

FILED

JUN 24 2026

FORMAL COMPLAINT FORM

Missouri Public
Service Commission

Attach extra pages as necessary.

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

TIMOTHY D'LEARY
(Your name here)

Complainant,

v.

File No.

MISSOURI AMERICAN WATER CO.
(Utility's name here)

Respondent,

(PSC fills this in)

FORMAL COMPLAINT

1. Complainant resides at:

[REDACTED]
(Address of complainant)

[REDACTED] MO [REDACTED]
(City) (State) (Zip Code)

2. The utility service complained of was received at:

a. Complainant's address listed in paragraph 1.

b. A different address:

[REDACTED]
(Address where service is provided, if different from Complainant's address)

[REDACTED] [REDACTED] [REDACTED]
(City) (State) (Zip Code)

Public

03 117
191 101
3. Respondent's address is:

727 CRAIG ROAD

(Address of complainant)

ST. LOUIS
(City)

MO
(State)

63141-7114
(Zip Code)

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

5. The amount at issue is: \$
(If your complaint is about money state how much is in dispute here.)

6. Complainant now requests the following relief:

(Explain what you want the Commission to do: the specific results you are seeking in this complaint.)

EVIDENTIARY REVIEW REQUESTED IN SUPPORT OF
CLAIM OF WRONGFUL PROCESS - MONEY IS NOT THE ONLY
ISSUE BUT RECORD SHOULD BE CORRECTED
AND UTILITY'S CONDUCT MADE KNOWN TO THE PUBLIC

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

(Explain why the Commission should grant the relief you seek: the facts that constitute a violation of a statute, tariff, or Commission regulation or order.)

LEAKAGE AS VERIFIED BY RESPONDENT
WRITTEN OFF AS SINGULARLY RELATED TO METER
ACCURACY IN DISPUTE SINCE OTHER FACTORS
FOR REVIEW MAY POINT TO PROCESS AND
ISSUES ENDemic TO CURRENT POLICY AND PRACTICE

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

(Please describe in detail what steps you have already taken to resolve this complaint.)

AS DESCRIBED ATTACHED
1) INFORMAL COMPLAINT SENT VIA EMAIL 5/22/26 TO COMMISSION AFTER RESPONSE TO APPOINTMENT REQUESTED 5/7/26 WAS INSIGNIFICANT BENT A READING KNOWN TO CONFIRM MEASUREMENTS ALREADY MADE BY COMPLAINANT BUT WHERE BILLABLE AMOUNTS WERE 400% MORE THAN ORDINARILY SO. NO EVIDENCE OF TOILET MALFUNCTION TESTED BY COMPLAINANT. NO EVIDENCE OF OTHER LEAK.
2) SECOND APPOINTMENT REQUESTED TO FULL METER AND TEST WHICH TRANSPIRED JUNE 1, 2026 TESTED & CONFIRMED ACCURATE THAT WEEK - NOT BEING NECESSARY AS NOT IN DOUBT BUT DONE SO TO MITIGATE NEXT STEP FOR MOVING TO HEAR COUNTER ARGUMENTS IN KEEPING WITH STATUTORY PROVISION IN ACCORDANCE WITH A SMALL FORMAL COMPLAINT. ONLY MONEY IN QUESTION IS A REFUND REQUESTED TO CORRECT BILL.

June 22, 2026
Date

Timothy O'Leary
Signature of Complainant

Complainant's Phone Number

TIMOTHY DUANE O'LEARY
Complainant's Printed Full Name

NONE
Alternate Contact Number

Complainant's E-mail Address

Attach additional pages, as necessary. Attach copies of any supporting documentation. Do not send originals of any supporting documentation.

