

Jim Moriarty,

Complainant

v.

Case No. WC-2025-0204

Missouri American Water Company,

Respondent

**Brief of Complainant Jim Moriarty
September 30, 2025**

1. Why is this case important?

To effectively manage water usage and conserve a most valuable resource, customers must have access to current usage data. Citizens and captive customers of a monopoly utility must also have confidence that the regulatory process is working and that regulators have complete information when making decisions. This brief will highlight both the known flaws in the Respondent's primary water usage reporting tool, MyWater (Transcript, page 129, lines 10-15), and the Respondent's failure to acknowledge its shortcomings without a formal hearing, institute effective system development processes to ensure timely system corrections that have been properly tested prior to implementation, and perhaps most importantly, provide an adequate alternative for customers to obtain water usage data that should have been provided before removing customers' water meters from customers' homes.

This case involving the Formal Complaint of Jim Moriarty (Complainant) against the Missouri American Water Company (Respondent) should never have been necessary let alone gone to a hearing where the citizen and captive customer of the Respondent is at an overwhelming legal disadvantage. The Complainant contends that if the Respondent had at least filed a serious Answer to Complaint that addressed the issues raised in his Formal Complaint, the Staff Report and a hearing could have been avoided (Transcript, page 5, line 24 to page 6, line 3). How many individual customers can afford to hire

the legal expertise to fight one of the largest water companies, if not the largest, in the nation? Staff was remiss in not pointing this out in its Staff Report.

The Respondent's arrogance and refusal to answer basic questions about its flawed online tool, MyWater (provided to customers to manage water usage and verify billing accuracy), by its Customer Service function and in its Answer to Complaint must have serious consequences. The Respondent has repeatedly denied there are billing errors which the Complainant has never claimed throughout this proceeding rather than addressing the primary issue raised by the Complainant, flawed water usage reporting to its customers that they must have to manage their use of a precious resource. The Complainant has demonstrated that customers have been receiving stale, conflicting water usage figures from the primary customer reporting tool, MyWater, and has requested a complete accounting which should be a relatively easy accounting for the Respondent to provide based on its own witness testimony about "cut off" issues (Transcript, page 85, lines 3-15) as well as appropriate program changes, tested prior to implementation, to correct the obvious problems in the MyWater application.

In its opening statement at the hearing, Respondent was still trying to mislead the focus on Rule **20 CSR 4240-13.025(1)(a)** by stating "We certainly believe there are no billing errors shown in this case. Billing is separate from the MyWater display" (Transcript, page 13, lines 18-20). The opening statement is completely lacking in any mention of the obvious errors in MyWater which is the basis of the Formal Complaint regarding this rule. Complainant only asked for refunds to *all* customers under **20 CSR 4240-13.025 Billing Adjustments**, if an accounting for discrepancies is not forthcoming, and to date there has been no accounting. Complainant has demonstrated in this proceeding that there is no question that the Respondent has violated multiple sections of **20 CSR 4240-13.040 Inquiries**. The Complainant has also shown that Staff has not conducted a proper investigation in this case (Exhibit 1, Mr. Moriarty's Prefiled Testimony, page 7, line 9 to page 9, line 26).

Staff's attempts to insulate the Respondent's failures was never more evident than in its cross examination of Respondent witness Derek Tarcza when Staff questioned him on the Respondent's "testing process" before implementing changes in the live version of MyWater. To demonstrate why the Respondent did not find errors, Mr. Tarcza describes a situation where a "scientific notation" appears on reports because "the Company does not have a read yet for that specific time period" (Transcript, page 83, lines 18-21). The logical next question was: "why not simply introduce test data into the test process?" but there is no indication that Staff ever asked that question.

Later during that same cross examination, Staff questioned Mr. Tarcza about the "negative adjustments" on the 30 Days Reports that Mr. Moriarty had reported, to which Mr. Tarcza responded: "it could appear to be cut off and then it would show a negative" (Transcript, page 84, line 24 to page 85, line 15. The specific quote is on page 85, lines 11-12). Mr. Tarcza goes into more detail during cross examination when asked about a statement in his rebuttal testimony in the Respondent's recent rate case: "As a result of the time zone difference between the meter data and the logic used in the rolling windows to calculate usage, the oldest day is – of usage is calculated using only 18 hours of usage" (Exhibit 9, Mr. Tarcza's Rebuttal, Surrebuttal and Sur-Surrebuttal Testimony, Case WR-2024-0320, page 19, lines 10-12) indicating that 6 hours have been cut off. If the 30 Days Report was only 29 days as claimed by the Complainant and confirmed by Mr. Tarcza (Transcript, page 84, line 24 to page 85, line 15) then the total usage from day 30 would also factor into the reconciliation. If as Mr. Tarcza indicates the data is "cut off," this should have made it relatively easy for the Respondent to provide the complete accounting for the differences requested by the Complainant during the Staff's "investigation" by simply producing the data that was "cut off." There is no indication anywhere in the Staff's presentation if it even asked for such an accounting.

Respondent's and Staff's conclusions cited in their opening statements that "MAWC" has not violated any of the regulations cited or alleged by Mr. Moriarty (Transcript, page 8, lines 23-24 and page 7, lines 15-17) are unfounded as demonstrated by the Complainant. For example, Respondent's opening remarks about how the Respondent met its 13.0402(a) requirement to "establish personnel procedures which ensure that at all times during normal business hours, qualified personnel shall be available and prepared to receive and respond to customer inquiries . . ." (Transcript, page 14, line 23 to page 15, line 4), its only explanation was to provide the "Company's call center" hours (Transcript, page 15, lines 5-9) which obviously has nothing to do with qualifications. The Staff's conclusion, on the other hand, seems rather unusual because it follows with "MAWC has made quite a few internal changes to correct usage display errors on MyWater identified by Mr. Moriarty" (Transcript, page 7, lines 18-20). Nowhere in the Staff's presentation in this case has the Staff demonstrated that it understands the "display errors" or has any plan for follow-up investigation of the effectiveness of the "changes."

