

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

Zachary Beauford and Cassandra Beauford,	)	
	)	
Complainants,	)	
	)	
v.	)	<u>Case No. WC-2026-0370</u>
	)	
Liberty Utilities (Missouri Water) LLC,	)	
	)	
Respondent.	)	

RESPONSE TO STAFF’S REPORT AND RECOMMENDATIONS

COMES NOW Respondent Liberty Utilities (Missouri Water) LLC (“Liberty” or “Company”), by and through counsel, and for its *Response to Staff’s Report and Recommendations*, respectfully states as follows.

1. This matter arose when Complainants Zachary and Cassandra Beauford requested that their newly-constructed duplex in Noel, Missouri, be connected to the Company’s water system.¹ In connection with the Beaufords’ request, the Company asked them to pay a fee of \$325 for a hydraulic study to determine whether the system has enough pressure to add the duplex.² The Beaufords then filed an informal complaint with the Commission on February 2, 2026.³ Staff determined that the \$325 fee was not a tariff violation, notified Complainants of their right to file a formal complaint, and closed the informal complaint on May 1, 2026.⁴

2. Complainants filed their *Formal Complaint* on June 23, 2026, requesting that the Commission “force Liberty to abide by the Tariff and supply water to my property . . .

¹ *Staff Memorandum*, p. 2.

² *Id.*

³ *Id.*

⁴ *Id.*

using the existing service connection and without charging me \$325 for them to study their water system.”⁵ The Commission directed its Staff to investigate and to file a report by August 10, 2026.⁶ After an extension, Staff’s *Report* was filed on October 9, 2026.

3. During the pendency of this case, other issues arose. The Company declined to provide service from an existing meter pit because it was not clear that it was actually on Complainants’ property.⁷ Furthermore, the Company does not consider that meter pit to be a valid service point and has no record that it has ever been used to provide water service.⁸ Finally, due to the configuration of Complainants’ property⁹ and their plan for a parking lot, the Company concluded that any service line installed between that pit and Complainants’ duplex would violate Rule 5.(K) of Liberty’s tariff.¹⁰

3. Staff concluded that it was unable to determine whether the existing meter pit is on Complainants’ property or not; that the pit appears to be identical to the pit in use on the neighboring property and, therefore, is presumably capable of serving as a service connection; that Staff did not agree that the service line path proposed by Complainants would violate Rule 5.(K) of Liberty’s tariff; and that the \$325 fee requested of the Complainants was appropriate.¹¹ Staff further agreed that “Liberty is correct that their tariff prevents installation of a service line that would cross another property.”¹²

4. In its *Report*, Staff did not conclude or find that Liberty had violated any tariffs, statutes, rules, regulations or Commission orders.

⁵ *Formal Complaint*, p. 2.

⁶ *Order Directing Notice*, p. 2.

⁷ *Staff Memorandum*, p. 3, citing Liberty’s response to Staff DR 0001.

⁸ *Id.*

⁹ In particular, the gulley described in Paragraph 7, below.

¹⁰ *Id.*

¹¹ *Staff Report*, p. 2-3; *Staff Memorandum*, pp. 6-7.

¹² *Staff Memorandum*, p. 4.

5. With respect to the issue of the location of the existing meter pit, that can only be settled with a survey. That survey would necessarily be at Complainants' expense. The Company is unwilling to rely on Complainants' reported examination of property records on file in McDonald County and the measurements they then made on their property.¹³

6. With respect to whether the existing meter pit can serve as a service point, the issue for Liberty is not whether the tap in the meter pit is functional but rather the Company's view that any service line connected at that pit, given the configuration of Complainants' property and their plan for a parking lot, would not comply with the tariff.

7. With respect to whether a service line compliant with the Company's tariff can be installed between the existing meter pit and the Complainants' duplex, the Company believes it cannot be. The tariff provides:

K. Neither water service lines nor service connections may be extended along public streets or roadways or through property of others in connecting with the Company's mains. The service connection may, however, extend through the water main easement and roadway easement in order to be connected to a main across and adjacent to a street in front of the Customer's living unit. The service connection and service line must be laid in a straight line and at right angles to the main and the face of the structure or as nearly so as possible. Any deviation from this because of physical obstruction will be at the discretion of the Company.

Complainants, as reported by Staff, propose a service line that "will lay perpendicular to the main line and street for approximately 35 feet before it makes a right turn to enter the

¹³ Staff Memorandum, pp. 3-4.

building that Mr. Beauford has constructed.”¹⁴ The Company maintains this proposal is not feasible operationally because of a drainage gulley three to five feet deep that the proposed service line would have to cross.¹⁵

8. The Company proposed to serve Complainants via a connection in a new meter pit located just south of the proposed parking lot that would comply with the tariff in all respects and avoid the operational issues with the drainage gulley, but Complainants rejected this option.

9. In order to resolve this matter, the Company is willing to provide service from the existing meter pit if Complainants install the service line as described to Staff; that is, perpendicular to the main for 35’ and then turning a right angle and running straight to the duplex. The Company believes that the area in which the service line will be installed will need to be cleared of trees, the gulley backfilled and possibly require the construction of drainage control measures to ensure backfill material is protected from erosion. The service line must not be covered by the proposed parking lot. The Company will inspect the service line once installed and before the pipe is covered and, if it is installed as described here and is otherwise compliant with the tariff, the Company will initiate service.

10. As for the \$325 fee for the hydraulic study, Liberty agrees with Staff’s conclusion that it is appropriate that Complaints pay it.

WHEREFORE, Liberty respectfully requests that the Commission accept its *Response to Staff’s Report and Recommendations* herein and grant such other and further relief as is just and proper under the circumstances.

¹⁴ *Id.*, at p. 4.

¹⁵ Staff makes no mention of this gulley and is evidently unaware of it.

Respectfully submitted,

BRYDON, SWEARENGEN & ENGLAND, P.C.

By: /s/ Kevin A. Thompson

Kevin A. Thompson, Mo. Bar No. 36288

P.O. Box 456

Jefferson City, Missouri 65102-0456

Telephone (573) 635-7166

Email: kthompson@brydonlaw.com

ATTORNEYS FOR LIBERTY UTILITIES
(MISSOURI WATER) LLC D/B/A LIBERTY

CERTIFICATE OF SERVICE

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

/s/ Kevin A. Thompson