

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

COMMERCE TOWER GROUP, LLC	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. _____
	)	
VEOLIA ENERGY KANSAS CITY, INC.	)	
	)	
Respondent.	)	

**FORMAL COMPLAINT**

Complainant Commerce Tower Group, LLC, pursuant to 4 CSR 240-2.070, brings this formal complaint against Veolia Energy Kansas City, Inc., and alleges the following:

**Parties**

1. Complainant Commerce Tower Group, LLC (“CTG”) is a Missouri limited liability company with a business address of 901 Main Street, Kansas City, Missouri 64105. CTG is the owner and redeveloper of the Commerce Tower building located at 901 Main Street, Kansas City, Missouri 64105 (the “Commerce Tower”). The utility services provided, and the violations and actions giving rise to this formal complaint, were rendered by respondent at the Commerce Tower.

2. Respondent Veolia Energy Kansas City, Inc. (“Veolia”) is a public utility providing steam services in Kansas City, Missouri with a business address of 115 Grand Blvd., Kansas City, Missouri 64106 and a telephone number of 816-889-4900. Respondent is a public utility under the jurisdiction of the Missouri Public Service Commission.

### Nature of the Complaint

3. Veolia filed certain tariff sheets on July 23, 2014, assigned Tracking Nos. YH-2015-0020 and YH-2015-0021 (the “Tariffs”), including its schedule of General Rules and Regulations (PSC Mo. No. 2) (“Regulations”), which became effective on August 1, 2014.

4. Veolia provided steam services to CTG at the Commerce Tower from October 13, 2013 to April 30, 2015.

5. Veolia has violated the Tariffs, the Regulations, and Missouri statutes by consistently overbilling CTG for steam services provided by Veolia to CTG between October 13, 2013 and April 30, 2015. Based on CTG’s review of a sample of invoices received from Veolia, it appears that Veolia may have overbilled CTG by an amount in excess of \$100,000 during this 18 month period.

6. Veolia has violated the Tariffs, the Regulations, and Missouri statutes by improperly billing CTG for steam services neither provided by Veolia nor received by CTG at the Commerce Tower after April 30, 2015. In fact, Veolia has and continues to bill CTG for steam services allegedly provided after CTG notified Veolia that it was terminating the receipt of services and after steam delivery to Commerce Tower was physically shut-off (*i.e.* Veolia has and continues to bill CTG for services that CTG not only did not receive but could not have received).

7. Veolia has violated the Tariffs and the Regulations by refusing to cooperate with CTG regarding the relocation of certain steam service lines owned by Veolia but located within the Commerce Tower. The steam service lines must be relocated in order for CTG to proceed with a \$120 million renovation project of the Commerce Tower. Yet, Veolia has refused to work with CTG or allow CTG to relocate the lines despite CTG offering to incur and pay all

expenses associated with the necessary relocation. CTG has and continues to suffer significant legal and equitable damages as a result of the delay caused by Veolia's refusal to allow relocation of the steam lines.

8. Veolia has and continues to willfully, maliciously, intentionally, and tortiously interfere with CTG's business expectancies and contracts by providing false and misleading information to third-parties regarding billing disputes between CTG and Veolia. Specifically, Veolia has copied third-parties on communications between CTG and Veolia regarding billing disputes and containing incorrect and unfounded allegations by Veolia against CTG. CTG has and continues to suffer legal and equitable damages as a result of these tortious actions.

### **Relief Requested**

9. CTG requests that the Commission:
- a. Order and oversee a full investigation of Veolia's billing practice concerning its provision of steam services to customers in the Kansas City area;
  - b. Order and oversee a forensic audit of Veolia's billings to CTG for the period from October 13, 2013 through August 30, 2015;
  - c. Order Veolia to refund any and all overbillings to CTG, as determined by the audit;
  - d. Order Veolia to relocate its steam services lines located in the Commerce Tower Building or, in the alternative, order Veolia to allow CTG to relocate the service lines with Veolia providing all cooperation necessary for such relocation;

- e. Order Veolia to cease and desist from any and all further communication with or disclosures to any third-party concerning the disputes between CTG and Veolia and any payments allegedly owed by CTG to Veolia; and
- f. For such other and further relief as the Commission feels is warranted.

**Statement Whether Complainants Have Directly Contacted Respondents**

10. In an effort to manage the relationship and address its concerns, CTG has had meetings and exchanged phone calls with Veolia on a monthly basis during the period it received services from Veolia. Most recently, CTG (through its counsel Lathrop & Gage LLP) sent Veolia a letter, dated August 25, 2015, in an attempt to amicably resolve the issues asserted in this Complaint. To date Veolia has failed to respond to CTG's August 25 letter.

**Jurisdiction of the Commission**

11. The Commission has jurisdiction to regulate and control the actions of Veolia as it is a public utility.

Respectfully submitted:

**LATHROP & GAGE LLP**

By: /s/ Matthew L. Faul  
Matthew L. Faul MO 57397  
James W. Grice MO 41644  
2345 Grand Blvd., Suite 2400  
Kansas City, MO 64108  
Tel: 816.292.2000  
Fax: 816.292.2001  
mfaul@lathropgage.com  
jgrice@lathropgage.com

and

Jennifer S. Griffin MO 44406  
314 E. High Street  
Jefferson City, MO 65101  
Tel: 573.761.5006  
Fax: 573.893.5398  
jgriffin@lathropgage.com

**Attorneys for Complainant Commerce Tower  
Group, LLC**