

AquaSource

December 14, 1999

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

FILED

Dec. 17,
~~2000~~ 1999 *nd*

**Missouri Public
Service Commission**

Re: Case No. SC-2000-256
Herbert Hanneman

Dear Mr. Hardy Roberts:

Enclosed are all of the documents and letters that we have on the above referenced case. We did take action within the time frame specified. However, we still received this notice as if we did not respond. Please review the enclosed and please advise.

If you need any additional information please contact our office.

Sincerely,



Garah F. Helms
Missouri Area Manager

Enclosure

CC: Office of the Public Counsel
James Merciel, MPSC
Jeff Keevil, Attorney at Law

AquaSource Services and Technologies, Inc.

312 Lafayette Street • P. O. Box 7017 • Jefferson City, Missouri 65102 • 573-634-2699 • 573-635-2157 (fax)

9

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 7th
of December, 1999.

Herbert Hanneman,)	
)	
Complainant,)	
)	
v.)	<u>Case No. SC-2000-256</u>
)	
Capital Utilities, Inc.,)	
)	
Respondent.)	

ORDER OF DEFAULT

Herbert Hanneman filed a formal complaint with the Missouri Public Service Commission on September 29, 1999 against Capital Utilities, Inc. (Capital Utilities). Mr. Hanneman alleges that Capital Utilities has attempted to collect delinquent bills owed by a former tenant from the owner of the property, in violation of Capital Utilities' tariffs. Mr. Hanneman seeks a determination that Capital Utilities is not allowed to pass the delinquent tenant bill or tenant late charges to the owner of the property.

On October 1, 1999, the Commission issued a Notice of Complaint to Capital Utilities by certified mail requiring Capital Utilities to answer within 30 days from the date of the notice (October 30, 1999). On October 11, Capital Utilities responded to the Notice of Complaint by sending a letter to the Commission signed by Garah F. Helms, Area Manager

3. That Capital Utilities, Inc., shall not collect from Joe and Loretta Hanneman the Sewer Charges of \$89.49 and the Sewer Penalty of \$35.00 owed for services provided to their tenant at 2516 Rosebud Circle, Sedalia, Missouri.

4. That this order shall become effective on December 17, 1999.

BY THE COMMISSION

A handwritten signature in dark ink, appearing to read "Dale Hardy Roberts". The signature is written in a cursive, somewhat stylized script.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Crumpton, Murray,
Schemenauer, and Drainer, CC., concur

Woodruff, Regulatory Law Judge

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

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 7th day of December 1999.**

Dale Hardy Roberts


**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
December 7, 1999**

CASE NO: SC-2000-256

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

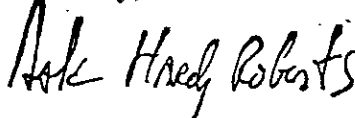
General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

 **Capital Utilities, Inc.**
P. O. Box 7017
Jefferson City, MO 65102

Jim Levin, Director
Center For Dispute Resolution
206 Hulston Hall
Columbia, MO 65211

Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

Uncertified Copy:

Herbert Haneman
3003 Bluebird Hollow
Sedalia, MO 65301

AquaSource

November 8, 1999

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102


Re: Case No. SC-2000-256
Herbert Hanneman

Dear Mr. Hardy Roberts:

On October 29, 1999, a settlement was reached in the above case between Herbert Hanneman, customer and Garah Helms, Area Manager for Aquasource/Capital Utilities. It was agreed that the customer's account balance would be adjusted to 0.00 and all charges would be waived. It was further stated that from now on Mr. Hanneman would be receiving copies of all of his renter's utility bills. Therefore, he will also be aware of each time the renter becomes delinquent on his/her account.

If you have any further questions regarding this matter please contact our office at 573-634-2699.

Sincerely,



Garah F. Helms
Missouri Area Manager

CC: Office of the Public Counsel
James Merciel, Missouri Public Service Commission

AquaSource Services and Technologies, Inc.

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Herbert Hanneman,)	
)	
Complainant,)	
)	
v.)	<u>Case No. SC-2000-256</u>
)	
Capital Utilities, Inc.,)	
)	
Respondent.)	

