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STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Evidentiary Hearing

September 4, 2014  
Jefferson City, Missouri  
Volume 2

Michael Stark, )  
 )  
Complainant, )  
 )  
vs. ) Case No. GC-2014-0202  
 )  
Summit Natural Gas of Missouri, Inc., )  
 )  
Respondent. )

JUDGE KENNARD L. JONES, Presiding  
Senior Regulatory Law Judge

REPORTED BY: Monnie S. Mealy, CCR, CSR, RPR  
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1 A P P E A R A N C E S

2 For Staff of the Missouri Public Service Commission:

3 Mr. John Borgmeyer

and Mr. Alex Antel

4 Public Service Commission

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6

7 For Summit Natural Gas of Missouri, Inc.:

8 Ms. Diana C. Carter

Brydon, Swearngen & England

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12 For Michael Stark, Pro Se:

13 Mr. Michael Stark

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1 P R O C E E D I N G S

2 JUDGE JONES: Let's go ahead and go on the  
3 record in Case No. GC-2014-0202. My name is  
4 Kennard Jones. I am the Regulatory Law Judge  
5 assigned to this matter.

6 I'll just note for the record that  
7 Commissioner Rupp is present. And let's take  
8 entries of appearances beginning with you,  
9 Mr. Stark. Just introduce yourself.

10 MR. STARK: My name is Michael Stark. I'm  
11 the owner of the property for which the complaint  
12 is related to.

13 JUDGE JONES: And for Summit Natural Gas?

14 MS. CARTER: Diana Carter with Brydon,  
15 Swearngen & England for Summit Natural Gas of  
16 Missouri.

17 JUDGE JONES: For the Staff of the  
18 Commission?

19 MR. BORGMEYER: Yes. Thank you.  
20 Appearing on behalf of the Staff of the Missouri  
21 Public Service Commission, John Borgmeyer and Alex  
22 Antel. Our address is P.O. Box 360, Jefferson  
23 City, Missouri, 65102.

24 JUDGE JONES: Okay. I'll note for the  
25 record that a Joint Statement of Undisputed Facts

1 has been filed in the docket. The Commission will  
2 take note of that.

3 And as these facts are -- I'm going to say  
4 this. You all have facts here. So don't try to  
5 prove any facts that aren't on this list. If do  
6 you, I'll object. Okay?

7 All right. Anyone have any questions?  
8 Let's go ahead and start with opening statements,  
9 beginning you with you, Mr. Stark.

10 OPENING STATEMENT

11 BY MR. STARK:

12 MR. STARK: Last June 18th, Summit Natural  
13 Gas installed a pipeline on my property without my  
14 permission. That fact and the fact that they did  
15 so without any authorization whatsoever is agreed  
16 to and undisputed.

17 We are meeting here today as a result of  
18 that action to determine if this was a simple  
19 mistake or if the actions of Summit were a  
20 violation of their contract with the Public Service  
21 Commission and/or the rules and tariffs or, more  
22 seriously, a violation of Missouri's state  
23 statutes.

24 How did it come to pass that Summit was  
25 installing their gas lines on my property?

1 According to their own affidavits and other  
2 documents supplied to the Commission as a result of  
3 my complaint, Summit was there because they used  
4 GIS maps produced by Midland GIS Solutions and  
5 provided for public use by the Camden County  
6 Assessor's Office, which contained a  
7 strongly-worded disclaimer that the maps were for  
8 tax purposes only and should never be used for  
9 establishing true boundaries or for any other legal  
10 purpose.

11 The use of these maps to determine where  
12 Summit should lay their gas lines, while clearly  
13 negligent, might be, by some stretch of the  
14 imagination, be considered a mistake. But if so,  
15 that's where the mistake ends.

16 When Summit crews arrived on my property  
17 on June 18th of 2013 to begin their gas line  
18 installation, they ignored No Trespassing markings  
19 at both ends and both sides of my road where they  
20 were about to lay -- dig and lay their line. This  
21 is, in itself, possibly a criminal act, but Summit  
22 continues to claim that there was a mistake.

23 Finally, if in the most literal of  
24 considerations, the members of the Public Service  
25 Commission still feels, likewise, that this was a

1 mistake, they cannot possibly do so when further  
2 confronted with the fact that Summit crews ignored  
3 my personal protests and continued to trespass and  
4 install the entire line through my property.

5           It is my testimony that between about nine  
6 and 9:30 on the morning of June 18th, 2013, I was  
7 leaving my property when I discovered the Summit  
8 crews beginning to install their gas line on the  
9 private road which runs through my property and  
10 generally 20 to 30 feet to the south of the county  
11 road known as Lake Road 573.

12           I made them at least stop to find out what  
13 they were doing and was told they were installing  
14 their gas line. I replied that they were on my  
15 property and asked what was their authority to be  
16 there and was told, We're just doing what we were  
17 told to do.

18           I then walked the entire length of my road  
19 and reported back to the person in charge that they  
20 were ruining my road and that if they continued  
21 their work, they did so at their own risk.

22           At that point, I needed to leave and gave  
23 them my phone number telling him to have someone  
24 call me as soon as possible. When asked when I  
25 would return, I said I would be back before three.

1           At no point did I ever make an agreement  
2   or appointment to meet with anybody at that time or  
3   any other time. No one called me on that day and  
4   nobody came to my easy to find my home on the  
5   property to find me.

6           I specifically want to state that when we  
7   returned home at 2:30 that afternoon, the gas line  
8   was fully installed and the road service entirely  
9   graded. This is, of course, in direct contract --  
10   contradiction to the sworn statements by Summit  
11   that their crews stopped work after I protested  
12   their presence on my property and did not resume  
13   their work until after I failed to keep the  
14   appointment I didn't make at 3:00.

15          I should make notice here of the affidavit  
16   submitted by Garrett Co., which states that the  
17   above work was fully completed when returning to  
18   the property at 2:30 and the signed statement by  
19   Robert Maag, which states that when he stopped to  
20   complain about the way in which they were  
21   installing their gas line, he was told the owner of  
22   the property had come by earlier in the day and  
23   told them that they should not be here and then  
24   told them that they were trying to finish the road  
25   project, the gas line project, before I got back.

1           Clearly, these actions by Summit and their  
2   work crews have surpassed any circumstances by  
3   which Summit can claim that this was an innocent  
4   mistake.

5           Further, the sworn statements by Summit  
6   that work stopped after my protest and did not  
7   resume until I failed to show up at an appointment  
8   that I never made us purely an attempt by Summit to  
9   absolve themselves of the potential liability.  
10   Those statements are untrue and perjurious.

11           It should be noted for the record that  
12   subsequent rains washed out significant portions of  
13   the thousand plus -- thousand foot plus gas line on  
14   my private road with trenches 2 to 3 feet deep.

15           It's interesting, I looked on the Google  
16   maps last night, and you can actually see the  
17   trenches from outer space. That damage has made  
18   the road unsuitable for the past year, unusable for  
19   the past year. The damage was a result of faulty  
20   workmanship and the failure to properly fill the  
21   trenches when burying the gas line.

22           This could have been caused by incompetent  
23   contractors, but it is more likely the results of  
24   an expedited process to get the gas line installed.  
25   Let's get this done quick before the owner gets



1 back.

2           Additionally, although Summit has sworn  
3 statements not to have received reports other than  
4 mine from parties who have complained of trespass  
5 issues, news reports which I have also submitted as  
6 evidence prove otherwise and indicates a general  
7 pattern of disrespect and disregard to the property  
8 rights of the public and for this process and which  
9 should be a factor when making a decision in this  
10 case.

11           As a matter of another consideration from  
12 the above is also the role of the Public Service  
13 Commission and the possibility that this complaint  
14 might be dismissed.

15           I have to tell you that I was particularly  
16 amazed to read recommendations from the Staff of  
17 the Public Service Commission that this case be  
18 dismissed -- be dismissed suggesting that Summit  
19 Gas and I should fight it out in Civil Court and  
20 that is what Civil Court is for.

21           But that may be true. But then what is  
22 the role of the Public Service Commission? After  
23 having empowered Summit Gas to go -- with a right  
24 to go forth and distribute its gas lines throughout  
25 the Lake of the Ozarks area, is it really

1 appropriate to wash your hands of this  
2 responsibility in and let somebody else handle it?

3 Quite frankly, what is the right thing to  
4 do? Quite frankly, having read both the Staff's  
5 prehearing brief and that for Summit Gas, I noticed  
6 that -- that all they contained was a bunch of  
7 legal jungle mungle and lots of case law for which  
8 I can probably understand better than the average  
9 person who files a complaint with the Public  
10 Service Commission.

