

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held at its office
in Jefferson City on the 7th
day of April, 1995.

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|---------------------------------|---|----------------------------------|
| Kevin Nash, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| vs. |) | <u>CASE NO. WC-95-229</u> |
| |) | |
| St. Louis County Water Company, |) | |
| |) | |
| Respondent. |) | |

ORDER DISMISSING COMPLAINT AND CLOSING CASE FILE

On February 9, 1995, Kevin Nash (complainant) filed a complaint against St. Louis County Water Company alleging that his bills for water service for the months of August, and November of 1994, and February of 1995, were disproportionately high. The Commission issued a Notice of Complaint on February 10, 1995. St. Louis County Water Company filed its answer on March 3, 1995, denying complainant's allegations. The company stated that it tested the customer's meter and could find no evidence that the billing was incorrect. The company believed the higher bills during the months in question were due to complainant's leaking toilet. St. Louis County Water Company stated that the company offered Mr. Nash a "one time per customer" billing correction that Mr. Nash declined.

Having reviewed the pleadings, the Commission is of the opinion that there is no basis for conducting a Staff investigation or a hearing. Complainant has made no allegation that the company violated any statute or agency rule other than to suggest that he was billed inaccurately. Complainant admitted the existence of a leaking toilet and offered no facts

to support his allegation that factors on his side of the meter were not responsible for his increased billing. "A utility company must be compensated for the full amount lawfully due it under the law and the rates fixed by the Public Service Commission." *Laclede Gas Co. v. Solon Gershman, Inc.*, 539 S.W.2d 574, 577. Complainant did not offer sufficient facts to support an allegation that respondent used anything other than its Commission approved, tariffed rates in billing him during August and November of 1994, and February of 1995. The Commission finds, therefore, that Complainant's allegations are insufficient to state a claim upon which relief may be granted and the complaint should be dismissed under 4 CSR 240-2.070(6).

IT IS THEREFORE ORDERED:

1. That the complaint by Kevin Nash against St. Louis County Water Company be dismissed and this case closed.
2. That this order shall become effective on the date hereof.

BY THE COMMISSION



**David L. Rauch
Executive Secretary**

(S E A L)

Mueller, Chm., McClure, Perkins,
Kincheloe and Crumpton, CC.,
concur.