Respondent in its opening statement states that "Mr. Moriarty has been particularly consistent with his review of the data in MyWater as it relates to his usage display and has provided some observations the company has not received from any other customers" (Transcript, page 10, lines 20-24). Despite this admission, the Complainant's many calls to Customer Service, and his appearance at a November 2024 public hearing to protest the Respondent's request for a rate increase on the basis of obvious problems with MyWater and his treatment by Customer Service, the Respondent never gives a reason why the Complainant was never contacted by the Respondent's "account resolution team," first disclosed in this case during Respondents opening statement (Transcript, page 14, lines 11-13) and unknown to the Complainant. This function may have also been referred to by Respondent witnesses Paul Ebbeler as the "disputes department" (Transcript, page 57, lines 8-9) and Respondent witness Derek Tarcza as the "escalation path" (Transcript, page 125, line 4) so its importance within the Company is questionable.

Respondent in its opening statement also provides a long, detailed description of MyWater (Transcript, page 9, lines 5-19) that completely omits water usage reporting to customers which is the only tool available for many, if not most, customers with meters located in outside pits. In addition Respondent in its opening statement, uses the inappropriate comparison of meter reading to an odometer on a car without pointing out that, (1) unlike reading a meter in a buried pit, drivers can see their odometers and (2) cars don't usually provide two sets of conflicting mileage reporting (Transcript, page 12, lines 6-23) and repeated by Respondent witness Paul Ebbeler (Transcript, page 24, lines 1-2) and Respondent witness Derek Tarcza (Transcript, page 86, lines 2-8 and page 87, lines 11-15).

2. Why is Complainant justified in his expectations for the Respondent and Commission Staff to do deeper investigations of his claims?

Even though the Complainant was not familiar with the complaint process, he tried to follow the rules to voice his concerns about the obviously defective MyWater computerized water usage reporting system that was advertised by the Respondent as a "real-time" (Exhibit 4, Formal Complaint, Exhibit A, page 2) and "up-to-the-hour water usage" (Exhibit 4, Formal Complaint, Exhibit A, page 1) reporting system as part of Respondent's Advanced Metering Infrastructure (AMI). Respondent witness Paul Ebbeler acknowledged that "it's not real-time and it's not up to the hour" (Transcript, page 42, lines 4-7) and Respondent witness Derek Tarcza concurred when he testified that it is "in arrears" (Transcript, page 121, lines 15-17) and "usage may be delayed up to a 72-hour period" (Transcript, page 121, lines 9-10).

Staff, while acknowledging real-time data is not available in MyWater (Transcript, page 153, lines 1-4), merely accepted the "72 hours" delay answer in its Report without any independent investigation (Transcript, page 146, line 24 to page 147, line 4). Staff only confuses the issue when it quotes the Respondent's *incorrect* response to Staff DR 0015 that "Typically, there is a four-hour delay

in data availability for the customer to view their water usage” (Exhibit 11, Staff Report, page 7, second full paragraph) because Derek Tarcza clearly indicates (see previous paragraph) that the delay is at least 72 hours (Exhibit 7, Mr. Tarcza’s Prefiled Direct Testimony, page 13, lines 11-12). The Complainant has shown it is often more than 72 hours and that Mr. Tarcza’s “72 hours” is a minimum (Exhibit 1, Mr. Moriarty’s Prefiled Testimony, page 1, line 26) and daily reporting is often missed (see next paragraph).

The Respondent’s promise in an October 2024 email stated “With AMI, American Water can access your water meter immediately without having to send out a field service representative. You can access the same data we have . . .” (Exhibit 4, Formal Complaint, Exhibit A, page 2). Under cross examination, Respondent witness Paul Ebbeler acknowledged that field service representatives had access to more current data than the customer has with MyWater (Transcript, page 36, lines 4-12). MyWater clearly does not have “the same data.” Furthermore, the Respondent’s October 2024 email promised other benefits to customers including “Better understand your water usage” and “Get improved customer service” (Exhibit 4, Formal Complaint, Exhibit A, page 2) that the Complainant has refuted throughout this case. If 72 hours is the minimum as indicated in the previous paragraph, any time the Respondent misses a day’s reporting, which the Complainant indicates is currently happening “29%” of the time (Exhibit 1, Mr. Moriarty’s Prefiled Testimony, page 12, lines 12-14), the delay is at least 96 hours in those cases.

Respondent’s only defense regarding delays in water usage data in MyWater by Respondent has been “we have changed the wording” (Exhibit 7, Mr. Tarcza’s Prefiled Direct Testimony, page 13, lines 11-12) but such misleading (not a matter of “may” but the minimum) wording (Exhibit 1, Mr. Moriarty’s Prefiled Testimony, page 4, line 30) doesn’t even appear on the applicable printed reports (Exhibit 1, Mr. Moriarty’s Prefiled Testimony, page 4, lines 30-33). When asked if customers were alerted with a corrected email, Respondent witness Paul Ebbeler said “Yeah. I – that’s the email that goes out to

inform customers of the functionality. That has been changed” (Transcript, page 73, lines 6-11) but did not provide a copy of any corrected email. When asked the same question, Respondent witness Derek Tarcza did not agree saying “I am not aware of that, no” and “I’m not aware of any company communication that went out to customers regarding usage data” (Transcript, page 120, lines 21-25). Respondent witness Paul Ebbeler admitted during cross examination that he was not even aware that such wording was not even making it to printed reports (Transcript, page 41, lines 4-9).

The Respondent completely ignored the issues raised in the Complainant’s Formal Complaint in its Answer to Complaint and has failed to demonstrate that MyWater, at least two days behind in reporting water usage which even the staff’s witness agrees is not current (Transcript, page 149, lines 21-23), improves customers’ understanding of water usage over the actual real-time capability of customers simply reading their own meters in the comfort of their homes. This case has made it clear that MyWater is not now or ever has been or will be anytime in the near future a “real-time” or “up-to-the-hour water usage” reporting system (Exhibit 11, Staff Report, page 7, second full paragraph). Little, if any, of the AMI promised benefits have been available to Respondent’s customers. The Complainant started calling the Respondent’s Customer Service in late 2023 when his water meter was moved by the Respondent from a convenient location in his basement to an in-ground pit outside in his yard with a cover that was “bolted to the pit” (Exhibit 1, Mr. Moriarty’s Prefiled Testimony, page 9, lines 30-31). The personnel that the Complainant talked to in Customer Service displayed little knowledge of MyWater and were of little help in assisting the Complainant with his questions (Exhibit 4, Formal Complaint, Section 7 – **20 CSR 4240-13.040 Inquiries (2)(A)**, first paragraph)

