

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

Andrew J. Norris,

Complainant,

v.

Missouri-American Water Company,

Respondent.

Case No. WC-2026-0372

MOTION TO DISMISS

COMES NOW Respondent Missouri-American Water Company (“MAWC”), by and through counsel, and for its *Motion to Dismiss*, states as follows:

1. On June 24, 2026, Complainant Andrew J. Norris filed his *Formal Complaint* against MAWC, seeking money damages based on his contention that MAWC installed a faulty master water shutoff valve that did not in fact shut off the flow of water, resulting in burst pipes, significant flooding, and related damage.

2. The allegations in the *Complaint* are grounded in a theory of simple negligence: the Company has a duty to install properly functioning equipment; it breached the duty in Complainant’s case; and that property damage was the direct result. The Missouri Supreme Court has stated, “[t]he claim involved in this case is a pure claim for damages. It had no place before the Public Service Commission.” *State ex rel. Missouri Pacific Railroad Co. v. Public Service Com.*, 303 Mo. 212, 219, 259 S.W. 445, ___ (banc 1924). The Court has explained on multiple occasions, “[t]he Public Service Commission is an administrative body only, and not a court, and hence the commission has no power to exercise or perform a judicial function, or to promulgate an order requiring a pecuniary reparation or refund.” *Straub v. Bowling Green Gas Co.*, 360 Mo. 132, 138, 227 S.W.2d 666, ___ (1950); *State ex rel. Laundry, Inc. v. Public Service*

Commission, 327 Mo. 93, 112, 34 S.W.2d 37, 46 (1931); *May Dept. Stores Co. v. Union Electric Lt. & Power Co.*, 341 Mo. 299, 107 S.W.2d 41, 57 (1937); *State ex rel. Rutledge v. Public Service Commission*, 316 Mo. 233, 239, 289 S.W. 785, 787 (1926). "The commission 'has no power to declare or enforce any principle of law or equity' * * * and as a result it cannot determine damages or award pecuniary relief." *Straub v. Bowling Green Gas Co., op. cit.*; *American Petroleum Exchange v. Public Service Commission*, 172 S.W.2d 952, 955 (Mo. 1943). It follows that the Commission lacks subject matter jurisdiction to adjudicate Complainant's negligence claim and lacks subject matter jurisdiction to award money damages. Any negligence claim for property damage is not proper for the Commission to determine because it cannot award damages and such claim is appropriate in other jurisdictional venues including circuit court. █

3. Under the so-called Primary Jurisdiction Doctrine, "[it] has been held that matters within the jurisdiction of the Commission must first be determined by it, in every instance, before the courts will adjudge any phase of the controversy." *State ex rel. Cirese v. Ridge*, 345 Mo. 1096, ___, 138 S.W.2d 1012, 1015 (banc 1940). As the Court stated, "If they are operating a public utility, the Public Service Commission, has jurisdiction of the subject matter" *Id.*, at 1014. That doctrine, however, is satisfied here by the filing of Mr. Norris' *Complaint* before the Commission and the Commission's subsequent dismissal without prejudice on its determination that it lacks jurisdiction of the cause of action and the remedy, allowing Complainant to then seek redress in the circuit court. █

4. Dismissal of this case without prejudice will not prejudice the Complainant's ability to seek a remedy in the proper forum. Likewise, dismissal will serve the purpose of administrative economy because the Commission and parties will not waste their limited resources pursuing this matter before a tribunal that has no power either to hear it or to grant a remedy.

WHEREFORE, for the reasons stated above, Respondent moves the Commission to dismiss this case without prejudice so that Complainant may bring his suit in circuit court; and grant such other and further relief as is just in the circumstances.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic mail to all parties of record, this 27th day of July 2026.

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