TITLE: O'LEARY v. MISSOURI PUBLIC WATER COMPANY

COMPLAINANT: TIMOTHY D. O'LEARY, OWNER/OCCUPANT

Service Address:

Daytime Phone:

Contact E-Mail:

Account Number:

RESPONDENT: RICHARD SVENDLAND, PRESIDENT

Public Utility: MISSOURI AMERICAN WATER COMPANY

Headquarters:: 727 CRAIG ROAD

SAINT LOUIS, MO 63141-7114

No Direct Phone: 1-866-430-0820

Contact E-Mail:

REQUEST FOR REMEDIATION OF WRONGFUL PROCESS

1. Pursuant to the laws of Missouri, Mr. Timothy O'Leary of [REDACTED] a.k.a. "Complainant" and owner/occupant of the subject property appearing *pro se* in this matter charges Respondent(s) who are Officers of the Missouri American Water Company (MAWC) a.k.a. "the Company" with failing to insure that fees for services are monitored accurately and fairly in a manner that is consistent with normal usage.
2. That, further, electronic means were available to alert occupant on- or off-premises to the potential for catastrophic property damage caused by a significant leak that was reported to exist for a continuous duration of three days and presumed to be ongoing. Whereas the only action Respondent took claiming its civic duty was to inform account holders of impending higher bills was sending a letter that would not arrive until nine days later. Opened the following day since envelope was not marked urgent

intervention as could affect abatement in a timely manner was not possible. Complainant therefore charges that Respondent did knowingly withhold critical, time-sensitive information putting its own corporate mandate to make a profit above fulfilling an obligation to adequately provide for the protection of the Public's welfare.

3. Complainant alleges that accounting methodology and billing procedures based upon Advanced Metering Infrastructure (AMI) read by C4E and meter reading by utility-SAP is likely moreover to be suspect leading to a reported spike (a false-positive anomaly) for the May billing cycle that is *not subject to actual usage verified alone by meter accuracy* as the Company contends. While previous end-point drive-by data collection using Automated Meter Reading (AMR) never resulted in any such anomaly prior to being discontinued in 2018.
4. Complainant's marginalized income status which has been largely dependent upon Social Security and which accounts for discounted assistance from the Metropolitan St. Louis Sewer District (MSD) will be negated; an episodic increase for Company's water usage record raising annual waste water discharge fees disproportionately also.

FACTS OF THE CASE:

5. Specifically, a metering anomaly occurred starting at 11:15 p.m. on April 23, 2026 triggering auto-notification three days later of a letter of alert for what Respondent alleges was likely unchecked water flow due to a leaking toilet (EXHIBIT: 1). Resulting in an approximate expenditure of 19 gals/hr. (460 gals/day as reported by technician) running continuously unnoticed and unabated for 7 (seven) days through April 30; amounting to spike in

reported usage of approximately 3,220 gallons. Whereupon service charges for the period of May went from a monthly average of 9 units (1 unit = 100 gallons) from January through April reduced 29% versus the same period in 2025—to 36 units for May—3,600 gallons (EXHIBIT: 2). Returning customarily to lower usage again for June of just 700 gallons (EXHIBIT: 3).

6. Mailed letter (an alert enclosed though not stamped urgent as such on the envelope) was dated April 27, 2026 stating excessive volumes of water were being used “for at least three continuous days.” Notifying Complainant further that customer action was necessary to “prevent recurring high bills.” The letter was not received until 9 (nine) days later on May 6.
7. Commission’s letter in follow-up June 8, 2026 states that Respondent reported as per quote: “consistent water usage” which was subsequently clarified by the representative who wrote the letter to mean usage that was “inconsistently high” and which occurred continuously from April 23 to April 30, 2026 (EXHIBIT: 4).
8. Seniors who are retired and predisposed to extended travel—or who may be receiving care elsewhere—are least capable of responding to an alert in the form of a letter. Whereas they can receive emails anywhere via smartphone as provides a contingency for others to intervene proactively at the earliest to minimize potential for water damage. As is stated on MyWater in bold red type: “Emergency Alert notifications will always be sent regardless of whether you opt in for General Alerts or Service Order notifications” (EXHIBIT: 5). This being the case only two weeks later due to a water main break on May 15, 2026 at 2 p.m. when an email was sent

advising occupants of an alert for the affected region (including Complainant) that emergency repairs would require 8 hours to complete (EXHIBIT: 6).