11 Little, if anything, though, correct was  
12 said about the absolute wrongness which was  
13 inflicted upon me and my property and the  
14 Commission's role in protecting the public in cases  
15 as this.

16 It has been suggested that the PSC is  
17 powerless to act because of specific requirement  
18 for easements and right-of-ways is only a part of  
19 utility -- of a utility's permission to expand  
20 existing services.

21 Surely a requirement for Summit to have  
22 obtained appropriate easements is part of the rules  
23 they agreed to as I cannot believe that the PSC  
24 would fail to make those requirements and expose  
25 themselves to the liability for their negligence by

1 not doing so.

2 What can the Public Service Commission do?

3 First, this case should not be dismissed. Second,  
4 the Commission should make a finding of fact that  
5 this was not a mistake, but a flagrant violation of  
6 my property rights.

7 Third, this trespass was a violation of  
8 Missouri statutes and should be referred to for  
9 prosecution. Finally, the conduct of Summit Gas  
10 has been so outrageous that this case should be a  
11 factor when reviewing any further applications from  
12 Summit either to expand its service or to increase  
13 its rates.

14 And in conclusion, the situation before  
15 you here today is a prime example of big corporate  
16 giants against the little guy and a big money that  
17 can afford high-priced lawyers to thwart justice.

18 It is the responsibility -- not. It is  
19 the obligation of the Public Service Commission to  
20 stand up for justice and what is right. Thank you.

21 JUDGE JONES: Thank you, Mr. Stark.

22 Summit Natural Gas?

23 MS. CARTER: Yes. Thank you.

24 OPENING STATEMENT

25 BY MS. CARTER:

1 MS. CARTER: On June 18th, 2013, as  
2 Mr. Stark noted, employees for Priority  
3 Communications, contractors working for Summit,  
4 entered upon the subject property, which is a road  
5 located in Camden County, and they began installing  
6 pipe.

7 Summit witnesses Dillon West and R.J.  
8 Peters, Priority Communications employees, will  
9 testify about the work performed by them and the  
10 condition of the road before they began working.

11 At the time, Summit was of the mistaken  
12 belief that this was a public roadway. Summit  
13 witnesses Eric Graves and David Morgan will testify  
14 about why this road was selected for laying the  
15 pipe.

16 After much of the construction had been  
17 done on that one day, Mr. Stark approached the  
18 Priority employees and said it was his private  
19 property.

20 The Priority employees and a Summit  
21 employee will testify how a meeting was arranged  
22 for Mr. Stark to come back and speak about the  
23 concern he had raised, that he did not appear, that  
24 they waited a long amount of time for him to return  
25 to the property. And when he did not return, then

1 they completed the small amount of work that was  
2 left to do on this one stretch of roadway.

3 The next day, Mr. Stark spoke with the  
4 Summit employee about the issue. And Summit, upon  
5 being notified that there was an error in the map  
6 they were using, had a title search performed and  
7 then began the process of trying to obtain an  
8 easement from Mr. Stark since they had mistakenly  
9 placed the pipe on a private road as opposed to a  
10 public road.

11 It became clear that Mr. Stark was not  
12 willing to grant an easement for the pipe that had  
13 already been placed. The pipe was never connected  
14 to the Summit system. No gas has ever run through  
15 it. And Summit then installed a parallel path for  
16 its pipe along the public right-of-way.

17 Summit has made numerous attempts to  
18 remove the mistakenly installed pipe from  
19 Mr. Stark, has requested a temporary easement in  
20 order to do that, has offered to resurface the road  
21 with the pipe remaining there or with the pipe  
22 being removed, either by Summit or by a contractor  
23 of Mr. Stark's choosing.

24 Mr. Stark has not alleged the violation of  
25 any particular tariff or a statute within the

1 Commission's jurisdiction or any Commission rule or  
2 order with regard to the activities on the private  
3 roadway.

4 Summit mistakenly placed its pipe on a  
5 private roadway. It was an honest mistake, and  
6 Summit has taken all reasonable efforts to try to  
7 resolve this dispute and make things right for  
8 Mr. Stark.

9 A court of general jurisdiction, the  
10 Camden County Circuit Court where Mr. Stark has his  
11 trespass action pending is the proper venue for  
12 Mr. Stark to further pursue his trespass and  
13 property damage allegations. Thank you.

14 JUDGE JONES: Thank you, Ms. Carter.  
15 Mr. Borgmeyer?

16 OPENING STATEMENT

17 BY MR. BORGMEYER:

18 MR. BORGMEYER: Thank you, your Honor. In  
19 this case, Mr. Stark has asked the Commission to do  
20 things that, by law, the Commission simply cannot  
21 do.

22 Mr. Stark has asked the Commission to  
23 adjudicate his trespass claim and to award damages  
24 to him and revoke Summit's Certificate of  
25 Convenience & Necessity.

1           As a matter of law, the Commission cannot  
2   do these things. If the Commission does do these  
3   things, the Court of Appeals will immediately  
4   reverse and remand that decision.

5           The trespass claim that Mr. Stark raises  
6   must be adjudicated by a Civil Court. The Public  
7   Service Commission is not a court. It's an arm of  
8   the Legislature. And it can only do those things  
9   that the Legislature has expressly delegated  
10   authority for it to do.

11           And the courts have been very clear for  
12   the past 100 years that the Commission cannot go  
13   outside the authority expressly delegated by the  
14   Legislature.

15           Mr. Stark has, in fact, filed a trespass  
16   claim in Civil Court. Therefore, the Commission  
17   should dismiss this case and allow the Civil Court  
18   to adjudicate Mr. Stark's claim and make any award  
19   of damages that the Civil Court deems appropriate.

20           Now, even though the Commission cannot do  
21   what Mr. Stark has asked for, the Staff did take a  
22   look at the things that the Commission does have  
23   jurisdiction over, the Commission's own statutes,  
24   its rules, and the company's tariff provisions.

25           Staff reviewed the facts of this case to

1 see whether the facts show any violation of the  
2 Commission -- Commission's statutes or rules or any  
3 violations of Summit's tariff.

4 Staff members visited the site on  
5 Mr. Stark's property and they submitted Data  
6 Requests to Summit and to Camden County.

7 Staff found that there is no violation of  
8 any law or rule under the Commission's  
9 jurisdiction, and there is no violation of any of  
10 the company's tariff provisions.

11 And the reason for this finding can be  
12 found in the Joint Statement of Undisputed Facts  
13 filed in this case on August 22nd. The statements  
14 of facts indicate that the pipe installed on  
15 Mr. Stark's property was part of the initial  
16 build-out of the Lake Ozark division.

17 The pipe on Mr. Stark's property does not  
18 have gas flowing through it. It never had and it  
19 never will have gas flowing through it. It has  
20 never been and never will be attached to any pipe  
21 that does have gas throwing through it.

22 And that's why it's not within the  
23 Commission's jurisdiction. The Commission has  
24 statutes that require safe and adequate service,  
25 but you can see the cases cited in Staff's brief



1 show that this statute has to do with the provision  
2 of gas for sale. There is no fact in this case  
3 that shows any danger to public health or safety.

4 The Commission's requirement for safe and  
5 adequate service cannot be used to unlawfully  
6 adjudicate this trespassing matter.

7 The Commission has numerous gas safety  
8 rules. Those rules expressly apply only to  
9 pipelines used to transport gas. The pipe on  
10 Mr. Stark's property was never used to transport  
11 gas. It was never connected to any pipe  
12 transporting gas.

13 The issue of how that pipe got there, who  
14 is responsible for it, that is a matter for the  
15 Civil Court.

16 And, finally, the company's tariffs  
17 include rules for expansion of existing facilities.  
18 Those don't apply because, at the time the pipe was  
19 installed on Mr. Stark's property, there were no  
20 existing facilities in this area.

21 This happened during the initial  
22 build-out. There was no existing gas distribution  
23 system, no existing facilities, no customers, no  
24 gas flowing. Therefore, the tariff does not apply  
25 to this situation. This is a cut and dry case of

1 civil trespassing.

2 Staff does have experts here today in  
3 Utility Operations, Tariffs and Gas Safety.  
4 They've submitted testimony and will answer any  
5 questions that anyone might have for them.

6 But to the extent that this hearing  
7 includes testimony related to the issues of  
8 trespass or the issue of damages and liability, I  
9 do not believe the Commission can do anything with  
10 such testimony.

11 The Commission should dismiss this case so  
12 that the Civil Court may proceed to adjudicate  
13 Mr. Stark's claim.

