

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

|                                  |   |                       |
|----------------------------------|---|-----------------------|
| Stuart A. Solin,                 | ) |                       |
|                                  | ) |                       |
| Complainant,                     | ) |                       |
|                                  | ) |                       |
| v.                               | ) | File No. WC-2016-0088 |
|                                  | ) |                       |
| Missouri American Water Company, | ) |                       |
|                                  | ) |                       |
| Respondent                       | ) |                       |

**FIRST AMENDED ANSWER**

COMES NOW Respondent, Missouri-American Water Company (“MAWC”), pursuant to the *Notice of Small Complaint and Order Directing Staff to Investigate and File a Report*, issued on October 13, 2015, and, for its First Amended Answer<sup>1</sup> to the Complaint filed herein, respectfully states as follows to the Missouri Public Service Commission (“Commission”):

1. MAWC admits that it provides service to Stuart A. Solin at the identified address. (Complaint, para. 1 and 2)

2. MAWC admits that it is as public utility under the jurisdiction of the Commission and that its registered agent is CT Corporation System. (Complaint, para. 3 and 4) However, MAWC further states that its mailing address for purposes of this case is that of the undersigned counsel.

3. MAWC admits that the Complainant has alleged in his Complaint that the amount at issue to be \$1,232.40. (Complaint, para. 5) It appears from Complainant’s Refined Leakage Overcharge Analysis, filed on October 27, 2015, that the amount at issue may instead be \$668.47.

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<sup>1</sup> Commission Rule 4 CSR240-2.080(18) provides that any pleading may be amended within ten days of filing, unless a responsive pleading has been filed. This Amended Answer is filed on the same day as the Answer. No responsive pleading has yet been filed.

4. To the extent necessary, MAWC denies the allegations and disagrees with the requested relief found in Complaint, para. 6.

5. MAWC admits the allegations contained in Complaint, para. 7.

6. MAWC admits that its representatives have had both e-mail and telephone communications with Complainant, since March 15, 2015. MAWC admits that it has denied responsibility for the leak and that it has provided Complainant with a bill credit in the amount of \$54.88. MAWC admits that Complainant previously filed a law suit in Small Claims Court and that MAWC has refused to provide the relief requested by Complainant. MAWC denies the remaining allegations contained in Complaint, para. 8.

7. MAWC denies all allegations of the Complaint not specifically admitted herein, and MAWC denies that Complainant is entitled to any relief from this Commission.

8. In further response to the Complaint, MAWC states that Complainant's recorded usage appears to have resulted from a leak. Complainant, as the customer, is responsible for the maintenance of his water service line from the main to his premises and for the maintenance of all inside piping. (MAWC Tariff Book PSC MO No. 13, Sheet Nos. R 6, R 16-R 17) For a leak to impact the meter reading, it must necessarily be on the portion of the line for which the customer is responsible.

9. In further response to the Complaint, MAWC states that the Complaint fails to state a claim upon which relief may be granted and should be dismissed, in that the Complaint fails to allege any violation by MAWC of any law under the Commission's jurisdiction or of any Commission rule or order.

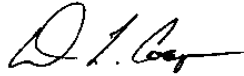
10. Further answering and as an affirmative defense, MAWC states that it has acted in accordance with its tariffs and that its tariffs are prima facie just and reasonable.

**WHEREFORE**, having fully answered, MAWC requests such other and further relief as is just and proper under the circumstances.

Respectfully submitted,

BRYDON, SWEARENGEN & ENGLAND P.C.

By:



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ATTORNEYS FOR MISSOURI-AMERICAN  
WATER COMPANY

**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing document has been sent by electronic mail this 11<sup>th</sup> day of November, 2015, to:

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