BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

John Leuchtmann,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. WC-2026-0368
	)	
Liberty Utilities, LLC d/b/a/ Liberty,	)	
	)	
Respondent	)	

REPLY TO OPPOSITION TO MOTION TO AMEND COMPLAINT AND MOTION TO DISMISS IN PART

COME NOW, John Leuchtman and Lakewood Hills Homeowners Association, Inc. ("HOA") (jointly, "Complainants"), by and through their attorney, and for their Reply to Liberty's *Opposition to Motion to Amend Complaint and Motion to Dismiss in Part* ("Opposition"), state as follows:

1. On May 19, 2026, John Leuchtmann filed his complaint against Liberty. The complaint was filed and treated as an informal complaint until the HOA filed its formal complaint on June 23, 2026.

2. On June 23, 2026, the HOA filed its Formal Complaint against Liberty Utilities regarding Lakewood Hills HOA water system.

3. On June 24, 2026, the Missouri Public Service Commission ("Commission") issued a *Notice of Complaint and Order Directing Answer and Staff Report* ("Notice of Complaint") under the caption *John Leuchtmann v. Liberty Utilities, LLC d/b/a Liberty.* With the Notice of Complaint, the Commission attached, among other things, first the HOA complaint and second the John Leuchtmann complaint. The Complainants have no knowledge as to why Mr. Leuchtmann's name was identified as the complainant. At the time, Complainants had no reason to dispute the Commission's simple decision to so caption the Complaint. However, due to the timing of the Notice of Complaint, it

appears that the HOA complaint was the impetus for the Commission's Notice of Complaint elevating the informal complaint to a formal complaint.

4. On June 26, 2026, the HOA filed its *Application to Intervene of Lakewood Hills Homeowners Association, Inc*. ("Intervention"). In its Intervention, the HOA cited its complaint filed with the Commission's Order, recited that is was a party identified in the original Complaint, and concluded its interest in this case is different than the interest of the general public in that the HOA represents the entirety of the Lakewood Hills subdivision.

5. Liberty did not oppose the Intervention.

6. On July 7, 2026, the Commission granted the HOA's Intervention, finding, "that the applicant has interests which are different from that of the general public and which may be adversely affected by a final order arising from the case. Therefore, in accordance with Commission Rule 20 CSR 4240-2.075(3), the Commission will grant the unopposed application to intervene."

7. On October 5, 2026, Mr. Leuchtmann and the HOA filed an *Amendment to Complaint* ("Amendment"), alleging two uncorrected water leaks in the HOA's subdivision as a violation of the PSC law.

8. On October 7, 2026, Liberty filed its Opposition, requesting the dismissal of the Amendment and the dismissal or severance of the HOA complaint document in this case.

9. Liberty's Opposition focused its argument on the standing of Mr. Leuchtmann. Without addressing the standing of the HOA, it suggests dismissing the HOA complaint, since Mr. Leuchtmann does not have standing to allege the injury of two other property owners in the subdivision. While Complainants do not dispute Liberty's recitation of the law on standing, its recitation is misguided and irrelevant to the Amendment except as it establishes that the HOA does have standing.

10. Rule 52.12 of the Missouri Supreme Court Rules of Civil Procedure governs an intervention of a "party." Intervention is to be granted as of right when "the applicant claims an interest relating

to the property or transaction that is the subject of the action and the applicant is so situated that the disposition of the action may as a practical matter impair or impede the applicant's ability to protect that interest, unless the applicant's interest is adequately represented by existing parties." See Rule 52.12(a). The Commission found that the HOA had such an interest (as a right) in its Order granting the HOA's intervention. And Liberty has shown in its Oppositiion that indeed the HOA's interests were not adequately represented in this case. Now it takes the next step and proposes to hinder that right by dismissing or severing these cases. The HOA is a party to this case as a right and, therefore, has standing.

11. Rule 52.12(c) the governs the procedure for seeking intervention.

> A person desiring to intervene shall serve a motion upon all parties affected thereby. The motion shall **state the grounds** therefor, and shall be accompanied by a setting forth **the claim or defense for which intervention is sought.** The same procedure shall be followed when a statute of this state gives a right to intervene. [emphasis added]

The HOA complied with this requirement by referencing the HOA complaint document filed in this case. It should be noted from the Rule that the intervenor is allowed, if not expected, to file pleadings in the case. An intervenor is a party in interest and has standing to prosecute its case. The Complainants' Amendment is such a pleading.

12. This is an investigation that goes back to the Staff's Report in Case Nos. WO-2022-0253 and WR-2024-0104. Liberty made certain commitments in those cases. Complainants' continuing experiences indicate that this is a pattern of conduct with Liberty that requires further monitoring. Therefore, it would not be prudent to sever these cases.

13. Intervention is granted for the sake of administrative efficiency, so issues are not dealt with piecemeal in individual dockets. The Commission consistently consolidates cases to efficiently handle similar issues of fact and/or law. Liberty's Opposition flouts that goal.

WHEREFORE, the Complainants pray the Commission deny Liberty's request in its Opposition and grant Complainants such other remedies as the Commission deems just a reasonable within its scope of authority.

Respectfully submitted,

By: 

David C. Linton, #32198
825 Maryville Center Drive, Suite 300
Town and Country, MO 63017-5946
Telephone: 314-341-5769
Email: dlinton@mlklaw.com
Attorney for Complainants

Filed: October 17, 2026

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Amendment to Complaint was sent to all parties of record in Case No. WC-2026-0368 via electronic transmission on this 17th day of October, 2026.

