

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

Andrew J. Norris,	)	
	)	
Complainant,	)	
	)	
v.	)	<u>Case No. WC-2026-0372</u>
	)	
Missouri-American Water Company,	)	
	)	
Respondent	)	

ORDER DENYING MOTION TO DISMISS

Issue Date: August 17, 2026

Effective Date: August 17, 2026

On June 9, 2026,¹ Andrew J. Norris (Complainant) filed a complaint (Complaint) with the Commission against Missouri-American Water Company (Missouri-American).² Mr. Norris alleged that Missouri-American violated its tariff and/or other requirements by installing a valve that failed to function properly.³ Mr. Norris also alleged that Missouri-American violated its tariff and/or other requirements in failing to resolve the dispute through the informal complaint process of the Commission. As part of his complaint, Mr. Norris seeks a determination by the Commission that Missouri-American is responsible for damages and also award Mr. Norris monetary compensation related to property damages and loss of rent he suffered and continues to suffer.⁴

¹ All dates refer to 2026 unless otherwise indicated.

² *Formal Complaint*, filed June 24, 2026.

³ Complaint, pp. 2 and 3.

⁴ Complaint, pp. 2 and 3.

Later in his complaint, Mr. Norris offered two additional alleged violations of tariff and/or other requirements by alleging Missouri-American failed to provide essential service control to the customer and violation of reasonable service standards.⁵

Motion to Dismiss

On July 27, Missouri-American filed its *Motion to Dismiss* (Motion). The Motion sought dismissal on the grounds that the Complaint is based on a theory of negligence. The Motion argues that the Commission lacks subject matter jurisdiction to adjudicate Mr. Norris' negligence claim and lacks subject matter jurisdiction to award money damages. Missouri-American argues that under the theory of Primary Jurisdiction, the Commission should dismiss Mr. Norris' complaint as not involving any matters under the jurisdiction of the Commission such that Mr. Norris will be able to proceed with filing a lawsuit for damages from negligence in circuit court.

Response

On July 27, Mr. Norris filed *Complainant's Response in Opposition to Respondent's Motion to Dismiss* (Response). The Response argues that the Complaint was not limited solely to a claim of negligence and property damage; rather, it included other allegations of violations of tariff and/or other requirements by Missouri-American.⁶

Legal Standard

In ruling on a motion to dismiss, the Commission merely considers the adequacy of

⁵ Complaint, p. 10 (unnumbered, but under the heading "Utility Company's Responsibility").

⁶ Response, p. 3 (unnumbered).

the complaint.⁷ The Commission assumes that all averments in the complaint are true and must liberally grant to the complainant all reasonable inferences from those averments. The Commission does not weigh any facts alleged in the complaint to determine whether they are credible or persuasive.⁸ Further, “[c]omplaints or other pleas before the Commission are not tested by the rules applicable to pleadings in general, if a complaint or petition ‘fairly presents for determination some matter that falls within the jurisdiction of the Commission, it is sufficient.’”⁹

Section 386.390(1), RSMo (Supp. 2025), gives the Commission authority to hear complaints about:

any act or thing done or omitted to be done by any corporation, person or public utility in violation, or claimed to be in violation, of any provision of law subject to the commission’s authority, of any rule promulgated by the commission, of any utility tariff, or of any order or decision of the commission; ...

Conclusion

The Commission finds that Mr. Norris has alleged potential violations of Missouri-American tariff and/or other requirements beyond a negligence claim for damages. For that reason, the Commission will deny the Motion and allow the complaint to proceed.

THE COMMISSION ORDERS THAT:

1. The Motion to Dismiss is denied.

⁷ *State ex rel. Laclede Gas Company v., Public Service Com’n of Missouri*, 392 S.W. 3d 24, 38 (Mo. App W.D. 2012).

⁸ *Foremost Ins. Co. v. Public Service Com’n of Missouri*, 985 S.W. 2d 793, 796 (Mo. App. W.D. 1998).

⁹ *State ex rel. Chicago B. & Q. R. Co. v. Public Service Commission*, 334 S.W.2d 54, 58 (Mo. 1960), quoting *State ex rel. Kansas City Terminal Ry. Co. v. Public Service Commission*, 308 Mo. 359, 372, 272 S.W. 957, 960 (Mo. 1925).

2. This order shall be effective upon issuance.



BY THE COMMISSION

Nancy Dippell

Nancy Dippell
Secretary

Charles Hatcher, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo (2016).

Dated at Jefferson City, Missouri,
on this 17th day of August, 2026.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

Pursuant to 386.290, RSMo., I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 17th day of August, 2026.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

August 17, 2026

Case No: WC-2026-0372

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).¹

Sincerely,



**Nancy Dippell
Secretary**

¹

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.