Respondent witness Derek Tarcza claimed in his direct testimony that the Respondent started working on improvements to MyWater in November 2024 (Exhibit 7, Mr. Tarcza’s Prefiled Direct Testimony, page 7, lines 11-12), six months before the Complainant’s filed his Formal Complaint, but in

cross examination it was established that the Complainant had contacted the Respondent's Customer Service a year earlier about problems with MyWater and had actually testified against the Respondent's rate increase at a November 2024 public hearing "on the basis of deficiencies in MyWater and the way he was being treated by customer service" in the same month that Mr. Tarcza claimed the Respondent started working on improvements (Transcript, page 117, line 2 to page 119, line 22). The answer to question #4 below describes the Complainant's efforts to get answers about MyWater that basically followed the rules as spelled out by the three documents: 1) Consumer Bill Of Right; 2) PFC Divisions, Administrative Division; and 3) How To Submit A Complaint (Exhibit 1, Mr. Moriarty's Prefiled Testimony, page 10, line 17 to page 11, line 22).

3. Has this case ever been about Complainants bill or his payment history?

No. Complainant made it clear when he testified that "The purpose of my testimony is to present my Formal Complaint of January 6, 2025 and repeat all and emphasize the first two requests for relief that I made in that Formal Complaint. Furthermore, I intend to demonstrate the futility of the current utility complaint process, the lack of investigative curiosity shown in the Commission Staff Report, and the lack of responsiveness and customer follow up by Missouri American Water Company (MAWC)" (Exhibit 1, Mr. Moriarty's Prefiled Testimony, page 1, lines 6-10). Even the proposed customer refunds were requested only if the Respondent, directly or through Staff, could not provide an adequate explanation of changes to the Respondent's own published 30 Days Reports (Exhibit 4, Formal Complaint, Section 6.A.). Complainant's concern for his failed winter season water adjustment request in February 2024 had more to do with the lack of relevance in the delayed response to that request than any water bill adjustment (Exhibit 4, Formal Complaint, Section 8.C., second paragraph). Complainant actually made a second request for a winter season adjustment after a toilet valve got stuck in January 2025 where he also made it clear that his major concern was normalization of winter water usage reported to MSD (Exhibit 1, Mr. Moriarty's Prefiled Testimony, page 5, line 30 to page 6, line 13).

Respondent made no attempt to explain the anomalies present in its own MyWater reporting in its Answer to Complainant and provided less information in all of its filings in this case than its technical expert did in the recent rate case in his rebuttal testimony in which he also stated “the Company does not believe the rate case is the appropriate venue for this discussion” (Exhibit 9, Mr. Tarcza’s Rebuttal, Surrebuttal, and Sur-Surrebuttal Testimony, Case WR-2024-0320, page 17, lines 17-18). The only monetary relief requested by the Complainant is the first request for relief, “refunds to **all** customers” if an adequate explanation for the anomalies in the Respondent’s own reported water usage is not forthcoming (Exhibit 4, Formal Complaint, Section 6.A. and Exhibit 1, Mr. Moriarty’s Prefiled Testimony, page 1, lines 33-35). Neither the Respondent nor the Staff (provided with Complainant’s payment history through data requests) has identified a questionable payment history on the part of the Complainant. This case is 100 percent about customer service or lack thereof.

4. Has Complainant attempted to get resolution to his complaints in accordance with established rules?

Yes. The field representative that moved the Complainant’s meter to the outside pit assured the Complainant that he would still be able to get current water usage data (Exhibit 4, Formal Complaint, Section 7 - **20 CSR 4240-13.040 Inquiries, (1)**, first paragraph). When the Complainant could not find his water usage data on the Internet, he called the Respondent’s Customer Service and was told such data was not available to customers and was not told about the MyWater website (Exhibit 4, Formal Complaint, Section 7 - **20 CSR 4240-13.040 Inquiries, (1)**, second paragraph). After the Complainant discovered the MyWater portal on his own, he noticed that the water usage data was not current and started calling Customer Service to find out where the more current data could be found but was unable to talk with anyone familiar with MyWater (Exhibit 4, Formal Complaint, Section 8.C., first paragraph) and even had at least two Customer Care Agents (CCAs) tell him that they could not see his daily usage

(Transcript, page 101, line 7 to page 102, line 4). After noticing large discrepancies in the data (reaching as much as 200 gallons difference between the 24 Hours Report and the corresponding day on the 30 Days Report (Exhibit 4, Formal Complaint, Exhibit I, page 3, second paragraph), more than two days of average daily usage, the Complainant requested in May of 2024 that a field representative visit his home (Exhibit 4, Formal Complaint, Section 8.D.).

The first thing the Complainant asked the field representatives to do was to replace the cover on the pit that was bolted shut so the Complainant could attempt to access his meter that had been relocated to the pit (Exhibit 4, Formal Complaint, Section 8.D.). Complainant is now concerned about vandalism or worse (Exhibit 1, Mr. Moriarty's Prefiled Testimony, page 9, line 32). The Complainant then showed the field representatives the reports containing the large discrepancies and was told the only thing the field representatives could do was to request that someone with more knowledge of the system call the Complainant (Exhibit 4, Formal Complaint, Section 8.D.). That call never came but the Complainant did receive an unsigned letter from Camden, New Jersey (Exhibit 4, Formal Complaint, Section 8.D. and Formal Complaint, Exhibit I, page 2) a couple of weeks later that stated he was getting the letter because of a "higher than expected bill" which was never part of the Complainant's reason for requesting the service call. When asked during cross examination of a comment from Respondent witness Paul Ebbeler that the letter could have been generated locally (Transcript, page 52, line 22), Mr. Tarcza replied "That is common" (Transcript, page 118, lines 4-9). Nevertheless, Complainant immediately wrote a letter (Exhibit 4, Formal Complaint, Section 8.D. and Exhibit I, page 3) to the Respondent's corporate office in Camden, New Jersey (return address on letter) and provided a full explanation of the service call and the details of the discrepancies he had found in MyWater. The Complainant never received a response to his letter (Exhibit 4, Formal Complaint, Section 8.D.).