9. Unless statutory regulations exists pertaining to the manner in which public utility customers are permitted to be contacted (these being unknown to Complainant) the Missouri Public Service Commission (MPSC) a.k.a. "the Commission" is asked to consider whether Company policy and action by Respondent was sufficient failing to be performed within a timely and responsibly prudent manner.
10. Upon reading the alert a meter reading totaling 60,586.42 gallons was taken by Complainant at 12:45 p.m. on May 7—being also the designated end-date for the monthly billing period. Since digital measurement in real time showed no incremental ongoing read-out, a self-test for accuracy was subsequently performed showing 4.3 gallons of usage for a flushed standard-volume toilet. This was followed by a dye test confirming that both the standard- and low-volume toilets were sealed tightly; no passive intrusion from either tank into the bowl in accordance with properly-seated flappers—whereupon a service technician was urgently requested to immediately investigate the problem but which would take another two weeks to respond.
11. After only 10 minutes on May 22, 2026 at 8:15 a.m. technician confirmed what was a last-minute measurement taken prior to his arrival of 60,978.87 gallons a.k.a. 609 units; normal usage of 26.1 gals/day versus occupant's reading 15 days previously as per Badger meter ID [REDACTED] His findings resulted in a form letter of May 26, 2026 the Company summarily

dismissing any inaccuracy of the meter in defense of questionable billable amounts.

12. Prior to technician's arrival, no physical evidence of accumulated water from a prolonged leak was ever shown to exist: Either by surface pooled amounts between the meter located near the front streetside sidewalk; nor along water line running to the house; nor at the only outside spigot where no sprinkling operation is attached or is existent underground; nor under an interior crawlspace that was dry where all plumbing connections were diligently accounted for.

13. For either toilet that is used frequently multiple times per hour, water at 65 psi is readily audible running through pipes inside a wall located in close proximity to a shared open-space living area of 720 square feet. Affording ample opportunity to simultaneously intervene and close-off a leak within minutes and at most a matter of hours should occupant vacate the premises. Which moreover in the latter sense was not the case during the reported overage event. After 28 (twenty-eight) years since taking ownership of subject property including 13 (thirteen) years since the utility switched to MAWC no problem of such magnitude has ever before been reported. Fully 15.3X (1,530%) as much water allegedly used as was normally accounted for during a typical seven-day period.

14. His job ticket for a reading performed as minimally authorized, technician advised Complainant to reschedule with customer support since he could proceed no further; another more-qualified technician as could be summoned to pull the meter for a bench-test. This being scheduled immediately upon his departure whereupon protocol was discussed that if

tested accurately no other recourse was available to Complainant being so aggrieved but to file a formal complaint with the Commission.

15. Ten more days elapsed when at 8:00 a.m. on June 1, 2026 another reading verified usage of 61,262.70 gallons—24 gallons used to clean a deck (in preparation of restraining every three years) added to the usual daily amount of 26.1 gallons. When Complainant informed the technician of protocol as discussed that a meter switch-out was to be performed—not just a repeated reading—he relented somewhat before calling operations to clarify authorization to pull the older Badger meter in question ID #27302012 replacing it with a new one [REDACTED]. Neither of which appeared on MyWater inconsistency at that time duly submitted as shown on site as ID [REDACTED] for May and June; update to new meter ID still not indicated as of June 22, 2026 (EXHIBITS: 7a, 7b, 7c, 7d, 7e).

16. Whereas the original meter tested positively as being verified for accuracy of 98.9%, Commission's letter dated June 8, 2026 and received June 12 stated the matter was concluded and no other such action was pending unless a hearing was granted after filing a formal complaint; pleadings for relief less than \$3,000 being specified for consideration as a small formal complaint. Which applies to these proceedings since no damages occurred, nor any excessively so, as would otherwise presume to infer property casualty liability due to delayed notification.

