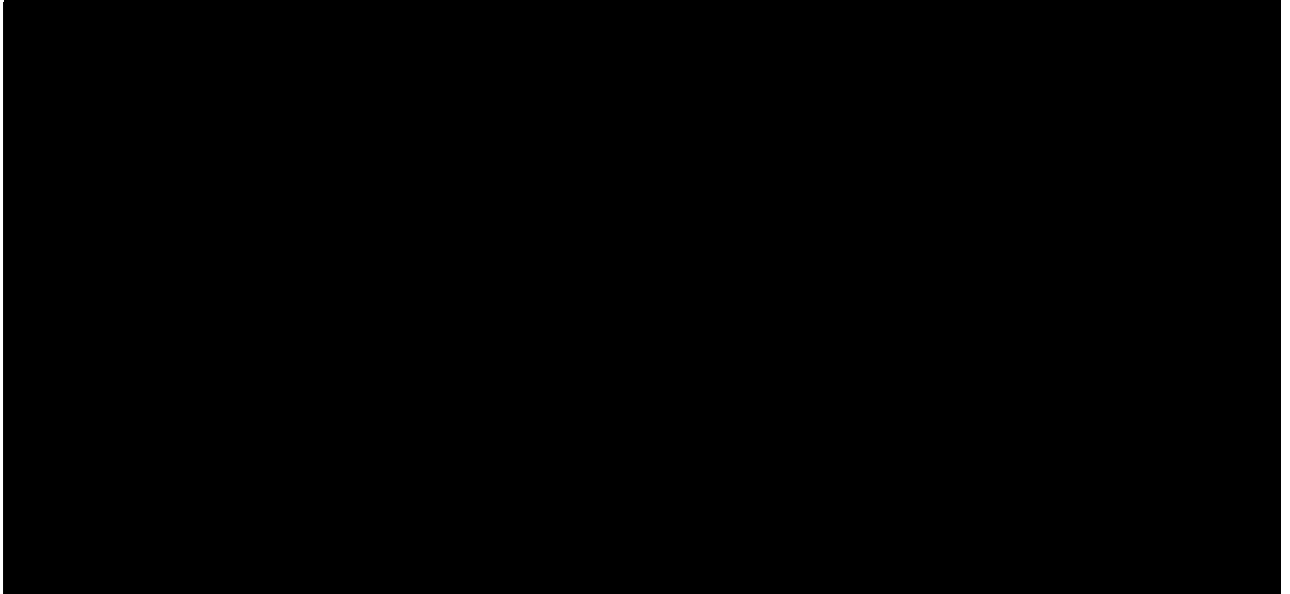


AMERICAN WATER

Attachment 8, page 2

USAGE OVERVIEW

30 Days - Graph





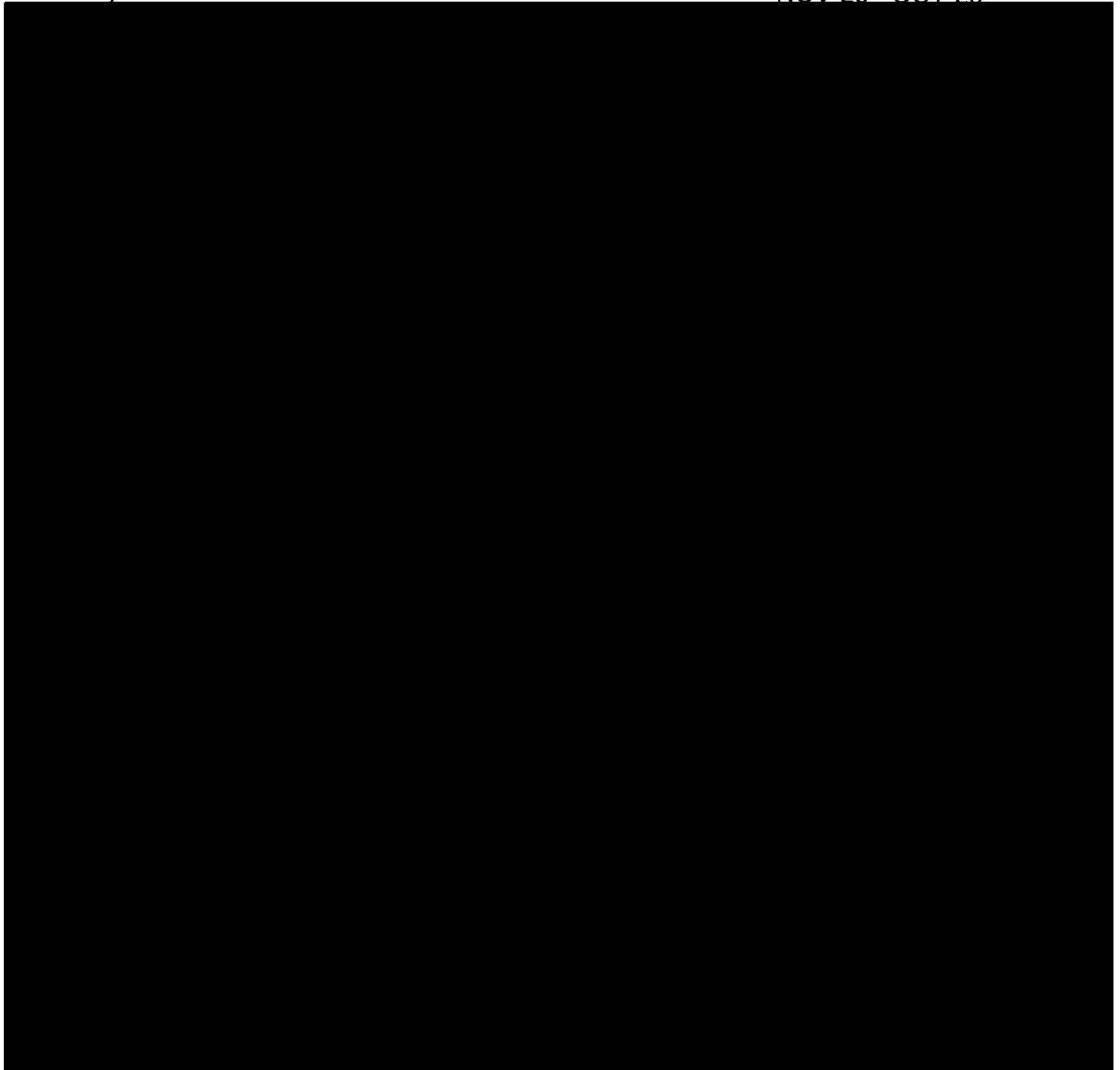
AMERICAN WATER

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USAGE OVERVIEW

30 Days

NOV-23 - OCT-25



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.