The Complainant continued to call Customer Service but had little luck talking to anyone that was familiar with MyWater. At least two CCAs told the Complainant on June 19, 2024 and July 15, 2024 that they did not have access to water usage data (Exhibit 8, Data Request 001 - correct number is 0001 -, pages 2 and 3) and the Complainant was also told that MyWater was the responsibility of the “Meter Department” or “Web Services” (Exhibit 4, Formal Complaint, Section 8.A.) but the CCAs could not transfer the call or provide a phone number. When the Complainant asked that these other functions call him, the calls never came (Exhibit 1, Mr. Moriarty’s Prefiled Testimony, page 7, lines 16-19).

On October 17, 2024, Complainant received an email from Respondent praising the capabilities of its Advanced Metering Infrastructure (AMI) (Exhibit 4, Formal Complaint, Exhibit A, page 1) that reads “AMI meters are high-tech water meters that allow customers to track their up-to-the-hour water usage through MyWater.” It further reads “AMI METER BENEFITS In addition to providing customers with real-time data, AMI meters provide the following benefits:” Even the Respondent has acknowledged there is no real time data with its misleading words “usage data in MyWater may be delayed up to 72 hours” (Exhibit 7, Mr. Tarcza’s Prefilled Direct Testimony, page 13, lines 11-12) that doesn’t even make it to the printed reports (Exhibit 1, Mr. Moriarty’s Prefiled Testimony, page 4, lines 30-33). The Complainant uses the term “misleading” because it is not a matter of “may” but rather the minimum (Exhibit 1, Mr. Moriarty’s Prefiled Testimony, page 1, lines 25-26).

The Complainant appeared at a public hearing on November 12, 2024 and objected to the Respondent’s request for a rate increase based on known defects in MyWater, the lack of customer support he was able to get, and that he “had been hung up on so many times by Customer Service that it had be part of their training” (Exhibit 1, Mr. Moriarty’s Prefiled Testimony, Page 4, lines 8-11). The Complainant was never a party to the rate case proceedings but was able to obtain a copy of Respondent witness Tarcza’s testimony in that case because Mr. Tarcza had referenced it in his direct

testimony (Exhibit 7, Mr. Tarcza's Prefiled Direct testimony, page 8, footnote 1) in this case relating to Complainant's Formal Complaint. At the public hearing the Complainant also talked directly with the Respondent's General Counsel who seemed interested in what the Complainant had to say about MyWater. The Complainant offered to help the Respondent identify and correct the problems he had found with MyWater and said "just have someone call me" (Exhibit 1, Mr. Moriarty's Prefiled Testimony, page 4, lines 11-12). The Complainant never received that call (Exhibit 4, Formal Complaint, Section 8.E.). On January 6, 2025, the Complainant filed his Formal Complaint as a last resort. (Exhibit 1, Mr. Moriarty's Prefiled Testimony, page 4, line 13).

5. Has Respondent attempted to respond to Complainant's Formal Complaint in accordance with established rules?

The Respondent filed its Answer to Complaint on February 18, 2025. The response was anything but an attempt to address any of the issues raised in the Formal Complaint. Respondent witness Derek Tarcza disclosed more information in his rebuttal testimony in the Respondent's rate case than was provided in the Answer to Complaint in this case even though Mr. Tarcza had indicated in that rebuttal testimony that "The Company did not believe the rate case was the proper venue to discuss the Complaint" and that "MAWC will specifically address the allegations within the complaint in its response to this complaint" (Exhibit 9, Mr. Tarcza's Rebuttal, Surrebuttal, and Sur-Surrebuttal Testimony, WR-2024-0320, page 17, lines 17-18 and lines 18-19).

During cross examination in the recent hearing, Mr. Tarcza confirmed that the complaint he was referring to in his rate case rebuttal testimony was the Formal Complaint at issue in this case and that his use of the term "response" in that rate case rebuttal testimony referred to the Answer to Complaint in this case (Transcript, page 103, lines 3-17). One sentence (discussed as "**root cause**" in second paragraph under 6.A. below) in Mr. Tarcza's rate case testimony was more useful to understanding what

went wrong with the MyWater system than anything the Respondent or the Staff has disclosed anywhere in this case.

6. What are the Complainant's Requests for Relief that the order in this case must address?

Complainant in his Formal Complaint listed a number of "requests" for "relief" (Exhibit 4, Formal Complaint, Section 6) and discussed nearly all of them in his direct testimony (Exhibit 1, Mr. Moriarty's Prefiled Testimony, page 1, line 31 to page 2, line 37 and page 5, line 24 to page 7, line 8) as he sought practical solutions to the many problems encountered with the MyWater system. The following recommendations are provided for each of these requests in the same order as they appear in Section 6 of the Formal Complaint.

- A. Respondent should be directed to provide a complete accounting for the negative changes to the water usage identified in 7.20 CSR 4240-13.025 Billing Adjustments, including appropriate customer refunds, *explain adequately* and demonstrate that it has fixed the app "MyWater," or issue refunds to all customers that experienced these reported reductions in their water usage on the 30 Days Report.**

The Respondent has not provided any accounting for the negative adjustments on the 30 Days Reports let alone produced an adequate explanation and did not even admit to the anomalies in its Answer to Complaint let alone explain the cause(s). Respondent witness Paul Ebbeler acknowledged during cross examination that the customer deserves an explanation for receiving two different numbers for total gallons reported for the same day (Transcript, page 32, lines 13-21).

Respondent witness Derek Tarcza, in his rebuttal testimony in the Respondent's recent rate case (Case WR-2024-0320) hinted at the **root cause** of the problem when he said "As a result of the time zone differences between the meter data and the logic used in the rolling window to calculate usage, the oldest day of usage is calculated using only 18 hours of usage" (Exhibit 9, Mr. Tarcza's Rebuttal,

Surrebuttal, and Sur-Surrebuttal Testimony, Case WR-2024-0320, Page 19, lines 10-12). This explanation seems consistent with the anomalies encountered by Complainant but the Respondent completely ignored Complainant's claim in its Answer to Complaint let alone account for the daily discrepancies in the MyWater data.

