

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held at its office
in Jefferson City on the 6th
day of March, 1991.

Juanita D. Carter,	)	
	)	
Complainant,	)	
	)	
vs.	)	<u>Case No. WC-91-262</u>
	)	
St. Louis County Water Company,	)	
	)	
Respondent.	)	

ORDER DISMISSING COMPLAINT

On January 22, 1991, Juanita D. Carter (Complainant) filed a complaint against St. Louis County Water Company (Respondent) requesting an order of the Commission directing St. Louis County Water Company to specifically clarify "regularly scheduled reading time" as set forth in rule number 9.0 (E) of St. Louis County Water Company's general rules and regulations.

In support of her complaint, Complainant states that Respondent's representative refuses to clarify "regularly scheduled reading time" as it is stated in Rule 9.0 (E).

On February 1, 1991, Respondent filed an answer and motion to dismiss this complaint. Respondent, for the most part, denies Complainant's allegations except to admit that Complainant called St. Louis County Water Company on January 16, 1991 and spoke to Mr. Hewitt. Respondent further states that the term "regularly scheduled reading time" has been explained to Complainant by the Missouri Public Service Commission Staff (Staff) in a letter dated September 26, 1990, Exhibit 4, attached to Respondent's answer, to mean a range of approximately three (3) days but that a date certain cannot be guaranteed due to

factors that may cause it to be slipped (i.e., route read early, inclement weather, illness of meter reader).

Respondent has further explained to Complainant that if she would telephone the Company in reasonable proximity to the next opportunity for billing the reading date will be provided to her. Respondent contends that Complainant continually misinterprets "regularly scheduled reading time" to mean a meter-reading appointment. Company's tariff provides for a meter-reading appointment wherein a definite date and time will be arranged to read the customer's meter. However, the Company's tariff also provides for a \$20.00 service charge for each meter-reading appointment. Respondent contends Complainant desires a meter-reading appointment without the associated service charge.

Further answering, Respondent's moves that the complaint be dismissed as frivolous pursuant to the Commission Rule 4 CSR 240-13.050(16). In support of this motion, Respondent cites Case No. WC-91-199 in which Complainant filed a similar complaint with this Commission. Respondent further states that the Complainant abuses the complaint process for her own entertainment.

On February 13, 1991, Complainant filed an answer to the motion to dismiss requesting that the complaint be heard and that Respondent's representative stop harassing Complainant. In support of her answer, Complainant denies that her complaint is frivolous. Complainant further states her complaint is based on dissatisfaction with harassing tactics and discriminating acts on the part of Respondent's representative.

The Commission is of the opinion that it can rule upon Complainant's request based upon the pleadings. The Commission does not find a need for an oral hearing regarding this complaint as Complainant's request for clarification of "regular scheduled reading time" has been satisfied. The Commission further

finds the actions of Respondent's representative associated with this matter have merely been the fulfillment of his obligations under the tariff in response to the complaint. Therefore, the Commission will dismiss this complaint.

IT IS THEREFORE ORDERED:

1. That this complaint is dismissed hereby.
2. That this order shall become effective on March 19, 1991.

BY THE COMMISSION

Brent Stewart

Brent Stewart
Executive Secretary

(S E A L)

Steinmeier, Chm., Mueller, Rauch,
McClure and Letsch-Roderique, CC., Concur.