ORDER DIRECTING RESPONDENT TO FILE ANSWER

On September 29, 1999, Herbert Hanneman filed a complaint with the Missouri Public Service Commission against Capital Utilities, Inc. (Capital Utilities) regarding a billing disagreement. The Commission issued a Notice of Complaint on October 1, providing 30 days for Capital Utilities to file an answer, or, in the alternative to file a request for mediation. On October 13, Capital Utilities filed a request for mediation. In response, on October 19, the Commission issued a notice directing Mr. Hanneman to accept or decline the offer to mediate by writing to the Commission. The notice also indicated that if Mr. Hanneman declined the mediation request or did not respond to the Notice within 15 days (November 4) the Commission would proceed with this case by requiring Capital Utilities to file its answer to the complaint.

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

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 05th day of November 1999.**

Dale Hardy Roberts


**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
November 5, 1999**

CASE NO: SC-2000-256

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

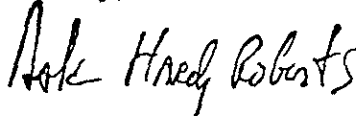
General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

 **Capital Utilities, Inc.**
P. O. Box 7017
Jefferson City, MO 65102

Jim Levin, Director
Center For Dispute Resolution
206 Hulston Hall
Columbia, MO 65211

Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,



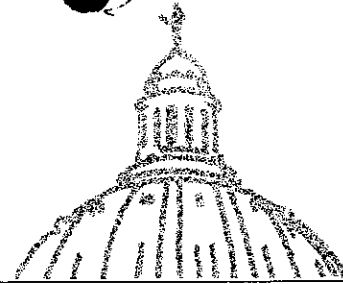
Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

Uncertified Copy:

Herbert Haneman
3003 Bluebird Hollow
Sedalia, MO 65301

Capital Utilities, Inc.

P.O. Box 7017
Jefferson City, MO 65102
(573) 634-2699



October 11, 1999

Secretary of the Public Service Commission
P.O. Box 360
Jefferson City, MO 65102-0360

Re: Case No. SC-2000-256

To Whom It May Concern:

On June 29, 1999, our serviceman spoke with a gentleman working on the house at 2516 Rosebud Circle, Sedalia, MO 65301. The man identified himself as James, and that he was a construction worker hired to work on the home. He asked our serviceman to leave the water on and that he would have the owner contact us to have it put in their name. The construction worker did not reveal to our serviceman the name of the owner of the house. Our serviceman was there to disconnect the service for non-payment of the utility bill, under the name of Donald Bauer. We did not hear from anyone for service on this location, so the location was turned off. On July 27, 1999, our serviceman made a check of the meter at 2516 Rosebud Circle and found that the water meter had been turned back on by someone other than an employee of our Company. He found that a Linda Myers had moved into the residence, but had not notified our office. Our serviceman indicated to her that the water would need to be shut off until the proper procedures were followed. Linda Myers then notified our office, she indicated to the billing clerk that she had been there since July 20, 1999. Linda Myers then provided the correct information to the billing clerk and the turn on was set up. Linda Myers was turned on July 27, 1999.

Our billing clerk was then notified by Loretta Hanneman about the house on 2516 Rosebud Circle. She identified herself and her husband Herbert Hanneman as the owners of the property. Mrs. Hanneman indicated that she was going to rent the property and wanted the utilities to be turned on. Mrs. Hanneman indicated to our billing clerk that we had denied her renter water service. Mrs. Hanneman was informed that her renter, Linda Myers had not notified our office that she had moved in on July 20, 1999. We found out on shut off day that some one had moved in to the location and that some how the meter had got turned on. Linda Myers did not notify us until a serviceman went to the location on July 27, 1999. Mrs. Hanneman was informed that Linda Myers now had water service. Our billing clerk informed Mrs. Hanneman that Donald Bauer had left an unpaid balance. Our billing clerk was under the impression that Mr. Bauer had owned the home. Mrs. Hanneman informed our billing clerk that her and her husband owned the home and that Mr. Bauer had been a renter. The billing clerk then informed Mrs. Hanneman that the unpaid balance needed to be paid. After consulting with a supervisor the billing clerk was informed that the sewer portion was all that could be collected from the owner. Our billing clerk then notified the Hanneman's that they would need to pay the sewer portion of the bill.