Staff in its Report acknowledged that it "encountered significant difficulties in reconciling these two sets of figures from the 30 Days Reports provided by Mr. Moriarty in his formal complaint to AMI meter reads provided by the Respondent (Exhibit 11, Staff Report, page 11, last paragraph) but shows no effort to get a reconciliation from the Respondent that produced both the 30 Days Reports and the AMI meter reads. Respondent witness Paul Ebbeler did point out in cross examination that the Complainant was incorrect in his characterization that MyWater was "downstream" of the billing system but never explained why the "meter data management system" (MDMS) was sending different usage figures to the billing system and MyWater (Transcript, page 27, lines 13-25) nor did he offer the "complete accounting" that the Complaint had requested and that the Staff has simply ignored (see next paragraph).

Staff simply states in its Report states that "On May 6, 2025, MAWC met with Staff to discuss an upcoming update to the MyWater portal which is scheduled for the end of June" (Exhibit 11, Staff Report, page 11, last paragraph and continuing on page 12). There is no indication that Staff even requested from the Respondent a reconciliation of the discrepancies between its own two different reported water usage figures or an explanation for how they occurred. This is not the type of "investigation" that customers expect from an unbiased staff. There is not even any mention of future Staff follow-up to determine if the "update" at the end of June corrected the yet unknown problem. Complainant asks that the Respondent 1) provide the complete accounting for all changes that have occurred in the 30 Days Reports in 2024 and 2025, 2) provide a written explanation of why the changes

occurred and how changes to MyWater will correct the problem, and 3) make appropriate refunds to all customers that encountered the changes if the Respondent cannot provide an adequate explanation.

B. All customers should be able to track their “up-to-the-hour water usage” as advertised by the Respondent in its “Advanced Metering Infrastructure” claims (Exhibit A, page 1) email sent to the Complainant on October 17, 2024.

Nothing in this case proceedings gives any hope that “real time” or up-to-the-hour” water usage reporting is on the horizon for the MyWater system which means Respondent’s customers with outside meters in an underground pit have no means to manage their water usage or verify water usage billings. The best case scenario is that data in MyWater will continue to be at least two days behind, which even the Staff witness acknowledges is not current (Transcript, page 149, lines 21-23), meaning customers will have to keep a log on their water usage to compare to MyWater at least two days after the fact in order to manage water usage. MyWater is not a practical solution for customers that really want to manage their water usage and they require an alternative to MyWater to obtain water usage data.

Complainant in his direct testimony showed a willingness to explore other means of accessing more current water usage data including making the “head-end” data available over the Internet (Exhibit 1, Mr. Moriarty’s Prefiled Testimony, Page 2, lines 32-37) but no alternatives have been presented by the Respondent or Staff even though Respondent witness Paul Ebbeler stated in his direct testimony that “With AMI, the Company has read data every 15 minutes or every hour” (Exhibit 2, Mr. Ebbeler’s Prefiled Testimony, page 6, line 22 to page 7, line 1). Respondent witness Paul Ebbeler also stated during cross examination that he had “access” to the “manufacturer’s head-end system” as well as “some” field reps (Transcript, page 35, line 15 to page 36, line 1). Therefore Complainant asks that the Respondent provide an in-home remote device (to any customer requesting one) with direct access to their outside water meter so they can obtain the “real-time” access to the meter that that the Complainant or any

customer requires to manage water usage and verify water billings and which the Respondent promised in its October 17, 2024 email (Exhibit 4, Formal Complaint, Exhibit A). At a minimum, customers should have access to the manufacturer's cloud or head-end system, which gets the data first (Transcript, page 37, lines 6-10), preferably using the AMI capability to "read data every 15 minutes" (Exhibit 2, Mr. Ebbeler's Prefiled Testimony, page 6, line 22 to page 7, line 1).

- C. Customer should be able to call a *technical support* telephone number for MyWater and should not be directed to the Respondent's Customer Service function but rather should go directly to personnel who understand and have complete access to the MyWater application.**

This is another area the Complainant has demonstrated a willingness to compromise and work with the Respondent to find a solution to an obvious problem. CCAs and their supervisors are not qualified to answer questions about MyWater (Exhibit 1, Mr. Moriarty's Prefiled Testimony, page 8, lines 22-23) and even less ability to work with local customers to resolve problems. Complainant in his direct testimony even suggested procedures that would fulfill this request but also possibly fulfill other requests at the same time, specifically request E. Complainant in his direct testimony indicated the willingness to compromise if CCAs could hand off customer calls to their local office more quickly (Exhibit 1, Mr. Moriarty's Prefiled Testimony, page 6, lines 18-21) so that customer inquiries about usage data, leak adjustments (particularly those potentially effecting sewer billings) and other inquiries that can be resolved more quickly at a local level.

- D. The MyWater application and the related *technical support* function should include the ability to respond, both online and through a phone inquiry, in a timely manner, to customer inquiries regarding hourly and daily usage data for any day in the prior two years and produce past reports for same.**

In most cases the daily totals shown on the 30 Days Report can be easily obtained from a subsequent 30 Days Report assuming the daily totals do not change as they have in the past and present but that is a problem that should be resolved with the resolution to request A above. The most problematic report is the 24 Hours Report because if you don't capture it in the first 24 hours, it will most likely be replaced with the next day's 24 Hours Report. The Complainant asks that the Respondent provide the functionality within MyWater to reprint prior days' reports for the 24 Hours and 30 Days reports for up to two years following any particular month. This will facilitate customers' efforts to reconcile water usage billings to the hourly and daily usage figures that go into the charges reflected in a monthly billing.

- E. Customer Service telephone personnel should be located within the customer's state, or an adjacent state if closer, and should be required to disclose that state to customers.**

Complainant in his direct testimony indicated the willingness to consider retaining the centralized Customer Service if CCAs can hand off appropriate inquiries to the customer's local office more quickly. Respondent witness Paul Ebbeler said during cross examination that this can only happen with "escalated issues or inquiries" (Transcript, page 34, lines 4-19). Complainant has even suggested specific procedures whereby the CCA assures the customer that someone who can address the problem more effectively will call the customer right back. The CCA could then contact the local office and obtain a contact name, number and approximate contact time. If the local office contact person is not immediately available, the CCA could call the customer back and provide the customer with the contact person's name and number and an estimated call back time. (Exhibit 1, Mr. Moriarty's Prefiled Testimony, page 6, lines 18-27).

- F. Reports and files available from the MyWater application should be date and time stamped.**

This request is simple and should be the easiest for the Respondent to implement but neither the Respondent nor the Staff has taken a position on the request. Complainant asks that all MyWater outputs be date and time stamped when they are produced and be reflected on the copies that customers elect to print so that there is no question as to the day and time that MyWater generated the output, especially since the reporting is late to begin with and unavailable at all on many days.