14 JUDGE JONES: Thank you, Mr. Borgmeyer.  
15 Mr. Stark, call your first witness.

16 MR. STARK: May I comment on the opening  
17 statement?

18 JUDGE JONES: No.

19 MR. STARK: Okay. My first witness would  
20 be Eddie Whitworth.

21 JUDGE JONES: Step over here, sir, and  
22 please raise your right hand.

23 MR. STARK: Can we request for a  
24 telephone?

25 EDDIE WHITWORTH,

1 being first duly sworn to testify the truth, the whole  
2 truth, and nothing but the truth, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. STARK:

5 Q Good morning.

6 A Good morning.

7 Q Would you please state your name, your  
8 position and your role in this matter?

9 A My name is Eddie Whitworth. I'm the  
10 Camden County Assessor. And my role in the matter  
11 is that, as the Assessor, we provide the line work  
12 for the GIS -- the Camden County GIS system. Line  
13 work being boundaries of individual properties.

14 Q All right. And these -- and these maps  
15 are generally used for what purposes?

16 A They're -- our maps are generally used for  
17 tax assessment purposes.

18 Q Okay. Now, there is a disclaimer -- is  
19 there a disclaimer on your maps, and would you  
20 please describe the disclaimers?

21 A There's a disclaimer on our hard copy  
22 maps, and then there's also a disclaimer on the web  
23 site and on the maps -- or on the print of the maps  
24 on the web site.

25 Q Would you describe that disclaimer,

1     **please?**

2           A     It -- I just brought a copy.  It's pretty  
3     lengthy.  Do you want me to read it?

4           **Q     Please.**

5           A     This is the one that is on the current web  
6     site when it's opened up.  It says, The data on the  
7     site is provided solely as a public service by  
8     Camden County.  No guarantees or certificates  
9     expressed or implied are provided regarding  
10    accuracy of the information herein, its use or its  
11    interpretation.

12           A     A good faith effort has been made to  
13    provide the most accurate data possible.  However,  
14    errors or omissions are possible and the user is  
15    hereby advised of that possibility.

16           A     If you believe that any information is  
17    inaccurate, please contact the Camden County  
18    MIS/GIS Department by using the e-mail line at the  
19    bottom of this page.

20           A     Camden County makes no representation of  
21    warranty as to the accuracy in particular or any  
22    labels, dimensions, property boundaries or  
23    placement or location of any map features.

24           A     Camden County makes no warranty for  
25    fitness of use with respect to this map.  And user

1 of the map accepts the same as a -- as is with all  
2 faults and assumes all responsibility for the use  
3 thereon and agrees to hold the County harmless from  
4 and against any damage, loss or liability resulting  
5 from any use of this map.

6 Independent verification of all data  
7 combined hereon should be obtained by any users of  
8 the map. The information you are about to access  
9 was deemed from -- or was derived from data  
10 compiled by Camden County Public Offices,  
11 including, but not limited to, the Assessor, the  
12 Clerk, the Planning & Zoning Offices through the  
13 year 2014.

14 Statistics are provided solely for the  
15 purpose of gathering graphically dependent  
16 information. Derived information can only be used  
17 for unofficial purposes. The maps on this site  
18 were not created by licensed surveyor.

19 Any person or entity entering the site  
20 does hereby consent and agree to the terms and  
21 conditions set forth in this office.

22 **Q That was pretty lengthy. And are the**  
23 **others similar or -- in scope, or do they have --**

24 **A** If you -- if you print out a -- a map of a  
25 particular area on our -- on the GIS site, the

1 disclaimer on that map will say, This map is used  
2 -- is a user generated static output from an  
3 Internet mapping site and is for reference only.  
4 Data layers that appear on this map may or may not  
5 be accurate, current or otherwise reliable. This  
6 map is not to be used for navigation.

7 **Q Thank you. Have you had any other**  
8 **experiences with complaints about the use of these**  
9 **maps having resulted in gas lines being placed**  
10 **where they shouldn't have been?**

11 A I've only had one. And that was not from  
12 the public. It's from one of my employees.

13 **Q Okay. Are you -- are you -- do you feel**  
14 **certain that for -- to use these maps for the**  
15 **purpose of establishing boundaries is without**  
16 **excuse?**

17 MS. CARTER: I'm going to object to the  
18 question and the relevance of his opinion on that.

19 JUDGE JONES: Objection overruled.

20 A The -- as a matter of -- of -- it's -- no.  
21 These maps should not be used as an indication of  
22 boundary or ownership. They are for tax purposes  
23 only.

24 They're intended to be used by the  
25 Assessor's office to define the area that they're

1 going to parcel out and tax to that individual.

2 There's no guarantee that it's right, wrong or --

3 or otherwise.

4 The double lines are just simply to -- on

5 our maps as the Assessor's Office to deduct from

6 the tax bill that area that encompasses the roadway

7 so that they're not receiving a tax bill for a

8 roadway.

9 Q (By Mr. Stark) Would it be your

10 professional opinion that people involved in the

11 work of utility line installation that they should

12 be aware of the fact that they should not be using

13 these maps even beyond your disclaimers?

14 A Well, yes. No. They should not be --

15 they should not be using these to build by.

16 They're not construction grade maps.

17 MR. STARK: Thank you, Eddie.

18 JUDGE JONES: Were those all your

19 questions?

20 MR. STARK: Yes.

21 JUDGE JONES: Cross-examination for Summit

22 Natural Gas?

23 CROSS-EXAMINATION

24 BY MS. CARTER:

25 Q Sir, are you aware of the County's Data

1 Request responses in this case?

2 A No.

3 Q If I could hand you what we'll mark as  
4 Summit Exhibit 14.

5 (Summit Exhibit 14 was marked for  
6 identification.)

7 Q (By Ms. Carter) The staff of the  
8 Commission asked this question to Camden County.  
9 In June 2013, if a utility was planning a project  
10 in Camden County in the area shown in Exhibit D,  
11 which covers the property in question, and for that  
12 project the utility needed to get available  
13 information to show where the Camden County  
14 property and/or right-of-way may be located and  
15 contacted Camden County for that information, what  
16 information would the County have provided to the  
17 utility?

18 And if you could read for us the County's  
19 answer to that question, please.

20 A And I'm not familiar with this document.  
21 But the response line that she's asking me to read  
22 says, As Camden County does not have information  
23 readily available to show where the Camden County  
24 property or right-of-way may be located, the  
25 utility would have not -- would not have been



1 provided any information by Camden County  
2 reflecting Camden County property and/or  
3 right-of-way.

4 **Q Do you agree with that response provided**  
5 **by the County?**

6 A The County attorney?

7 **Q On behalf of Camden County.**

8 A Yeah. I would agree to it as far as I  
9 know.

10 MS. CARTER: I would ask to have Exhibit  
11 14 admitted.

12 JUDGE JONES: Any objections? Hearing  
13 none, Summit Exhibit No. 14 is admitted.

14 (Summit Exhibit 14 was offered and  
15 admitted into evidence.)

16 **Q (By Ms. Carter) Sir, you said that the**  
17 **GIS images -- am I referring that -- to the images**  
18 **the correct way? GIS? Is that --**

19 A GIS is --

20 **Q Do you know what I mean?**

21 A Yeah. Geographic Information System.

22 **Q That those are only to be used by the**  
23 **Assessor's Office for tax purposes; is that**  
24 **correct?**

25 A No. The GIS system is a system of many

1 layers that can have many different offices  
2 providing layers to the system. The system that  
3 shows the boundaries is the Assessor's layer for  
4 their purposes.

5 That then is -- is transferred to the GIS  
6 Department to build the GIS system, which is a  
7 system of many layers and many departments. So  
8 that's one of the -- of the layers.

9 **Q When you were giving your testimony**  
10 **earlier, you said that no utility should use a**  
11 **particular document. Were you referring to a**  
12 **particular document or a particular picture?**

13 A I think his question was to the GIS  
14 system. Should you use a web site, the web site,  
15 and the answer to that was no, you should not use  
16 the public web site as the sole purpose for  
17 deriving your boundaries and ownership.

18 **Q Since you gave a professional opinion on**  
19 **that, what is your professional opinion on what a**  
20 **utility company should use to determine Camden**  
21 **County right-of-way?**

22 A They should have a title search done.

23 **Q You believe the utility company should**  
24 **have a title search done on every foot of pipe that**  
25 **they will be installing?**

1 A Yes. Absolutely, they should.

2 MS. CARTER: Thank you. I have no more  
3 questions.

4 JUDGE JONES: Any cross -- cross from  
5 Staff?

6 MR. ANTEL: Staff has no questions. We  
7 thank Mr. Whitworth for his time here today.

8 MR. WHITWORTH: Thank you.

9 JUDGE JONES: Commissioner Rupp, do you  
10 have any questions?

11 COMMISSIONER RUPP: None.

12 JUDGE JONES: I don't have any questions.  
13 Mr. -- you can step down. Mr. Stark, you may call  
14 your next witness.