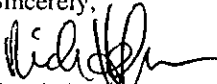
Herbert Hanneman called our office on July 30, 1999, he indicated that he needed some type of detailed billing showing all of the charges for water and sewer. See attached the detailed billing that was typed for Mr. Hanneman and mailed to him. As you can see, the total due is the sewer charges only of \$124.49. As noted on the bill, sewer charges are \$89.49 and sewer penalty is \$35.00 for the total sewer due of \$124.49. In accordance, with our tariff the penalty charges only apply to the sewer charges. Mr. Hanneman was the one who asked that the water charges also be detailed on the bill so that he could collect from Mr. Bauer.

Page 2
Hanneman

That is why the total due on the bill only includes sewer charges. We are not trying to collect the water portion from him. Mr. Hanneman indicated to our billing clerk this was fine and that he would pay her the sewer portion. As of today's date, Mr. and Mrs. Hanneman have not paid the sewer portion of this bill.

Capital Utilities, Inc. is asking for Mediation in this case. Attached are documents from our files and computer system that indicate what we have based our information on. If we may be further assistance please do not hesitate to contact our office at 573-634-2699.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Herms", written over the printed name.

Garah F. Herms
Area Manager

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

Herbert Hanneman,)	
)	
Complainant,)	
)	
v.)	<u>Case No. SC-2000-256</u>
)	
Capital Utilities, Inc.,)	
)	
Respondent.)	

NOTICE OF COMPLAINT

Capital Utilities, Inc.
P.O. Box 7017
Jefferson City, Missouri 65102
CERTIFIED MAIL

On September 29, 1999, Herbert Hanneman filed a complaint with the Missouri Public Service Commission against Capital Utilities, Inc. A copy of that Complaint is enclosed. As provided in 4 CSR 240-2.070, Respondent, Capital Utilities, Inc., shall have **30 days** from the date of this notice to file an answer or to file notice that the complaint has been satisfied.

In the alternative, Capital Utilities, Inc. may file a written request that the complaint be referred to a neutral third-party mediator for **voluntary mediation** of the complaint. Upon receipt of a request for mediation, the 30-day time period shall be tolled while the Commission determines whether or not Mr. Hanneman is also willing to submit to voluntary mediation. If Mr. Hanneman agrees to mediation, the time period within which an answer is due will be suspended while the mediation process proceeds. Additional information regarding the mediation process is enclosed.

If Mr. Hanneman declines the opportunity to seek mediation, Capital Utilities, Inc. will be notified in writing that the tolling has ceased and will also be notified of the date by which an answer or notice of satisfaction must be filed. That period will usually be the remainder of the original 30-day period.

All pleadings (the answer, the notice of satisfaction of complaint, or request for mediation) shall be mailed to:

BEFORE THE PUBLIC SERVICE COMMISSION OF THE
STATE OF MISSOURI

FILED³

SEP 29 1999

Missouri Public
Service Commission

Herbert HANNEMAN

(your name)

Complainant

vs.

Case No. SC-2000-256

Capital UTILITIES INC

(company name)

Respondent.

COMPLAINT

Complainant resides at 30032 Bluebird Hollow

SEDALIA, Mo. 65301.

1. Respondent, CAPITAL UTILITIES INC.

(company name)

of Jefferson City, Mo., is a public utility under the jurisdiction of

the Public Service Commission of the State of Missouri.

2. As the basis of this complaint, complainant states the following facts:

I have been the owner of 2516 Rosebud, Sedalia, Mo. Since November 1992 and it has been a rental property that entire time. Capital Utilities has known I was the owner as they were told that each time the water went into my name between tenants. And also evidenced by the fact that the tenant, Monica Shepard, in possession in 1996/1997 was in arrears, left an unpaid bill, a copy of which was sent to me requesting I pay the entire bill water and sewer, copy of bill enclosed, (see copy attachment #1). That was when I first learned of the tariff rules allowing them to revert the payment responsibility of the sewer only over to the owner of the property. I took the Shepards to court and the judge decreed they pay my damages and also the unpaid Capital Utilities bill at that time.

