

BEFORE THE PUBLIC SERVICE COMMISSION OF THE  
STATE OF MISSOURI

FILED<sup>3</sup>

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.

I. 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.

Then I get the unpaid bill sent to [redacted] copy enclosed (see copy attachment #2). Please note that the sewer portion is more than twice what the water portion is! I have never seen a water/sewer bill where the sewer charge is more than the water charge! It's generally slightly less than the water. Even another house I own in the same subdivision serviced by Capital Utilities, 2816 Meadow Wood, has a lower sewer portion than the water portion, copy enclosed (see copy attachment #2). I truly believe that because I wasn't willing to pay the entire water and sewer bill and am only responsible for the sewer portion Capital Utilities has weighted that portion higher in an effort to extort additional moneys from me.

The sewer tariffs rule 9 para. L states that "the owner of the property to be ultimately responsible for payment of bills for service." It DOES NOT say bills for service and penalties. DO TO THE FACT THAT I WAS NOT IN ARREARS, the tenant was, I FEEL THE BILL FOR SERVICE IS THE ONLY AMOUNT THAT SHOULD BE ALLOWED TO BE PAST ON, NOT PENALTIES INCURRED BY ANOTHER if anything at all should be past on to the owner.

The sewer tariffs rule 9 para. L further states, "provided the company has made reasonable and timely efforts to collect bills due from the customer." The sewer charge of \$89.49 on the bill is **MORE THAN FIVE MONTHS** of sewer bills. If a person is allowed service without paying for over five months than rule 9 has not been adhered to otherwise service would have been discontinued. When I stated this objection to Capital Utilities they explained he kept giving them a bad check for payment. When I receive a bad check I request further payments be made in cash, money order, or some other form than a personal check. They as a responsible business should also do the same.

The sewer tariff Rule 9 para. L further states, "All notices of delinquent bills or disconnection shall also be sent to the owner of the property." I had not received any such notice of delinquency. Capital Utilities claims they didn't know I was the owner. I have addressed that matter at the beginning of this complaint in the fact that this same property was in default on the previous tenant when Don Bauer moved into it. At that time I was dealing with Capital Utilities on the Monica Shepard matter and a court decision resolved the bill to their satisfaction. How could they possibly have NOT been aware of the fact I was the owner! They will represent any circumstance in whatever light that will possibly allow them to shift responsibility upon someone other than themselves!

In summary I feel that Capital Utilities has been in **NON-COMPLIANCE WITH THE TARIFF** in several areas and therefore should not be allowed to pass on this exaggerated sewer bill. Your help on this matter is requested and appreciated.

Thank you for your time and consideration.

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3. The complainant has taken the following steps to present this complaint to the respondent:

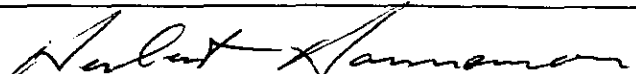
My wife and I have stated the facts previously mentioned in the preceding paragraph 2 to Capital Utilities and in return have received threats of disconnection of water unless we meet the utilities man in the yard with cash to pay the bill. If they had done that when they were receiving bad checks from Don Bauer the bill would have been paid and we wouldn't be in this situation now!..... "provided the company has made reasonable and timely efforts to collect bills due from the customer".

WHEREFORE, Complainant now requests the following relief:

I request the PSC determine that Capital Utilities **HAS NOT** been in compliance with the tariff, **HAVE NOT** done their required job to make reasonable and timely efforts to collect bills due from the customer, **HAVE NOT** sent notices of delinquent bills to the owner, and therefore are not allowed to pass the delinquent tenant bill or tenant late charges to the owner.

9-19-99

Date

  
Signature of Complainant

COPY  
ATTACHMENT  
# 1

Account History

CO. #:003    Serv. ID: 10233    Acct. #: MW0441    Route No.: 1					
Name: Shepard Monica					
Service Addr: 2516 Rosebud Circle					
Bedalia, MO 65301					
Cur. Bal: 105.08					
Serv. #:					
Telephone #: (816)827-0293					
Date	Type	Rsp	SC	Bal. Frwd.	Amount
03/03/97	Charge		L	81.66	23.42
02/25/97	Charge			47.28	34.28
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 # 2

CAPITAL UTILITIES, INC.  
P.O. BOX 7017  
JEFFERSON CITY, MO 65102  
573-634-2699 or 1-800-624-5252  
OFFICE: 312 LAFAYETTE ST.

SERVICE AT	2516 Rosebud Circle			
SERVICE ID	10233	ACCOUNT #	MW0844	
SERVICE	PRV. READING	CURRENT	USAGE	AMOUNT
Water				43.10
Water Prim Fee				2.00
Sewer				89.49
Sewer Penalty				35.00

Total Sewer Due

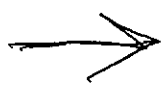
\$124.49

PLEASE RETURN THIS STUB WITH PAYMENT

Joe & Loretta Hanneman  
30032 Blue Bird Hollow  
Sedalia Mo 65301

Don Bauers Bill  
Sent to us  
TO PAY

Another  
property  
I own  
IN THE  
SAME  
SUB-DIVISION



CAPITAL UTILITIES, INC.  
P.O. BOX 7017  
JEFFERSON CITY, MO 65102  
573-634-2699 or 1-800-624-5252  
OFFICE: 312 LAFAYETTE ST.

SERVICE AT	2816 Meadow Wood Drive			
SERVICE ID	10387	ACCOUNT #	MW1000	
SERVICE	PRV. READING	CURRENT	USAGE	AMOUNT
Water	278000	288000	10000	17.45
Sewer				13.62
Prim				0.00

SERVICE 06/25/99 TO 07/22/99  
DUE DATE 08/15/99

PRIOR BAL	CURRENT AMT	TOTAL DUE
0.00	31.07	31.07