BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

John Leuchtmann,	)	
	)	
Complainant,	)	
	)	
vs.	)	**Case No. WC-2026-0368**
	)	
Liberty Utilities (Missouri Water) LLC,	)	
	)	
Respondent.	)	

OPPOSITION TO SECOND MOTION TO AMEND COMPLAINT AND RENEWED MOTION TO DISMISS IN PART

COMES NOW Respondent Liberty Utilities (Missouri Water) LLC ("Liberty" or "Company"), by and through counsel, and for its *Opposition to Complainant's Second Motion to Amend Complaint* and for its *Renewed Motion to Dismiss Complaint in Part,* respectfully states as follows:

1. Liberty incorporates herein by reference its *Opposition to Complainant's Motion to Amend Complaint and Motion to Dismiss Complaint in Part,* filed herein on October 7, 2026.

2. Complainant Leuchtmann and Intervenor Lakewood Hills HOA now seek leave to again amend Mr. Leuchtmann's *Complaint* with grievances relating to some eighteen (18) persons other than Mr. Leuchtmann.

3. Liberty objects to the second proposed amendments to the *Complaint* because, like the first proposed amendments filed herein on October 5, 2026, these amendments have no connection to Mr. Leuchtmann and again seek to introduce matters wholly unrelated to his claims.

4. In its *Reply* to the Company's initial *Opposition,* filed on October 19, 2026, Intervenor explains its theory: that it applied for intervention in Mr. Leuchtmann's *Complaint* case; that Liberty did not object; that intervention was granted by the Commission; and now, as a party to this matter, it has a right to prosecute its "case," by which it evidently means a right to raise any and every grievance that any resident of Lakewood Hills may have against the Company, despite these new claims having no relation to Mr. Leuchtmann's claim that is the subject of this proceeding.

5. Referring to intervention, our Supreme Court has said, "[t]he language of our statute [Section 507.090, RSMo.] discloses no purpose or intent to permit the issues between the original parties to be changed or to permit the intervenors to inject new issues foreign to the original action[.]" ***Pine Lawn Bank & Trust Co. v. Pine Lawn,*** 365 Mo. 666, 674 (1956). Thus, when an intervenor attempted to inject an action to foreclose a deed of trust and to obtain a judgment against the mortgagor into a suit brought primarily to restrain the mortgage trustee from foreclosing, "[t]his court held that the attempted action of the intervenor would not be permitted since it amounted to the injection of an entirely new and inconsistent cause of action." *See* ***Monticello Bldg. Corporation v. Monticello Inv. Co.,*** 330 Mo. 1128, 52 S.W. 2d 545 (1932). Therein, the Court said, "[t]he injection of an independent controversy by intervention is improper. If a person desires to set up a new and independent claim to the subject matter of the suit it must be done by an original bill; it cannot be done by an intervening petition." ***Id.,*** 330 Mo. at 1139. "Intervention is defined as a proceeding in a suit or action by which a third person is permitted by the court to make himself a party, either joining plaintiff in claiming what is sought by the complaint, or uniting with defendant in resisting the claims of plaintiff or

demanding something adversely to both of them." ***Id.,*** at 1138. As the above authorities make abundantly clear, Intervenor's role in this action is to array itself with either Complainant Leuchtmann or with Respondent Liberty, **with respect to the claims brought against Liberty by Mr. Leuchtmann.** The classic example is a lawsuit adjudicating ownership of some asset into which a third party intervenes to assert her independent claim to ownership of the asset. Intervention does not grant Lakewood Hills authority to add innumerable unrelated claims to Mr. Leuchtmann's complaint case. As the Court made clear, these unrelated claims must be brought as independent actions.

6. In any event, as the Company pointed out in its initial *Opposition,* Lakewood Hills still lacks standing to prosecute claims owned by other persons. Lakewood Hills only has standing, as an intervenor, to support Complainant Leuchtmann's claims in this action.

7. Further, the proposed second amendment is improper for the additional reason that the Lakewood Hills HOA attempts to use this individual customer complaint matter as a forum to revisit or enforce matters arising from separate Commission proceedings. For example, there are allegations related to recommendations by Staff in File No. in WO-2022-0253. File No. in WO-2022-0253 was an investigation, which was by its nature is a non-contested case. The only order in that case was the *Order Accepting Staff's Report and Directing Response*, issued on January 19, 2023. The Order directed as follows:

> 2. The Commission accepts Staff's investigative report. If Liberty files a new general rate case by December 31, 2023, it shall address its progress and future plans to implement Staff's recommendations as part of its direct testimony in that case.
>
> [3]. If Liberty does not file a new general rate case by December 31, 2023, it shall file an update in this case addressing its progress and future plans to implement Staff's recommendations.

8. Nothing about the HOA's intervention in this proceeding converts John Leuchtmann's individual complaint into a general investigation into Liberty's compliance with matters arising from other proceedings. Indeed, the relief requested in the *Second Amendment* underscores the problem: the HOA asks the Commission not merely to resolve John Leuchtmann's complaint, but to investigate allegations concerning eighteen other households, to conduct an on-site investigation, and to order broader repairs and other action concerning the Lakewood Hills system. If compliance with the orders in those dockets warrants additional Commission investigation, those issues should be addressed through an appropriate proceeding in which the scope and issues are properly defined. They should not be grafted onto an unrelated individual customer complaint.

9. The proposed second amendment also raises substantial due process concerns. The eighteen customers whose individual billing and service disputes the HOA proposes to litigate have not themselves appeared as complainants in this case. The HOA's own attachment demonstrates that these are separate customer-specific matters involving different facts, accounts, time periods, meter readings, bills, communications, service events, disputed amounts, and circumstances, with some characterized by the HOA itself as "Resolved" and others as "Open." Permitting the HOA to aggregate and prosecute those independent claims in John Leuchtmann's proceeding would substantially expand the issues to be adjudicated without the ordinary procedural safeguards associated with individual complaints, including adequate notice of the precise violation alleged as to each account and a meaningful opportunity for Liberty to investigate the underlying customer records, witnesses, circumstances, and defenses.

10. Nor can those defects be avoided by characterizing the eighteen customer disputes as evidence of a broader "pattern." The *Second Amendment* identifies individual allegations involving delayed and estimated bills, disputed meter readings, unusually high usage, leaks, outages, repairs, and customer-service contacts. The HOA should not be permitted, through intervention and serial amendments to Mr. Leuchtmann's individual complaint, effectively to expand the scope of this case into a collateral proceeding concerning Liberty's compliance with other, unrelated dockets.

11. At this time, Liberty renews its motion to dismiss or sever the second document that was filed with Mr. Leuchtmann's *Complaint* and which appears to be a complaint made by Intervenor Lakewood Hills HOA. The HOA's complaint should have been docketed as a separate case, not as part of Mr. Leuchtmann's case.

WHEREFORE, by reason of all the above, in addition to such other and further relief as the Commission deems just in the circumstances, Liberty respectfully requests that the Commission deny the *Second Motion to Amend Complaint* because the proposed amendment improperly introduces independent claims belonging to nonparties, seeks to use this individual complaint as a vehicle to adjudicate matters arising from unrelated Commission proceedings, and would substantially expand the scope of this case without the notice and orderly process necessary for Liberty to investigate and defend against the individual allegations. Alternatively, to the extent any of the alleged customer-specific matters warrant Commission consideration, Liberty requests that they be severed from this proceeding and be presented through an appropriate complaint or other Commission proceeding.

Respectfully submitted,

BRYDON, SWEARENGEN & ENGLAND, P.C.

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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 26th day of October, 2026.

/s/ Kevin A. Thompson