15 MR. STARK: My next witness is Matt  
16 Sorensen, and he is not able to actually be here.  
17 And it was my thoughts that there would be the  
18 ability to do a telephone connection with him here.  
19 And if not, if it's acceptable, I can use my phone  
20 and speaker phone to connect us with him.

21 JUDGE JONES: Well, before we go that far,  
22 to what was he going to testify?

23 MR. STARK: Matt Sorensen is the owner of  
24 Midland GIS Solutions and will testify as to the --  
25 as to the disclaimers on the maps that he produced.

1 JUDGE JONES: Are those the same  
2 disclaimers that Mr. Whitworth testified to?

3 MR. STARK: I don't know. I do not know

4 JUDGE JONES: So you don't know the answer  
5 to the questions that you are going to ask him?

6 MR. STARK: I don't know that specific  
7 answer.

8 JUDGE JONES: Okay.

9 MR. STARK: I've asked someone what his  
10 disclaimers are. And generally speaking, generally  
11 speaking, they say the same thing as what the  
12 Assessor just said.

13 I'm totally willing to stipulate -- if  
14 everybody wants to stipulate that the man who  
15 produced the GIS maps would testify similarly, I'm  
16 -- I'm agreeable.

17 JUDGE JONES: How do you all feel about  
18 that?

19 MS. CARTER: We can stipulate as to the  
20 limited issue of there being a disclaimer, that we  
21 would stipulate there is a disclaimer when you open  
22 the computer program.

23 MR. STARK: Well, that -- I don't think  
24 that that's enough stipulation.

25 MS. CARTER: I can't stipulate that his

1 testimony would be exactly the same as  
2 Mr. Whitworth's.

3 JUDGE JONES: Does anyone have a problem  
4 with him doing this by phone, particularly the  
5 court reporter?

6 THE COURT REPORTER: As long as I can  
7 hear.

8 JUDGE JONES: If we can hear.

9 MR. STARK: Let's hope so. This should be  
10 a better phone than the last one I had.

11 JUDGE JONES: Don't have to share that  
12 with us. If there's a problem with this, you can,  
13 after the hearing, submit an affidavit by him if  
14 you'd like.

15 MR. STARK: Certainly.

16 JUDGE JONES: And you can come sit here  
17 with the phone.

18 MR. STARK: Hello? Sorry for the  
19 technical -- modern technology ain't what it used  
20 to be.

21 (Placed phone call.)

22 MR. SORENSEN: Hello.

23 MR. STARK: Matt, this is Michael Stark  
24 calling. I'm here at the hearing, and I have you  
25 on a speaker phone and at the hearing.

1 MR. SORENSEN: Okay.

2 JUDGE JONES: Mr. Stark, is it Sorensen?

3 MR. STARK: Matt Sorensen.

4 JUDGE JONES: Is it S-o-r-e-n-s-o-n; is  
5 that correct?

6 MR. SORENSEN: The last name, yeah. It's  
7 S-o-r-e-n-s-e-n.

8 JUDGE JONES: E-n. Mr. Sorensen, can you  
9 hear me okay?

10 MR. SORENSEN: Yes.

11 JUDGE JONES: My name is Kennard Jones.  
12 I'm the Judge presiding over this matter. Can you  
13 raise your right hand?

14 MR. SORENSEN: Okay.

15 MATT SORENSEN,  
16 being first duly sworn to testify the truth, the whole  
17 truth, and nothing but the truth, testified as follows:

18 DIRECT EXAMINATION

19 BY MR. STARK:

20 JUDGE JONES: Thank you. Mr. Stark, you  
21 may proceed.

22 Q (By Mr. Stark) Could you please state  
23 your name and your role in this issue?

24 A Sure. This is -- my name is Matt  
25 Sorensen, and I'm the Senior Vice President with

1 Midland GIS Solutions. We're based out of  
2 Maryville, Missouri.

3 And we -- we recently just completed our  
4 mapping project for Camden County, Missouri, for  
5 the Camden County Assessor's office. They've had  
6 an existing GIS or Geographic Information System  
7 mapping program for -- for several years.

8 And it all originated from their tax  
9 assessment maps, which were hard copy tax maps  
10 primarily. Well, used for tax assessment purposes  
11 for the Assessor's office.

12 So we -- we actually have -- we've been  
13 working with the county for a couple of years and  
14 have actually been -- host a web-based mapping  
15 platform for the County, which is public --  
16 publicly accessible.

17 And -- and the primary -- primary purpose  
18 for that information is just to -- to reference --  
19 you know, roughly reference property boundaries,  
20 tax assessment and so forth.

21 But its -- its primary intention is -- is  
22 for tax assessment purposes and referencing  
23 properties and ownership of properties throughout  
24 the County. And that's basically what our role is  
25 with the County just on their -- on the mapping

1 aspect of things.

2 Q Matt, can you tell me, please, is there  
3 ever any appropriate time to use this -- your  
4 systems for legal purposes such as establishing  
5 boundaries?

6 A No. The -- the tax maps are, like I said,  
7 are primarily intended for assessment purposes  
8 only. We have -- basically, on the web site, there  
9 is a disclaimer that any user has to click and  
10 accept before they even go into the -- to the site  
11 itself that, basically -- and I don't know if I  
12 need to -- well, you can actually pull it up --

13 Q Are you able to you pull it up --

14 A -- on the web site.

15 Q Would you be able to read it for to us for  
16 the record, please?

17 A Sure. It's fairly long. But it says --  
18 the disclaimer that -- that comes up right when you  
19 go to web site, you actually have to click okay to  
20 enter into the -- into the mapping web site.

21 But it says, The data on this site is  
22 provided solely as a public service by Camden  
23 County. No guarantees or certificates, expressed  
24 or implied, are provided regarding the accuracy of  
25 information herein, its use or its interpretation.



1           A good faith effort has been made to  
2     provide the most accurate data possible. However,  
3     errors or omissions are possible, and the user is  
4     hereby advised of that possibility.

5           If you believe that any information is  
6     inaccurate, please contact the Camden County GIS  
7     Department by using the e-mail link at the bottom  
8     of this page.

9           Camden County makes no representations of  
10    warranty as to the accuracy in particular of any  
11    labels, dimensions, property boundaries or  
12    placement or location of any map features.

13          Camden County makes no warranties for  
14    fitness of use with respect to this map. Any user  
15    of this map accepts the same as-is with all faults  
16    and assumes all responsibility for the use thereof  
17    and agrees to hold the County harmless from any --  
18    from and against any damage loss or liability  
19    resulting from any use of this map.

20    Independent verification of all data contained  
21    herein should be obtained by any user of this map.  
22    The information you are about to access was derived  
23    from data compiled by Camden County Public offices,  
24    including, but not limited to, Assessor, Clerk,  
25    Planning & Zoning Offices throughout the year 2014.

1           Statistics are provided solely for the  
2     purpose of gathering geographically dependent  
3     information. Derived information can only be used  
4     for unofficial purposes. The maps on this site  
5     were not created by a licensed surveyor.

6           Any person or entity entering this GIS  
7     does hereby consent and agree to the terms and  
8     conditions set forth in this notice.

9           I -- I believe the -- the County provided  
10    that disclaimer to us to -- to put on the web site.  
11    There's another very brief disclaimer on any maps  
12    that are printed out.

13          So if you go into the mapping site and  
14    print a map, there is a -- a disclaimer on the  
15    bottom right-hand corner of that as well. And  
16    that's just something that we added in to any --  
17    any of -- because we work with numerous counties a  
18    across the state, across the Midwest and doing  
19    their -- doing their GIS tax map services and so  
20    forth.

21          That second disclaimer on the actual hard  
22    copy map that can be printed out is pretty -- it's  
23    very brief. It just says, This map is a user  
24    generated static output from an Internet mapping  
25    site and is for reference only.

1           The errors that appear on this map may or  
2   may not be accurate, current or otherwise reliable.  
3   This map is not to be used for navigation.

4           So it's pretty brief and -- but, yeah.  
5   Every -- every county that we work with has a  
6   disclaimer just saying that it's not intended for  
7   conveyances, a legal document, you know, for title  
8   search. It's not a legal survey. It's for  
9   reference purposes only, basically.