PRESUMPTION OF RIGHTFUL APPEARANCE:

17. Amounts as are trivial by comparison, notwithstanding, Complainant's intent is *not* to frivolously exacerbate Commission's docketed caseload. Neither underestimating further that a de minimus petition for excusal will

be filed. To the contrary, if only to obtain symbolic relief out of principle as may be adjudicated and resolved for the sake of public interest and for the record, Complainant remains committed to holding Respondent accountable for referring to customers self-righteously as their "trusted" water service provider. Failing it would appear to rectify wrongful process which suggests an endemic problem being known internally collecting improperly-inflated fees until only such time as discovery provides statutory relief.

FACTS IN DISPUTE AS CONSTITUTES VERIFIED LEAKAGE:

18. Complainant contends that causal factors beyond uncontrolled actual water usage could reasonably account for a spike a.k.a. "an anomaly." Discrepancies within reason should not be wholly ruled out: e.g. electromechanical metering interference due to power surges from lightning; or, an isolated software glitch in data collection, in file generation, in transfer, in reading etc. which results in a false-positive overage being ledgered nonetheless as final.
19. When an indeterminate source of a leak cannot be physically accounted for, Complainant contends that a leaking toilet becomes the Company's de facto justification for automated up-charging since it happens frequently enough affording plausible deniability of anything other than a meter's accuracy after-the-fact. A practice which constitutes possible predatory conduct adding to Company's considerable non-competitive advantage being a monopoly and which persists as perfectly defensible since proof otherwise requires independent investigation that is prohibitively complicated and expensive.

20. Given the considerable software engineering resources and IT expertise of the nation's largest public utility serving 14 states, anomalies must certainly be documented that occur frequently enough removed altogether from what—if no other source being known—is the obligatory "leaking toilet." As is relevant to this case and presumed a significant number of others like it, and for the sake of transparency by Missoni's trusted provider of water services, Complainant challenges Respondent to provide such records for review to determine whether policy and practices may require greater regulatory oversight and reform.

PLEADINGS IN SUMMARY FOR RELIEF:

21. Based upon the aforementioned presumptions claiming possible wrongful process, Complainant asks that the Commission consider the merits of this case presented herein weighing such outcome as may justify investigation into the matter further. Pending discovery as favors a decision providing for remediation, Complainant's petition for relief includes the following:

- 1) 3,600 gallons billed for and paid in the amount of [REDACTED] adjusted to 900 gallons which amounts to [REDACTED] (January being same) reflecting a refund of [REDACTED]. Based upon an average monthly usage rate of 30 gallons per month over a period of 30 days equal to 9 units (900 gallons). From a computed average of 966 gals/day for December 2025-June 2026 (excluding the 2,700-gallon overage for May).

- 2) An adjustment to usage stated for permanent utility record of 3,600 gallons revised for May to show 900 gallons which is integrally linked to MSD for establishing its structured annual rate. Respondent shall submit documentation as proof copying the Commission and all parties so that revised historic data can be verified and taken fully into account.
- 3) Any other corrective action being so ordered by the Commission which benefits the greater public good whose ruling by virtue of careful review shall be deemed therefore to be final and fair.

AFFIDAVIT:

Under penalty of perjury, I hereby declare and affirm that the above stated facts, to the best of my knowledge, are true and correct.

DATED this 22nd day of June 20 26

Timothy Duane O'Leary
Signature

Timothy Duane O'Leary
Printed Name

O'LEARY

CERTIFIED MAIL



9589 0710 5270 4201 6551 10

Retail



RDC 99



65102

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FCM LG ENV
SAINT LOUIS, MO 63141
JUN 22, 2026

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SECRETARY OF THE MISSOURI PUBLIC SERVICE COMMISSION

ATTN: DATA CENTER

P.O. BOX 360

JEFFERSON CITY, MO 65102-0360

RECEIVED

JUN 24 2026

MO PUBLIC SERVICE COMMISSION
MAIL ROOM