

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

Rebecca Stark,	)	
	)	
Complainant,	)	
	)	
v.	)	<u>Case No. WC-2026-0290</u>
	)	
Missouri-American Water Company,	)	
	)	
Respondent.	)	

**RESPONSE OF MISSOURI-AMERICAN WATER COMPANY
TO THE STAFF REPORT AND RECOMMENDATION**

COMES NOW Respondent Missouri-American Water Company (“Missouri-American,” “MAWC,” or “Company”), by and through counsel, and in compliance with the Commission’s *Order* of July 10, 2026, tenders its *Response* to the *Staff Report and Recommendation* (“*Staff Report*”) filed by the Commission Staff on July 2, 2026, stating:

Procedural Background

1. On April 23, 2026, Complainant Rebecca Stark (“Complainant” or “Ms. Stark”) filed a formal *Complaint* with the Commission asserting that the Company had violated Commission Rule 20 CSR 4240-13.024¹ by “installing 2 faulty meters (or faulty readings) at my residence which resulted...in extra charges for water and...extra charges on my Metropolitan St. Louis Sewer District bill.” As a remedy, Ms. Stark sought “reimbursement for these amounts and an apology for the way I was treated as an honest customer.”

2. The Company filed its *Answer* on May 26, 2026, denying that it had installed faulty meters or relied on faulty readings, denying that its bills tendered to Ms. Stark were incorrect, and

¹ There is no such rule. Chapter 13 of 20 CSR 4240 is entitled “*Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities.*” The Company cannot determine which provision of this chapter was intended by Ms. Stark.

further stating that its bills tendered to Ms. Stark were based upon actual usage measured by meters that were tested and found to be accurate.

5. Staff filed a *Preliminary Report* on June 15, 2026, and, after obtaining an extension of time, Staff filed its *Report and Recommendation* on July 2, 2026. In its *Preliminary Report*, Staff noted that Ms. Stark disputed the usage billed by the Company, requested inspections, and disagreed with Missouri-American's explanations concerning possible leaks or toilet-related usage at the premises. Staff also noted that the Company installed meters at the residence on January 7, 2024, and May 20, 2024; that its inspections found the meter operating properly; that its representatives did not observe leaks during their visits; and that its charges to Ms. Stark were based on actual meter readings. In the *Staff Report*, Staff noted that certain evidence supported Ms. Stark and certain other evidence supported the Company. Staff recommended that the matter proceed to hearing so the Commission could determine the weight to accord to the evidence and judge the credibility of the witnesses.

6. On July 10, 2026, the Commission granted the Company an extension up to and including August 10, 2026, to file its *Response to the Staff Report*. This filing complies with that Order.

7. MAWC's *Report*, attached as Appendix A, is designated Confidential in its entirety pursuant to Rule 20 CSR 4240-2.135(2)(A)1.

Summary of Company Response

8. Missouri-American states that the balance of the credible evidence in this case supports the Company rather than Ms. Stark. The meter was tested and found to be accurate and the charges to Ms. Stark were based upon actual readings of her water usage. Ms. Stark contends that she was not living in the house at the time and could not have used so much water on her occasional visits;

that there was no leak or malfunctioning toilet flapper; that the premises has no sprinkler, pool, or other water-using device subject to malfunction; and that the Company's bills are therefore wrong. The Company has no burden of showing where the water went; rather, it is Ms. Stark's burden to show that the bills are incorrect.² She has not sustained that burden.

9. Pursuant to the Company's tariff, "The Company's installed meter shall be the standard for measuring and/or billing water service." P.S.C. MO. No. 13, Rule 15A, 1st Revised Sheet R 32, Cancelling Original Sheet R-32, eff. Aug. 21, 2020. The Company's approved and filed tariff is binding on the customer, the Company, and the Commission.³ The Company's meter, subsequently shown to be accurate, measured the amounts of water delivered to Complainant's premises. The Company billed Complainant for that water pursuant to its tariff, as it was required to do. The charges were accurate and Complainant was properly billed for the water delivered to her premises through the meter.

² In cases where "a complainant alleges that a regulated utility is violating the law, its own tariff, or is otherwise engaging in unjust or unreasonable actions," the Commission has determined that "the burden of proof at hearing rests with complainant." The courts have affirmed placing the burden of proof on the complainant in such cases, because the burden of proof properly rests on the party asserting the affirmative of an issue. *AG Processing, Inc. v. KCP&L Greater Missouri Operations Co.*, 385 S.W.3d 511, (Mo. App., W.D. 2012); *State ex rel. GS Technologies Operating Co. v. Public Service Commission*, 116 S.W.3d 680, 693 (Mo. App., W.D. 2003) (quoting *Margulis v. Union Elec. Co.*, 30 Mo.P.S.C. (N.S.) 517, 523 (1991)).

³ A tariff has the force and effect of law and is binding on the utility, the public and the PSC. This is the "Filed Rate Doctrine" or "Filed Tariff Doctrine." Missouri courts have uniformly applied the Filed Rate Doctrine to decisions of the Public Service Commission, *see, e.g., State ex rel. AG Processing, Inc. v. Public Service Commission*, 311 S.W.3d 361 (Mo. App., W.D. 2010); *Bauer v. Southwestern Bell Tel. Co.*, 958 S.W.2d 568 (Mo. App., E.D. 1997).

WHEREFORE, the Company respectfully requests the Commission consider this response and issue such orders as it should find to be reasonable and just.

Respectfully submitted,

/s/ Jennifer Coleman

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ATTORNEYS FOR MISSOURI-AMERICAN WATER COMPANY

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 10th day of August 2026.

/s/ Jennifer Coleman

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