10          **Q    Okay. Matt, is it your professional**  
11   **opinion that anyone using these maps for the**  
12   **purpose of installing utility lines does so with --**  
13   **having -- having should have known better?**

14          A    Well, in my -- in my personal opinion,  
15   yes. I mean, it's -- it's a -- it's a rough sketch  
16   of properties for tax assessment purposes only.

17                You know, there -- I think there would  
18   need to be some research or even -- even contacting  
19   the property owners in that case, you know, to make  
20   sure that they're within public right-of-way.

21               MR. STARK: Thank you, Matt. I have no  
22   further questions.

23               JUDGE JONES: Okay. Thank you. Wait,  
24   wait, please. Wait, please.

25               MR. SORENSEN: Yeah. I'm still here.

1 MR. STARK: There might be other questions  
2 from other sources.

3 JUDGE JONES: Cross-examination from  
4 Summit?

5 MS. CARTER: Yes.

6 CROSS-EXAMINATION

7 BY MS. CARTER:

8 Q Mr. Sorensen, what is your connection, if  
9 any, to a utility company? Do you work for a  
10 utility company?

11 A Do I work for a utility company? No, I do  
12 not.

13 Q Have you ever worked for a utility  
14 company?

15 A No, I have not.

16 Q Have you ever participated in a design --  
17 in designing where lines for a utility company  
18 would be located?

19 A I've worked for -- well, prior to Midland  
20 GIS, I worked for an engineering firm where I was a  
21 -- an engineering technician. So I didn't  
22 personally design where utilities would be located,  
23 but I drew them up on plans, design plans.

24 Q Okay. When you read your disclaimer or  
25 read the disclaimer that's for Camden County's GIS

1     **system, you used the words "unofficial purposes."**  
2     **What does that mean, that it should only be used**  
3     **for unofficial purposes?**

4           A     I really can't answer that question. I  
5     didn't write that disclaimer. I'm not sure who  
6     did, if there's an attorney that the County works  
7     with that actually wrote the disclaimer.

8                   So I can't really comment on any  
9     references to that -- the disclaimer that is on the  
10    county's mapping web site.

11           Q     **I'm assuming that the County pays you for**  
12    **your services; is that correct?**

13           A     Yes.

14           Q     **Why would a County pay for this service**  
15    **and have you put together this system and have it**  
16    **publicly accessible if it was only to be used for**  
17    **tax assessment purposes?**

18           A     This is primarily -- we've -- we've done  
19    this for several years for counties all over the  
20    state. And it's -- it's the research that is used  
21    to compile the parcel boundary within their mapping  
22    system comes from the original tax maps that the  
23    Assessor's Office has maintained for decades.

24                   And it's -- on those original tax maps,  
25    there is even a disclaimer on the hard copy tax

1 maps that says it's not a legal survey or, you  
2 know, it shouldn't be used for conveyances or a  
3 title search or anything like that, just for  
4 assessment purposes only for real -- real property.

5 And people that pull up and reference  
6 ownership data and so forth and who owns what  
7 properties. It -- it does not -- it is without  
8 question -- it is not a legal survey whatsoever.  
9 But every county in the State of Missouri has maps,  
10 tax maps of who owns what property throughout the  
11 County. And it's for tax purposes, and that's --  
12 that's it.

13 **Q And I'm sorry. I don't think we got to an**  
14 **answer to my question, which was, why would the**  
15 **County pay you to do this and make it publicly**  
16 **accessible if it was only for tax assessment**  
17 **purposes?**

18 A Well, it's -- it's information that the --  
19 I guess the taxpayers within the County -- realtors  
20 use it. Banks use it. Title companies use it just  
21 to reference property ownership and so forth.

22 They come in and out of the Assessor's  
23 Office all the time. Having -- having it online  
24 reduces split traffic and phone calls and saves the  
25 -- the County a lot of time and money if they

1 provide this information online to the public.

2 Q So I don't want to put words in your  
3 mouth, but are you saying a specific purpose is to  
4 see who owns what property?

5 A It's for tax assessment purposes only, so  
6 for -- for assessing real property.

7 Q Yes. I'm sorry. I was only asking about  
8 real property. But you mentioned title companies  
9 and many other people who would not be performing  
10 tax assessments.

11 A Yeah. They just want to see, okay, who  
12 owns what. I mean, they did a rough, you know,  
13 idea of where the property is located at. There  
14 are -- you know, the acreage of the property, if  
15 there -- if it's going to be sold, you know, if  
16 they're going to be selling it, they're able to get  
17 a map -- print a map out as a rough reference of  
18 where the property is located within the County.

19 Q So a purpose would be --

20 A It also has -- it also has -- the  
21 Assessor's Office also has the book and page -- the  
22 actual legal document book and page reference that  
23 they can get at the Recorder's Office that is the  
24 legal document.

25 And, of course, the Recorder's Office

1 would have any plats and survey and so forth if  
2 there are any that's --

3 Q Yeah. So Mr. Sorensen --

4 A My -- I'm sorry. What's that?

5 Q I need to ask the question, and if I could  
6 have you just answer this.

7 A Uh-huh.

8 Q A purpose of the GIS map would be to see  
9 who an owner is of a particular piece of property?

10 A Sure. Yes. Uh-huh. That is one -- that  
11 is one purpose of the GIS mapping system to see who  
12 owns what property.

13 MS. CARTER: Thank you. I have no further  
14 question

15 JUDGE JONES: Any cross-examination from  
16 Staff?

17 MR. ANTEL: Yes.

18 CROSS-EXAMINATION

19 BY MR. ANTEL:

20 Q Mr. Sorensen, I wanted to ask you about  
21 the disclaimer you read for us at the beginning of  
22 your testimony. Is that a -- a pop-up on the GIS  
23 web page?

24 A Yes, it is.

25 Q Okay. And was that pop-up disclaimer on



1 the web page as of June 18th, 2013?

2 A June 18th, 2013. I -- we've been hosting  
3 the web site for quite a while. I don't know  
4 specifically when -- because we've been hosting the  
5 web site for the County for before that date, so  
6 yes.

7 Q Okay.

8 A As far as I know. I'm not sure of the  
9 exact date any disclaimer was put on the site  
10 itself. But that's kind of a -- it's something  
11 that we typically have on every site.

12 There's always -- there's always been the  
13 disclaimer on the actual map printout that if  
14 anyone goes to the map, prints a map out, there has  
15 always been that disclaimer.

16 Q Okay. So --

17 A That's something that we automatically put  
18 on every single one of our web sites as soon as we  
19 deploy the web site.

20 MR. ANTEL: Okay. Thank you. No other  
21 questions.

22 JUDGE JONES: Do you have any redirect  
23 you'd like to ask?

24 MR. STARK: No. Thank you, Matt, for your  
25 help.

1 JUDGE JONES: Thank you, Mr. Sorensen.

2 You're excused.

3 MR. SORENSEN: You bet.

4 JUDGE JONES: And, Mr. Stark, call your  
5 next witness.

6 MR. STARK: Oh, I -- that's -- that is my  
7 last witness.

8 JUDGE JONES: Okay.

9 MR. STARK: Other than the fact that in my  
10 opening statement that the statement contained what  
11 I would consider my testimony if you would like me  
12 to read it again --

13 JUDGE JONES: No, no, no. It's in the  
14 record.

15 MR. STARK: Thank you.

16 MS. CARTER: Judge, I apologize. Opening  
17 statements are not evidence. And, therefore, I did  
18 not object, for example, to Mr. Stark saying other  
19 people's testimony that I do not believe is  
20 accurate and that they may not -- well, they won't  
21 be here then to say that testimony. I -- I thought  
22 he was make an opening statement, not testifying  
23 under oath.

24 MR. STARK: I'd be happy to read it again.

25 JUDGE JONES: Well, if you read it again,

1 we're going to run into a whole lot of objections.

2 MR. STARK: I consider that my references  
3 to the affidavits and statements that were  
4 previously submitted to the Commission, my  
5 references to them was part of my own statement and  
6 should not be considered part of my testimony.  
7 Does that suffice?

8 MS. CARTER: I'm not aware of any  
9 affidavits being admitted into evidence.

10 JUDGE JONES: You filed affidavits, but  
11 you haven't offered them into evidence.

12 MR. STARK: Okay. Excuse me for my lack  
13 of being a high-priced lawyer. I do have them.  
14 And I will enter them into evidence.

15 JUDGE JONES: You all have seen the  
16 affidavit. You all have seen the affidavits. Do  
17 you have any objection to them being admitted?