G. Customer monthly statements should show the day and time of meter readings shown on the Statement.

During cross examination, Respondent witness Paul Ebbeler stated that both readings (From Date and To Date) on a customer's monthly bill are "in general" from early in the day readings. He states "In general our systems do pull in the first read of the day" (Transcript, 43, lines 19-20). A major concern thus arises as to what days are actually included in each billing statement. Mr. Ebbeler even acknowledged that this could be "potentially" up to 48 hours short if both days are only a fraction of an hour (Transcript, page 43, lines 17-19). Mr. Ebbeler presented Exhibit 3 as part of his direct testimony at the hearing that was not part of his prefiled testimony. Exhibit 3 shows a From Date of "7/4/2025" on Mr. Moriarty's "August" (Transcript, page 26, lines 20-21) 2025 bill (page 5) that seems to be accurate because Mr. Ebbeler's analysis shows the quantity of "1487" is the last reading of the day on "7/3/2025" (page 2) even though it is inconsistent with his earlier statement that "in general our systems do pull in the first read of the day."

If the To Date reading is, as claimed by Mr. Ebbeler, is the "first read of the day," most of the usage for the To Date is logically not included in the total gallons for the period. This has been corroborated by Mr. Ebbeler with his Exhibit 3 that shows that the To Date of "8/5/2025" on Mr. Moriarty's August bill as a quantity of "1513" (page 5) which is actually the first read of the day (page 2). Perhaps that To Date should have been 8/4/2025 since that reading was taken at "12:59:00AM" on

8/5/2025 and, therefore, only included one (1) hour of usage from 8/5/2025. Since the following month's From Date is always one day later than the current month's To Date, it appears that the following month's bill will not include the last twenty-three (23) hours of 8/5/2025. This begs the question that if the bill actually reflects "33 days" as shown on Mr. Moriarty's bill (page 3) and most of the 33rd day's usage is not included, where is the Respondent getting the usage for that 33rd day or is it making up the potentially lost revenues elsewhere in its revenue requirements, likely a rate case issue.

Complainant repeats his request made in his Formal Complaint that "Customer monthly statements should show the day and time of meter readings. . . ." The Complainant also requests that a footnote be provided on the billing statement as to whether the To Date usage is included in the total usage for the month. If included, the Complainant asks that, at the very least, the words "To Date" should be changed to "Thru Date." Complainant also asks for a review of the From Date on the billing statements to determine if the To Date (if not changed to Thru Date) on each monthly statement should be the From Date the following month. Respondent witness Paul Ebbeler's claim that Missouri-American is not capable of showing meter reading time on a bill (Transcript, page 29, lines 15-18) is contradicted by his own Exhibit 3 that clearly shows meter read times down to hundredths of second (Exhibit 3, Customer Bill Reads Compared to AMI Meter Reads).

H. Respondent should be ordered to stop sending monthly water usage data to MSD until the data is demonstrated to be applicable (for example: 30 days without problems), complete, timely and accurate.

Considering the Missouri Statute 249.645 provided by the Respondent during cross examination Respondent witness Paul Ebbeler (Transcript, page 58, line 20), Complainant revises his request for relief to ask that the "discretionary" Unexplained Usage Adjustment (Transcript, page 56, line 9 to page 57, line 9) be made available to all customers as a means to normalize water usage reported to the local

sewer district even though a water bill adjustment is not necessarily required. This approach will enable the local office to review a local customer's usage during the appropriate time periods to determine if any anomalies in water usage occurred during that period. Complainant further requests that no restrictions be placed on this like the once-in-a -lifetime limitation on the traditional water usage adjustment.

- I. Respondent should report all instances of Customer Service personnel hanging up on customers, retain the recording of the conversation and report it, including the reason for discontinuing the call, to the MOPSC.**

Staff witness Lisa Stockman stated during cross examination that Staff listened to a total of nine telephone conversations between the Complainant and the Respondent's Customer Service (Transcript, page 147, lines 11-13). The Staff Report stated that four of those calls were "unexpectedly dropped calls" (Staff Report, page 9, third paragraph). Despite experiencing these frequent "unexpectedly dropped calls" and the Complainant's claim of repeated occurrences of CCAs hanging up on him, Ms. Stockman, under cross examination, said no further investigation was performed (Transcript, page 147, lines 14-17). This confirms Complainant's claim that Staff only performed a "shallow review" (Exhibit 1, Mr. Moriarty's Prefiled Testimony, page 10, line 15).

Respondent witness Paul Ebbeler stated during cross examination that the "process" is that "if it dropped, to call the customer back" (Transcript, page 71, lines 10-17). The Staff Report indicates "the CCAs did not attempt to reconnect with Mr. Moriarty" (Exhibit 11, Staff Report, page 9, third paragraph). It is unimaginable that the combination of Complainant's claims about being hung up on, the Respondent's admission that CCAs did not attempt to reconnect as required by the "process," and Staff's detection of "unexpectedly dropped calls" would not spur further investigation. Despite the frequent dropped calls, the CCAs failure to follow the "process" of trying to reconnect with Mr.

Moriarty, and that the Respondent's policy of review for "discipline" (Transcript, page 30, lines 6-10), there is no indication that such a review was ever conducted. Complainant requests that the Respondent report all unexplained dropped calls to the Staff including the reason, attempted reconnects, and the final resolution and that the Staff publish a periodic statistical report about same.

J. Respondent claims (Exhibit B, page 1) on the MyWater app in regards to its "Advanced Metering Infrastructure" (AMI) that it can "quickly detect and notify customers of costly leaks" but has not disclosed the definition of "quickly" or "costly" nor the method used to "notify" customers. All these terms need to be defined and disclosed by the Respondent in their official documents and should be implemented immediately.

Complainant hereby repeats this request and asks that the Respondent perform a comprehensive study regarding this issue and produce a written report by the end of 2025.

K. Real time meter readings should be available to all customers via the internet.

Even the requested remote device in a customer's home may not be able to fulfill this request so Complainant asks that the Respondent study the issue and available technology including making the manufacturer's head-end data available to customers over the Internet and produce a report describing the cost and benefits of alternative solutions by the end of November 2025.

