

# Exhibit No. 6

**EXH-6**

**The elements of Beecham case and this case are the same. The result should be the same.**

Beecham case	This case
“Staff found no evidence of a leak on Ms. Beecham’s side of the meter during its investigations.” P. 8	PSCs investigator (David Spatt) found no evidence of a leak on Complainant’s side of the meter.
“MAWC’s evidence was that each bill for Ms. Beecham’s water usage between October 27, 2014, through July 27, 2018, was based on an actual reading at the meter by a field service representative using a touchpad.” P. 9	MAWC evidence is that the usage was based on an actual reading of the meter.
“Although there was speculation a leak may have existed somewhere on Ms. Beecham’s side of the meter, she denied any leak, Staff’s investigation found no evidence of a leak, and MAWC presented no leak-related evidence accounting either for the reported usage increase, or for its sudden decrease following installation of the AMI device.” P. 15	MAWC presented no evidence of a leak.

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Beecham  
**File No. WC-2020-0181**

P 8

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P. 9

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P 15

Although there was speculation a leak may have existed somewhere on Ms. Beecham's side of the meter, she denied any leak, Staff's investigation found no evidence of a leak, and MAWC presented no leak-related evidence accounting either for the reported usage increase, or for its sudden decrease following installation of the AMI device.

**393.130. Safe and adequate service — charges — certain home rule cities, interest accrual, when.** — 1. Every gas corporation, every electrical corporation, every water corporation, and every sewer corporation shall furnish and provide such service instrumentalities and facilities as shall be safe and adequate and in all respects just and reasonable. **All charges made or demanded by any such gas corporation, electrical corporation, water corporation or sewer corporation for gas, electricity, water, sewer or any service rendered or to be rendered shall be just and reasonable and not more than allowed by law or by order or decision of the commission. Every unjust or unreasonable charge made or demanded for gas, electricity, water, sewer or any such service, or in connection therewith, or in excess of that allowed by law or by order or decision of the commission is prohibited.**

## Reg on accurate data

### 4 CSR 240-13.020 Billing and Payment

**Standards** (2) Each billing statement rendered by a utility shall be computed on the actual usage during the billing period

Rule 20 CSR 4240-13.020(2). States: “Each billing statement rendered by a utility shall be computed on the **actual usage** during the billing period...”

The Staff Report says that the regulation was not violated because “the Company used the actual meter readings.” (Page 6.) Note the Rule says “billing ... shall be computed on the **actual use**”. While the meter reading is an element of “actual use”, it is not the sole determinate of “actual use”. As discussed above, the meter is only part of a system including remote transmission and computer equipment and programming. In addition, the determination of “actual use” includes the physical evidence. The review of all factors demonstrates that the Company did not bill based on “actual use” and therefore violated Rule 20 CSR 4240-13.020(2).

For the same reasons, the Company violated Rule 20 CSR 4240-13.025(1) regarding adjusting billing errors.

Rule 20 CSR 4240-13.040(1). Relates to the Company “adopt(ing) procedures which shall ensure the prompt receipt, thorough investigation and, where possible, mutually acceptable resolution of customer inquiries.”

DR 0011 requested the Company’s policy for leak notifications for customers with AMR meters. The Company’s response: “The system will trigger a service order to verify a reading if the usage is six times higher than the same time the previous year. A letter will generate if the usage is two times higher than the same time the previous year.”

No such letter was generated and sent to the Complainant. The Company violated Rule 20 CSR 4240-13.040(1).

Rule 20 CSR 4240-13.045(9). “If the utility does not resolve the dispute to the satisfaction of the customer, the utility representative shall notify the customer that each party has a right to make an informal complaint to the commission, and of the address and telephone number where the customer may file an informal complaint with the commission.”

Apparently, the company’s telephone system is no more accurate than the computer program. In response to the staff’s DR 0002 requesting, “Please provide all recorded phone calls between the Company and Mr. DeFeo.” The Company response was: “Please see the responsive recorded calls attached. Please note that the May 19, 2020 call did not record properly and the cause of the recording error is unknown....” Page 4

Although the Company cannot provide a recording, had the Company representative informed the Complainant of his rights regarding informal complaints, the Company could have provided the Commission a sworn affidavit of the representative.

DR 0003 requests: "Please provide a copy of all correspondence between Mr. DeFeo and the Company from January 1, 2020, to present." The Company's response includes 7 items the earliest being 5/22/20. None of the correspondence notifies Complainant of his rights regarding informal complaints.

The Company violated Rule 20 CSR 4240-13.045(9).

Respectfully submitted,

The report states "Staff is unaware of a situation where a meter speeds up for a period of time and then returns to normal." Staff seems to place their recommendation to the Commission principally on their 'unawareness.'