18 MS. CARTER: I do. Yes.

19 JUDGE JONES: Okay. You can look for them  
20 while we go through -- and I'm not certain which  
21 -- which affidavits he plans on --

22 JUDGE JONES: One from Garrett Cope. One  
23 from Robert Maag.

24 MS. CARTER: Yes. With regard to the  
25 Garrett Cope affidavit, Summit's objections would

1 be that it does not appear to be based on firsthand  
2 knowledge. The affidavit itself does not say it is  
3 based on firsthand knowledge.

4 The affidavit also does not say that the  
5 individual is competent to testify on the matter.  
6 And in order for an affidavit to be admissible, the  
7 contents need to be otherwise admissible.

8 And it appears to contain hearsay  
9 statements, again, there being no statement that  
10 it's based on firsthand knowledge. And if you just  
11 read it, it's unclear whether or not it would be  
12 based on firsthand knowledge.

13 JUDGE JONES: I'm going to deal with this  
14 the best way I can. Mr. Stark, were you with  
15 Mr. Cope --

16 MR. STARK: Yes, I was.

17 JUDGE JONES: -- at this time, at 9 a.m.,  
18 June 19th?

19 MR. STARK: Yes, I was.

20 JUDGE JONES: And did you all leave this  
21 area together after you spoke with Mr. Cope?

22 MR. STARK: Yes. That's correct.

23 JUDGE JONES: Did you all return together?

24 MR. STARK: Yes, I did.

25 JUDGE JONES: Okay. The objection is

1 over-ruled.

2 MS. CARTER: And then as to the affidavit  
3 of Robert Maag, it is not notarized and appears to  
4 have been signed in February of 2014, but -- but  
5 never notarized.

6 And I'd have the same objection that it  
7 does not appear to be based on firsthand knowledge  
8 and would contain hearsay and, also, doesn't  
9 provide a basis for Mr. Maag to provide opinion  
10 testimony regarding the construction.

11 JUDGE JONES: Well, at this time, I'm  
12 going to sustain the objection to Maag's affidavit.  
13 If you're able to supplement the record with a  
14 notarized copy of his affidavit, then I'll admit it  
15 later.

16 MR. STARK: Thank you, sir. I will do  
17 that.

18 JUDGE JONES: Okay. Do you have those for  
19 the court reporter, a copy for court  
20 reporter--

21 MR. STARK: Yes, I do.

22 JUDGE JONES: -- of the Gary Cope?

23 MR. STARK: Here is the -- the affidavits  
24 here. I will have an affidavit to enter as  
25 evidence, web links to news stories from KRCG in

1 Jefferson City, which Summit has referred to in  
2 paragraphs 25 and 26 of the response to the  
3 Commission Order dated June 2nd, 2014.

4 These links will show the news stories  
5 which KRCG broadcast after investigating the abuse  
6 by Summit which showed a propensity for ignoring  
7 easements and damages occurred while installing  
8 their gas lines in the Lake of the Ozarks area.

9 So I'd like to submit as evidence the  
10 links to those web sites.

11 MS. CARTER: I would object to its  
12 admission that the news articles themselves are  
13 irrelevant. It's also hearsay statements.

14 MR. STARK: The --

15 JUDGE JONES: Mr. -- Mr. Stark, are you  
16 submitting those news articles to show that the  
17 company has, in other circumstances, done  
18 something --

19 MR. STARK: I am submitting it for that  
20 purpose. Also, to give specifics to the -- to the  
21 -- when Summit responded to the Commission's order  
22 dated on June 2nd, they used -- they referred to  
23 these news stories in their response.

24 So I'm simply providing direct links to  
25 those news stories so that the Commission has the

1 ability to see the news stories which were referred  
2 to by Summit Gas in the response to the Commission  
3 Order dated June 2nd, 2014.

4 JUDGE JONES: Okay. That objection is  
5 sustained as it is hearsay. And Stark Exhibit 1 is  
6 admitted into the record, which is the affidavit of  
7 Gary Cope. You can keep --

8 MR. STARK: Okay.

9 JUDGE JONES: Are those all your  
10 witnesses?

11 MR. STARK: Those -- those are my  
12 witnesses.

13 JUDGE JONES: Okay. Let's move to Staff's  
14 witnesses.

15 MS. CARTER: Judge, would it be possible  
16 to do cross-examination of Mr. Stark?

17 MR. STARK: Certainly

18 JUDGE JONES: Sure.

19 MS. CARTER: I will keep it very brief.

20 JUDGE JONES: Mr. Stark, would you raise  
21 your right hand?

22 MICHAEL STARK,  
23 being first duly sworn to testify the truth, the whole  
24 truth, and nothing but the truth, testified as follows:

25 CROSS-EXAMINATION

1 BY MS. CARTER:

2 Q Mr. Stark, after the pipe was laid on your  
3 property, did Summit ask for a permanent easement  
4 from you?

5 MR. STARK: Your Honor, I would object to  
6 that because we're here today for the purpose of  
7 deciding the basis of their installation, not  
8 events that happened afterwards.

9 Anything happening after the installation  
10 of that pipeline is totally irrelevant to the three  
11 things that this hearing is set out to do, and that  
12 is to justify by mistake, by their presence in  
13 installing the gas line on my property or to  
14 determine if it was a violation of tariffs and/or  
15 rules and regulations of their agreement with the  
16 Public Service Commission and/or determine if  
17 Summit Gas was, in fact, guilty of criminal  
18 trespass.

19 Now, those three things is the extent of  
20 what this hearing was set out to establish.  
21 Anything that took place after that is totally  
22 irrelevant and not germane to this -- to this  
23 hearing.

24 JUDGE JONES: Objection sustained.

25 MS. CARTER: If I may, Judge, Mr. Stark



1 testified about his road not being able to be used  
2 for a year. He testified about it washing out and  
3 having the Public Service Commission come to his --  
4 Staff come to his property to see trenches. Those  
5 are all things that occurred after the pipe was  
6 installed.

7 MR. STARK: And --

8 JUDGE JONES: Well --

9 MS. CARTER: Making it -- making it  
10 relevant. Also, if we are looking at whether or  
11 not there is any violation of the gas safety rules,  
12 it is relevant what actions Summit has taken after  
13 the pipe was placed on the property.

14 JUDGE JONES: Well, I -- let me respond to  
15 her. I understand your point. And I'm not  
16 sustaining his objection as to the fact that things  
17 are happening on that day are the only things that  
18 are relevant.

19 I'm sustaining the objection because  
20 that's an offer of settlement that I don't want the  
21 Commission to have to deal with.

22 MS. CARTER: And it is not an offer of  
23 settlement. Obtaining an easement for a pipe is  
24 not an offer of settlement.

25 MR. STARK: In response to the Defendant's

1 attorney, the reason that the damage to the road is  
2 relevant even though it happened after --

3 JUDGE JONES: No. Let's stick to the  
4 request of --

5 MR. STARK: But this is what -- I want to  
6 just respond directly to what she said, please.  
7 The reason that that's relevant having occurred  
8 after June 18th is because the damage that occurred  
9 from those rains is most likely as a result of an  
10 expedited completion of my project on June 18th.

11 In other words, either they -- on June  
12 18th when they installed the pipeline, they either  
13 had faulty contractors or they were in such a hurry  
14 to do so that because they knew they -- that I had  
15 been there telling them not to be there, and they  
16 were in a -- it was probably because they said,  
17 Let's get this done, get it over with before the  
18 owner gets back.

19 JUDGE JONES: I'm going to interrupt you.  
20 That has nothing to go do with the easement issue.

21 MR. STARK: Okay. But it does have to do  
22 with why the trenches --

23 JUDGE JONES: That's possible. I don't  
24 know.

25 MR. STARK: -- wash-out is irrelevant.

1 JUDGE JONES: Slow down. The objection is  
2 sustained. You can ask your next question.

3 MS. CARTER: I have no questions of  
4 Mr. Stark that do not relate to actions taken after  
5 the pipe was installed.

6 I intended to ask him and would appreciate  
7 making an offer of proof or somehow preserve that  
8 in the record.

9 JUDGE JONES: You can ask -- you can --  
10 you can ask the questions. My -- what I said was  
11 it's not because it was after June 18th.

12 MS. CARTER: If I can make an offer of  
13 proof and have Mr. Stark answer the question in the  
14 record so that that is available on review, if  
15 necessary.

16 Q (By Ms. Carter) The question was, after  
17 the pipe was laid on your property, did Summit ask  
18 for a permanent easement from you?

19 A Not only did they ask, but they threatened  
20 me with condemnation. More or less, if you won't  
21 give it to us, we're going to take it.