CONCLUSIONS

Decisions in this case are too important to rely on Staff alone for thorough follow up:

The Staff has demonstrated little investigative curiosity in its Staff Report (Exhibit 1, Mr. Moriarty's Prefiled Testimony, page 7, lines 9-13) based on a "shallow review" (Exhibit 1, Mr. Moriarty's Prefiled Testimony, page 10, line 15) and little has changed since then as demonstrated by Staff witness Lisa Stockman's direct testimony in which she did not refute any of the Complainant's claims about MyWater nor expand or clarify anything in the Staff Report (Transcript, page 139, line 20 to page 140,

line 1). Perhaps one of the most ridiculous statements in the Staff Report is “At present, there are no rules, regulations, or statutes under the Commission’s jurisdiction that mandate call center representatives to be physically located within the state of the customer or in an adjacent state” (Exhibit 11, Staff Report, page 10, first full paragraph). The real issue is the ability to provide adequate customer service. How many utilities under the Commission’s jurisdiction are as scattered and fragmented as the parent company of the Respondent?

The Staff has shown a tendency to downplay the Complainant’s concerns and rubber stamp everything the Respondent has claimed in this case with little, if any, independent investigation. A few examples demonstrate this conclusion. First, the Staff Report states “According to Mr. Moriarty, the CCAs have told him it is the responsibility of the ‘Meter Reading Department’ and ‘Web Services’ and that he has not been transferred to either of these departments and repeatedly told that phone number is not available (Exhibit 11, Staff Report, page 9, first paragraph). In the very next paragraph, the Staff tries to refute Mr. Moriarty’s claim by giving examples of his talking to supervisors or supervisors calling him back. Mr. Moriarty sought a call back from the “Meter Reading Department” or “Web Services” and not from a supervisor that he indicated in his direct testimony “are not qualified to answer questions about MyWater” (Exhibit 1, Mr. Moriarty’s Prefiled Testimony, page 8, lines 22-23). What is most disturbing about this limited Staff review **of 20 CSR 4240-13.040(2)(A)** is that because a supervisor called Mr. Moriarty, the Respondent has supposedly met its requirement to provide qualified personnel.

Later in the Staff Report the Staff quotes a Respondent response: “MAWC states in its response to Staff DR 0019 that the usage display in the MyWater application has no impact on billing as MyWater is not the ‘driver’ for the billing system” (Exhibit 11, Staff Report, page 11, second full paragraph). In the very next paragraph, Staff states “Staff compared MAWC’s reported AMI reads with those provided by Mr. Moriarty in his formal complaint from the MyWater Usage Report but encountered significant

difficulties in reconciling those two sets of figures” (Exhibit 11, Staff Report, page 11, last paragraph). Apparently the Staff investigation ended there because in the same paragraph Staff reports that “On May 6, 2025, MAWC met with Staff to discuss an upcoming update to the MyWater portal which is scheduled for the end of June. This update aims to resolve the issue where the 30-day report fails to capture a full 30 days of data” (Exhibit 11, Staff Report, page 11, beginning in last paragraph and continuing on page 12). There is no indication if Staff even asked MAWC for the reconciliation which should have been simple to obtain by MAWC by simply adding up the missing data points. Staff doesn’t even provide an explanation of the problem or how it will be corrected but apparently just accepts, without evidence, Respondent’s claim of no billing errors (Transcript, page 13, lines 18-20).

Staff witness Lisa Stockman demonstrated that she actually believed the Respondent did not fail to comply with any Commission rules because “MyWater” was not named in any rule (Transcript, page 151, lines 1-5). This answer shows she has completely missed the point and reinforces Complainant’s claim of a lack of “investigative curiosity” on the part of the Staff because water usage, which Ms. Stockman did acknowledge during cross examination as an issue subject to the “rules and regulations” (Transcript, page 151, lines 6-8), and not MyWater or any other tool or third party that the Respondent or Staff would like to blame. When put in these terms, Ms. Stockman finally acknowledged that MyWater might “Possibly” come under the rules (Transcript, page 150, line 8 to page 151, lines 9-12).

Complainant believes the dangerous attitude described in the previous paragraph is prevalent throughout the Commission staff as stated in the by Complainant (Exhibit 1, Mr. Moriarty’s Prefiled Testimony, Page 3, lines 38-39). On at least two highly sensitive customer issues, Ms. Stockman acknowledged these shortcomings during cross examination when asked if Staff did any more investigation in an effort to determine cause of a problem and she answered “no” (Transcript, page 146, line 11 to page 147, line 6 and Transcript, page 147, lines 7-17). Ms. Stockman also confirmed that the

Staff's investigative efforts related to the Complainant were, at most, a single telephone call to Complainant which even the Complainant questioned during cross examination (Transcript, page 141, lines 8-15). The Staff did not send a single interrogatory to Complainant (Exhibit 1, Mr. Moriarty's Prefiled Testimony, page 7, lines 33-37). This case is too important to rely on Staff alone to follow up and Complainant asks that the Office of Public Counsel be asked to share the follow up responsibilities on the Order in this case.

Problems related to MyWater are ongoing and that is compromising its usefulness for water usage management and reporting:

The Complainant claimed in his direct testimony that the problems with MyWater are ongoing and testified that the system failed to produce the 24 Hours and 30 Days reports on twenty-nine percent "(29%)" of the days in July 2025 (Exhibit 1, Mr. Moriarty's Prefiled Testimony, page 12, lines 10-15), daily water usage totals are still changing (Exhibit 1, Mr. Moriarty's Prefiled Testimony, page 12, lines 17-28), and MyWater reports are still showing invalid numbers (Exhibit 1, Mr. Moriarty's Prefiled Testimony, page 12, lines 32-39). Respondent witness Derek Tarcza tried to put lipstick on that pig during cross examination by using the term "scientific notation" (Transcript, page 83, line 16) but that doesn't explain why those fields contained invalid data and were not tested with test data prior to implementation. Even the word "pending" (Transcript, page 83, line 4) would be preferred if not yet updated with the latest data. Complainant testified that if proper testing of changes to MyWater had been performed, it would catch most of these problems (Exhibit 1, Mr. Moriarty's Prefiled Testimony, page 12, line 39 to page 13, line 2) because output reports would be one of the first things reviewed in such testing.