AMERICAN WATER

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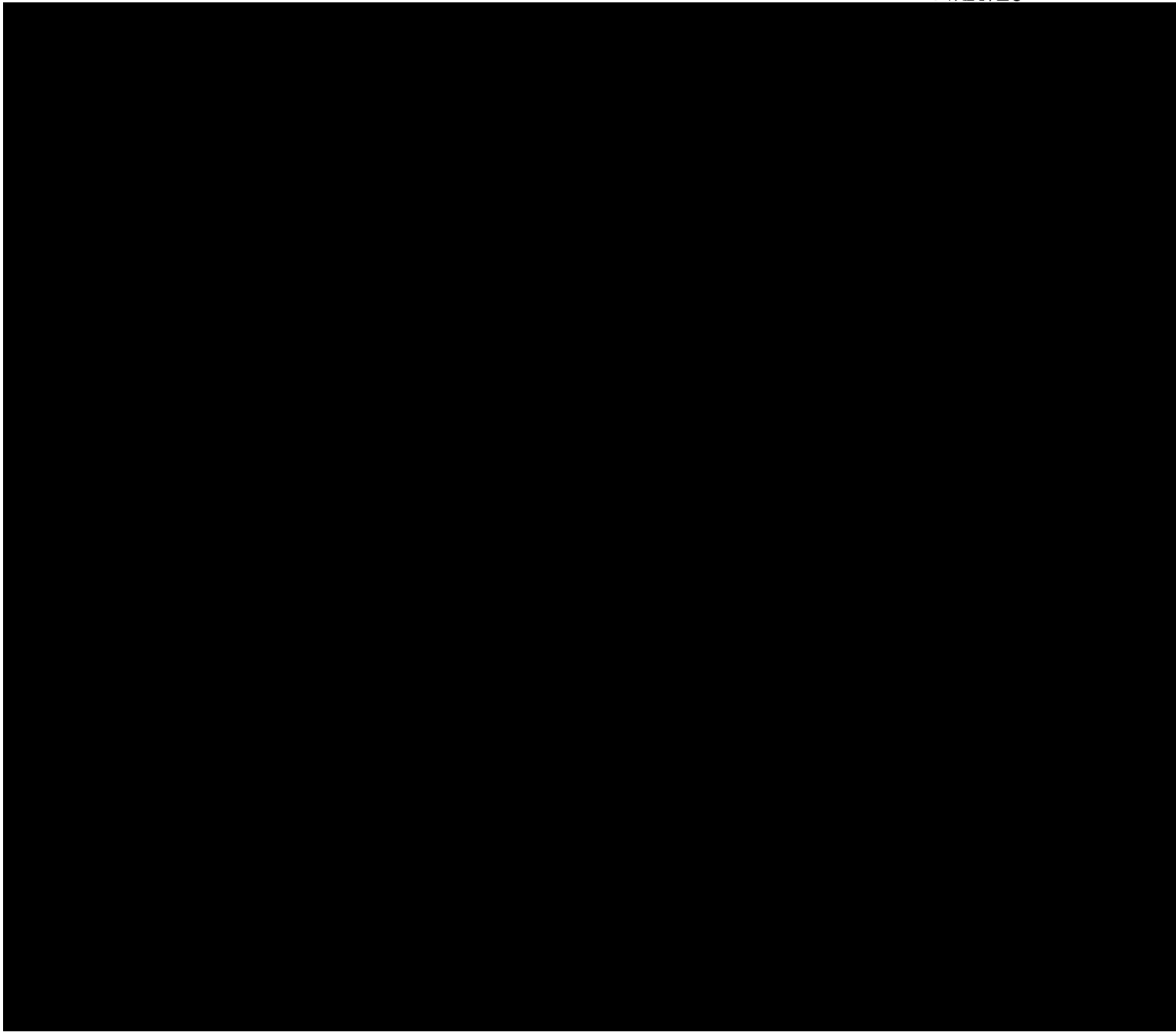
AMERICAN WATER

Attachment 9, page 2

USAGE OVERVIEW

24 Hours

11/23/25



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.



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