22 Q I'll show you what's been marked as Summit  
23 Exhibit 6, a letter dated July 24th, 2013. Is that  
24 what you received?

25 A Your -- your threat to acquire the

1 property by condemnation if I wouldn't agree to  
2 take it, agree to have it willingly, yes, that is  
3 what I received.

4 Q And that document informs you of your  
5 rights under Chapter 523 and included a copy of the  
6 statute, correct?

7 A But -- and once again, I reiterate that  
8 this all took place after the trespassal, which is  
9 alleged as part of this complaint and not really  
10 relevant to the three issues that are here before  
11 the Commission today to make a determination on.

12 Q Thank you. And, Mr. Stark, we are just  
13 making an offer of proof so this is in the record.  
14 The Judge has sustained your objections to my  
15 question.

16 The document in front of you, the letter  
17 that you received, does that also includes a legal  
18 description for where the pipe was placed and a  
19 legal for the requested easement; is that correct?

20 A That's -- that appears to be the case.

21 MS. CARTER: I would ask to have Summit  
22 Exhibit 6 admitted.

23 MR. STARK: Objection, your Honor.

24 JUDGE JONES: What is the date on that  
25 letter again?

1 MR. STARK: July 24th. Quite honestly  
2 this should have come before they installed the gas  
3 line, not afterwards.

4 JUDGE JONES: Well, is this a request for  
5 easement?

6 MS. CARTER: Yes, it is, Judge.

7 JUDGE JONES: Well, I'll deny -- sustain  
8 the objection.

9 Q (By Ms. Carter) At some point, you were  
10 told that Summit would not need a permanent  
11 easement?

12 MR. STARK: Again, I object because it's  
13 not relevant to the issues before the --

14 JUDGE JONES: Mr. Stark, for brevity,  
15 don't object. Your objection is sustained. Just  
16 answer her question.

17 A Okay. Would you repeat the question?

18 Q (By Ms. Carter) At some point, were you  
19 told that Summit would not need the permanent  
20 easement from you?

21 A I was -- at some point, I was told that  
22 the -- that the gas line was not going to be  
23 utilized that had been placed on my property.

24 Q And were you asked that for a temporary  
25 easement that Summit would need a temporary

1     **easement from so you they could remove the pipe?**

2           A     Subject to my previous objections, yes, I  
3     was.

4           **Q     Were you repeatedly asked for permission**  
5     **to come on your property to remove the pipe and**  
6     **repair the road?**

7           A     Subject to my previous objections, the  
8     answer is yes.

9           **Q     And did you ever give Summit permission to**  
10    **come back on your property and either remove its**  
11    **pipe or repair any of the damages you said had**  
12    **happened?**

13          A     No. And the reason why was because to  
14    have removed the pipe which had been laid under the  
15    property -- on my property would have damaged my  
16    roads significantly further.

17                 Although you consider it hearsay, I  
18    consider part of business -- my business records or  
19    my business -- conduct of business that I would  
20    discuss --

21                 MS. CARTER: I would object to a hearsay  
22    statement.

23          A     -- that I discussed when the Public  
24    Service Commission Staff was there investigating  
25    the issue, they suggested to me that if the

1 pipeline was --

2 MR. BORGMEYER: Let me just object to that  
3 hearsay about what Staff told him.

4 JUDGE JONES: I'm not sure where you're  
5 going. I mean, the question was --

6 A They want to know the -- I want on the  
7 record the reason that I did not allow them to  
8 remove their pipe.

9 JUDGE JONES: Because it would cause  
10 further damage?

11 A Right. And I got that impression as a  
12 result -- whether or not it's the impression they  
13 intended to give me or not, I got that impression  
14 from the people from the Public -- Staff the Public  
15 Service Commission who came to visit the site after  
16 the damage to the road.

17 MR. BORGMEYER: And I'll just object to  
18 the hearsay statements about that. The Staff  
19 witnesses are here. They can testify about --

20 JUDGE JONES: Objection is stained.

21 MS. CARTER: I have no other questions.

22 JUDGE JONES: Do you have any  
23 cross-examination questions for Mr. Stark?

24 MR. ANTEL: Staff does -- has no  
25 questions, Mr. Stark. Thank you.

1 JUDGE JONES: Okay. And, Mr. Stark, do  
2 you -- are you satisfied with your responses to her  
3 questions and your explanations were satisfactory?  
4 Are you happy with that?

5 FURTHER TESTIMONY OF MR. STARK  
6 BY MR. STARK:

7 MR. STARK: Yes. I -- I would point out  
8 that the issue of removing the -- the pipeline, my  
9 thoughts on it at the time and the reason I would  
10 not allow them to do so was because -- to have  
11 removed the pipeline would have unearthed a  
12 significant portion of the road that had not yet  
13 been damaged.

14 There were, as it was, trenches 2 and 3  
15 feet deep running alongside the road that had been  
16 washed out. To have removed those lines the entire  
17 stretch of line would have made that the situation  
18 throughout the whole entire thousand foot plus of  
19 pipeline.

20 Now, my own opinion was that I saw the  
21 workmanship that was generated on my property. And  
22 so when I was told, Oh, we'll come back and fix it  
23 after we do this, I was skeptical and skeptical for  
24 what I felt was good reasons.

25 And further -- I had further concerns that



1 since the settlement had not been reached while  
2 making this demand that I was likely going to face  
3 the situation in the future where the road would --  
4 would be repaired by Summit crews, begin to wash  
5 out, I would call them up and they'd say, Hey, we  
6 already fixed it. We -- quit calling about us.  
7 We're out of here.

8 Because Summit would not give me any  
9 concrete settlement or concrete assurances that  
10 this matter would be taken care of from their  
11 damages was my basis for not allowing them to  
12 either remove the pipe or to do the repair work.

13 JUDGE JONES: All right. Thank you,  
14 Mr. Stark. Let's go to Staff witnesses.

15 MR. ANTEL: Staff calls Tom Imhoff.

16 JUDGE JONES: Raise your right hand, Mr.  
17 Imhoff.

18 THOMAS IMHOFF,  
19 being first duly sworn to testify the truth, the whole  
20 truth, and nothing but the truth, testified as follows:

21 DIRECT EXAMINATION

22 BY MR. ANTEL:

23 JUDGE JONES: Thank you, sir. You may be  
24 seated.

25 Q (By Mr. Antel) Mr. Imhoff, would you

1 please state your name and spell it for the court  
2 reporter?

3 A My name is Thomas, T-h-o-m-a-s, middle  
4 initial M, Imhoff, I-m-h-o-f-f.

5 Q Mr. Imhoff, who is your employer?

6 A It is the Missouri Public Service  
7 Commission.

8 Q And how long have you worked for the  
9 Commission?

10 A Let me think here. Thirty-two plus years.

11 Q And what is your current job title at the  
12 Commission?

13 A I am the Manager over Rate Design and  
14 Tariffs Energy Department.

15 Q And on -- under that job title, what are  
16 your primary responsibilities?

17 A My primary responsibilities is -- would be  
18 to look over tariffs that are filed by energy  
19 companies. I do the class cost of service. My  
20 group works and we do class cost of service  
21 studies. We do rate design. We get involved with  
22 CCNs, mergers and acquisitions as it relates to  
23 energy companies.

24 And we also deal with what's called the  
25 purchase gas adjustment, PGA, filings by all of the

1 local distribution companies that are regulated by  
2 the Commission and a host of other miscellaneous  
3 items.

4 Q Okay. Thank you. And, Mr. Imhoff, are  
5 you the same Thomas Imhoff who prepared or had  
6 prepared parts of the report of the Staff filed in  
7 this case on February 10th of 2014?

8 A Yes, I am.

9 Q Okay. Do you have any corrections that  
10 you would like to make to that document at this  
11 time?

12 A Not that I'm aware of, no.

13 Q Are your statements in that report true  
14 and accurate to the best of your knowledge and  
15 belief?

16 A Yes.

17 MR. ANTEL: Okay. Your Honor, I'd like to  
18 have Staff -- the report of the Staff marked as --  
19 as an exhibit.

20 JUDGE JONES: Thank you. We'll mark it as  
21 Staff Exhibit 1.

22 (Staff Exhibit 1 was marked for  
23 identification.)

24 MR. ANTEL: At this time, your Honor, I'll  
25 tender the -- we'll not off the exhibit at this

1 time until after all of the Staff's witnesses have  
2 been offered for cross, but I would tender the  
3 witness for cross-examination.