The Respondent's complete disregard for customer service exemplifies a monopoly with little fear of reprisal from captive customers or a complacent Commission Staff. Nowhere was this more obvious than its non answer in its Answer to Complaint filed in this case. When Complainant attempted

to get an explanation as to why the Answer to Complaint provided less information than Respondent witness Derek Tarcza's January 2025 rebuttal testimony seven months earlier in the Respondent's recent rate case, Mr. Tarcza's nonsensical answer only stated "take some more time just to dive into it outside of the rate case" (Transcript, page 103, line 24 to page 104, line 13 and page 107, line 16 to page 109, line 11. The specific quotation is found on page 104, lines 10-11). "Nonsensical" because the Answer to Complaint was not filed until February 18, nearly a month after Mr. Tarcza's rebuttal testimony in the rate case. Mr. Tarcza actually provided more information about the problems in MyWater in less time than the Answer to Complaint and ***much*** less time than witnesses' testimony.

Complainant even tried to determine "What department or group in the company was responsible for the development of MyWater" during cross examination of Respondent witness Paul Ebbeler to which the witness just passed the buck to the other Respondent witness, Derek Tarcza (Transcript, page 35, lines 5-9). When Mr. Tarcza was asked, during cross examination, about "any beta testing program with the MyWater app" . . . "before it became live," however, he replied "I can't speak to prior to late 2021, I joined the company in October of 2021" (Transcript, page 131, lines 10-18). None of this testimony is consistent with remarks in the Respondent's opening statement that "the MyWater discussion here primarily revolves around the usage charts that were first implemented in December of 2023 . . ." (Transcript, page 9, lines 19-22). Respondent witnesses could not even answer basic questions about the development of the MyWater application.

Perhaps the only remedy for such disregard for customers with legitimate inquiries is the innovative introduction of competition, if not with multiple suppliers, at least competition in the local franchising process. This may be far too complex of a topic to properly address in this brief regarding a Formal Complaint against a specific utility, but this Complainant prays that the Commission will consider such innovation for future proceedings and/or proposed legislation.

The reported problems regarding MyWater and related problems with Customer Service are violations of Commission rules:

Staff witness Lisa Stockman, under cross examination, repeated her claim and perpetuated the Respondent witness Derek Tarcza's irrelevant claim "that nothing in the Commission rules specifically refers to MyWater" (Exhibit 7, Mr. Tarcza's Prefiled Direct Testimony, page 18, lines 10-12) and goes on to admit during cross examination that it "is the place" for "customers would go to get their water usage" (Transcript, page 129, lines 1-15). Ms. Stockman admitted that water usage reporting to customers does come under the rules (Transcript, page 151, lines 6-8). If the Respondent elects MyWater as its primary tool of reporting water usage, then that brings MyWater under the rules. The Respondent and the Staff cannot hide behind the Respondent's selected tools to and/or third parties in order to bypass its responsibility to follow the rules. When put in these terms, even Ms. Stockman had to admit that the Respondent's use of MyWater to report water usage might "possibly" come under the rules (Transcript, page 151, lines 6-12).

MyWater is not a reliable source of information for customers to manage water usage and verify water billing accuracy:

The Complainant, who is likely one of the Respondent's most, if not the most, knowledgeable customers about MyWater has expressed a desire to completely discontinue his use of the Respondent's primary water usage reporting tool, MyWater, simply due to an unfair "Terms of Use" (Exhibit 1, Mr. Moriarty's Prefiled Testimony, page 4, line 36 to page 5, line 23), not to mention the myriad of problems he has encountered in his extensive use of the system. With the only other means available to manage water and verify water billings being the water meter, the Respondent must provide those customers, with a meter in a difficult-to- get- to underground location, the means to read that meter anytime day or night, good weather or bad, just like they could when the meter was in their basement.

The Respondent has not addressed the costs and benefits of this Complainant request for an alternative to MyWater anywhere in this proceeding and the Staff has been remiss in not calling attention to that fact. Complainant feels this is the most important issue in this case and asks that the Respondent be ordered to provide such capability to the Complainant by the end of 2025 with a goal of making it available to all customers with their meters in an outside pit by the end of 2026.

Just one tool that may be available for Complainant's Badger meter (Transcript, page 32, lines 10-12) is the Badger "EyeOnWater" tool. The following partial description was taken directly off of Badger Meter's website:

EyeOnWater® is a consumer engagement application that enhances the connection between utilities and their customers by providing direct access to water consumption data. It allows users to view and understand their usage profiles through easy-to-understand consumption graphs. The application is available exclusively through the BEACON® Software as a Service (SaaS) platform and enables customers to establish alerts to better manage their water use.

The application aims to promote water conservation by providing users with the tools to monitor and manage their water usage effectively.

Complainant is not recommending this as the solution and is not familiar with the costs and benefits of this tool but since the Respondent and Staff have not offered any information, offers this example to indicate that there are other tools already available that may address this critical need. Considering the ongoing problems identified with MyWater, particularly the long delays (at least 72 hours) in getting updated water usage data to the customer, this recommendation is likely the Complainant's most important recommendation for customers to manage water consumption and conserve a valuable resource.

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

Jim Moriarty,

Complainant

Case No. WC-2025-0204

v.

Missouri-American Water Company,

Respondent

STATE OF MISSOURI

SS.

COUNTY OF ST. LOUIS

COMES NOW FRED JAMES MORIARTY, and on his oath declares that he is of sound mind and lawful age; that he contributed to the foregoing Brief; and that the same is true and correct according to his best knowledge and belief, under penalty of perjury.

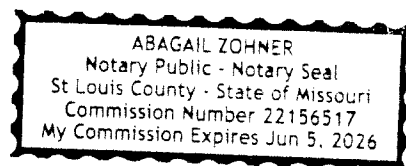
Further the Affiant sayeth not.

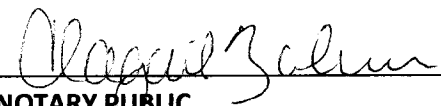


FRED JAMES MORIARTY
1580 Renderer Dr.
St. Louis, MO 63122
314/909/0546
irishleostl@gmail.com

JURAT

Subscribed and sworn before me, a duly constituted and authorized Notary Public, in and for the County of St. Louis, State of Missouri, on this 29th day of September 2025.





NOTARY PUBLIC