Now comes Capital Utilities again trying to pass along the water and sewer bill of Don Bauer, the next tenant for the same property, saying it got so far behind because he kept writing bad checks and that they didn't know I was the owner. I informed them that they could only pass along the sewer portion. A lengthy discussion ensued over several days including a shutoff and denial of service to our next tenant. A call to the Public Service Comm. was required to get water service provided to the new tenant.

Account History

Co. #: 003 Serv. ID: 10233 Acct. #: MW0441 Route No.: 1
 Name: Shepard Monica Telephone #: (816) 827-0293
 Service Addr: 2516 Rosebud Circle Serv #:
 Bedalia, MO 65301 Cur Bal: 105.08

Date	Type	Rsp	SC	Bal. Frwd.	Amount
03/03/97	Charge		L	81.66	23.42
02/25/97	Charge			47.28	34.38
02/25/97	Penalty			42.28	5.00
01/23/97	Payment	LT	J21	72.31	-30.03
01/25/97	Charge			35.03	37.28
01/23/97	Penalty			30.03	5.00
01/27/97	Adjustment			35.03	-5.00
01/27/97	Adjustment			40.03	-5.00
01/27/97	Penalty			35.03	5.00
12/30/96	Payment	RS	D30	74.36	-39.33
12/25/96	Charge			44.33	30.03
12/20/96	Penalty			39.33	5.00

* = Print PgDn = Next End = Last Screen Esc = Next Entry

COPY
 ATTACHMENT
 # 1



Commissioners

SHEILA LUMPE
Chair

HAROLD CRUMPTON

CONNIE MURRAY

ROBERT G. SCHEMENAUER

M. DIANNE DRAINER
Vice Chair

Missouri Public Service Commission

POST OFFICE BOX 360
JEFFERSON CITY, MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
<http://www.ecodev.state.mo.us/psc/>

GORDON L. PERSINGER
Acting Executive Director
Director, Research and Public Affairs

WESS A. HENDERSON
Director, Utility Operations

ROBERT SCHALLENBERG
Director, Utility Services

DONNA M. KOLILIS
Director, Administration

DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE
General Counsel

Information Sheet Regarding Mediation of Commission Formal Complaint Cases

Mediation is process whereby the parties themselves work to resolve their dispute with the aid of a neutral third-party mediator. This process is sometimes referred to as "facilitated negotiation." The mediator's role is advisory and although the mediator may offer suggestions, the mediator has no authority to impose a solution nor will the mediator determine who "wins." Instead, the mediator simply works with both parties to facilitate communications and to attempt to enable the parties to reach an agreement which is mutually agreeable to both the complainant and the respondent.

The mediation process is explicitly a problem-solving one in which neither the parties nor the mediator are bound by the usual constraints such as the rules of evidence or the other formal procedures required in hearings before the Missouri Public Service Commission. Although many private mediators charge as much as \$250 per hour, the University of Missouri-Columbia School of Law has agreed to provide this service to parties who have formal complaints pending before the Public Service Commission at no charge. Not only is the service provided free of charge, but mediation is also less expensive than the formal complaint process because the assistance of an attorney is not necessary for mediation. In fact, the parties are encouraged not to bring an attorney to the mediation meeting.

The formal complaint process before the Commission invariably results in a determination by which there is a "winner" and a "loser" although the value of winning may well be offset by the cost of attorneys fees and the delays of protracted litigation. Mediation is not only a much quicker process but it also offers the unique opportunity for informal, direct communication between the two parties to the complaint and mediation is far more likely to result in a settlement which, because it was mutually agreed to, pleases both parties. This is traditionally referred to as "win-win" agreement.


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

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 1ST day of OCT, 1999.



**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
October 1, 1999**

CASE NO: SC-2000-256

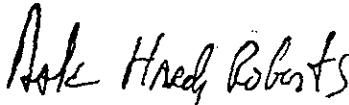
Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Capital Utilities, Inc.
P. O. Box 7017
Jefferson City, MO 65102

Enclosed find certified copy of a NOTICE in the above-numbered case(s).

Sincerely,



**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

Uncertified Copy:

Herbert Haneman
3003 Bluebird Hollow
Sedalia, MO 65301