4 JUDGE JONES: Summit Natural Gas cross?

5 MS. CARTER: I have no questions. Thank  
6 you.

7 JUDGE JONES: Do you have any  
8 cross-examination questions for Mr. Imhoff?

9 CROSS-EXAMINATION

10 BY MR. STARK:

11 Q Do you recall the date that you visited my  
12 property?

13 A I did not visit your property.

14 Q Okay. I have talked with you on the phone  
15 then?

16 A Yes, you have.

17 Q Okay. Thank you. I have no -- I have --  
18 I have -- I am not familiar with your role in this.  
19 Could you please tell me your role in regards to  
20 the issue at hand?

21 A My role was to look and see if Summit  
22 Natural Gas had fought -- had violated their  
23 tariffs and rules of the Commission. And from my  
24 analysis, no, they did not.

25 Q Okay. Are there rules in the Commission's

1   tariffs and are the agreements with Summit Gas that  
2   -- that require them to obtain proper easements or  
3   right-of-ways when installing their gas lines?

4           A    When they file for a CCN, they lay out  
5   where they are requesting the property --  
6   requesting their service area.

7                   Now, as far as providing easements, they  
8   are not required to provide us with those.  What  
9   they say in their CCN filing is that they will go  
10  along the road right-of-ways where they have the  
11  utility easements.

12                  There are, in some instances, where they  
13  would have to go across private property, and they  
14  would get the easement to go across the private  
15  property.

16           Q    And --

17           A    But there's no rules that actually are set  
18  out by the Commission.

19           Q    If I -- if you can clarify for me on the  
20  -- on this point.  Is there not any written either  
21  in Commission rules, the tariffs, this agreement or  
22  in State statute that requires a utility company to  
23  obtain an easement on private property before  
24  installing their utility services?

25                   MR. ANTEL:  Judge, I object to the part of

1 the question which requires Mr. Imhoff to speak to  
2 applicability of State statutes.

3 JUDGE JONES: The objection is sustained.  
4 You don't have to re-ask. Everything except State  
5 statutes.

6 A Okay. Would you repeat the question?

7 Q (By Mr. Stark) Okay. Are there any rules  
8 that say that a utility is required to obtain an  
9 easement or right-of-way on private property,  
10 either rules established by the Public Service  
11 Commission, rules established by PSC tariffs or the  
12 agreement with Summit, is there anywhere in any of  
13 those areas where a utility placing utility lines,  
14 their lines, is required to obtain an easement and  
15 it's in writing that they're required to do so?

16 A There is nothing that is stated in the  
17 rules. When they file for their CCN, they state  
18 that they will go along the public right-of-ways as  
19 much as possible.

20 However, they will at times have to get a  
21 private easement. But there's nothing in the  
22 tariff. There's nothing in the rules that state  
23 that.

24 Q There's nothing in the rules or in your  
25 agreement with Summit that states that they're

1 required to obtain easements and right-of-ways when  
2 going across private property? There's nothing  
3 that's in writing that requires that?

4 A There is nothing in the Commission rules,  
5 no.

6 Q What about -- I mean, the tariffs, the  
7 contracts, the easements?

8 MR. BORGMEYER: I'm just going to object  
9 that that's been asked and answered.

10 JUDGE JONES: Objection sustained. Move  
11 to your next question.

12 Q (By Mr. Stark) Okay. And in your  
13 professional opinion, why isn't there?

14 A I don't know. I don't know why.

15 Q Is -- wouldn't it be possible that the  
16 Public Service Commission might be negligent in its  
17 failure to require that?

18 MR. BORGMEYER: Objection. Calls for  
19 legal conclusion. Calls for speculation.

20 JUDGE JONES: Objection sustained.

21 Q (By Mr. Stark) In your professional  
22 opinion, should there be such a requirement?

23 MR. BORGMEYER: Objection. Same  
24 objection.

25 JUDGE JONES: It's the same question,

1 Mr. Stark. The objection is sustained.

2 Q (By Mr. Stark) There -- apparently, there  
3 are -- there are such rules for utility company  
4 wishing to expand its services; is that correct?  
5 That's what I understand from the pre-hearing  
6 briefing -- of the pre-hearing briefing submitted  
7 by your Staff.

8 MR. BORGMEYER: I guess I'll object to  
9 that. That's not what our brief says.

10 Q (By Mr. Stark) Okay. Is there a  
11 requirement for companies expanding their services  
12 to obtain appropriate easements and right-of-ways?

13 MR. BORGMEYER: I'm going to object.  
14 That's the same question that's been asked and  
15 answered.

16 MR. STARK: This one I'm asking about when  
17 expanding the services, expanding the existing  
18 services.

19 JUDGE JONES: You're asking him if there  
20 are -- the words in some Commission rule or Order  
21 that says they have to get easements?

22 MR. STARK: When expanding their services  
23 as opposed to when they're initiating services.

24 JUDGE JONES: Okay. Go ahead and answer.  
25 That objection is overruled.



1 A No.

2 MR. STARK: Thank you. I have no other  
3 questions.

4 JUDGE JONES: Redirect from Staff?

5 REDIRECT EXAMINATION

6 BY MR. ANTEL:

7 Q Mr. Imhoff, in response to several of  
8 Mr. Stark's questions, you referred to Summit's CCN  
9 for the Lake Ozark area.

10 A Yes.

11 MR. ANTEL: Your Honor, I'd like to have  
12 staff's second exhibit marked.

13 JUDGE JONES: Okay.

14 MR. ANTEL: And I can produce copies.  
15 Make sure the court reporter has one.

16 JUDGE JONES: I'll pass this one to her if  
17 it's received.

18 MR. ANTEL: Okay.

19 (Staff Exhibit 2 was marked for  
20 identification.)

21 A I actually have an extra one.

22 JUDGE JONES: That's fine.

23 Q (By Mr. Antel) Okay. Mr. Imhoff, could  
24 you identify the document that I've just placed in  
25 front of you?

1           A    Yes.  It is a map from Summit Natural  
2 Gas's CN for the Lake of the Ozark area.

3           **Q    Okay.**

4           A    And it shows their pipeline.

5           **Q    Okay.  And does that certificated area**  
6 **include Camden County?**

7           A    Yes, it does.

8           **Q    Okay.  And does this entire area that's**  
9 **portrayed, in Staff's opinion, consist of the**  
10 **initial build-out of the Lake of the Ozarks CCN?**

11          A    Yes, it does.

12          **Q    Okay.  Is it Staff's position that**  
13 **Summit's tariffs apply to extensions of existing**  
14 **facilities?**

15          A    Yes.

16          **Q    And is it Staff's position that the pipe**  
17 **installed on Mr. Stark's property was part of**  
18 **Summit's initial build-out of the Lake of the**  
19 **Ozarks division?**

20          A    Yes.

21          **Q    Do any of the provisions in Summit's**  
22 **tariff pertain to the build-out of new distribution**  
23 **facilities?**

24          A    No.

25               MR. ANTEL:  Thank you.  We have no other

1 questions.

2 JUDGE JONES: Do you have any  
3 cross-examination?

4 MR. STARK: No.

5 MS. CARTER: No.

6 MR. ANTEL: Staff would like to offer  
7 Exhibit 2 into the record.

8 JUDGE JONES: Any objection to Staff  
9 Exhibit 2?

10 MR. STARK: No.

11 MS. CARTER: No objection.

12 JUDGE JONES: Staff Exhibit 2 is received  
13 into the record.

14 (Staff exhibit 2 was offered and received  
15 into evidence.)

16 JUDGE JONES: Is that all for Mr. Imhoff?

17 MR. ANTEL: Yes. Yes, it is.

18 JUDGE JONES: You may step down, sir.  
19 Staff, call your second witness.

20 MR. ANTEL: Staff calls John Kottwitz.

21 JUDGE JONES: Raise your right hand, Mr.  
22 Kottwitz.

23 JOHN KOTTWITZ,  
24 being first duly sworn to testify the truth, the whole  
25 truth, and nothing but the truth, testified as follows:

1 DIRECT EXAMINATION

2 BY MR. ANTEL:

3 JUDGE JONES: Thank you. You may be  
4 seated.

5 Q (By Mr. Antel) Mr. Kottwitz, would you  
6 please state your name and spell it for the court  
7 reporter?

8 A Yes. John D. Kottwitz, K-o-t-t-w-i-t-z.

9 Q And, Mr. Kottwitz, who is your employer?

10 A Missouri Public Service Commission.

11 Q And how long have you worked for the  
12 Commission?

13 A Twenty-eight plus years.

14 Q Okay. What is your current job title at  
15 the Commission?

16 A It's Utility Engineering Specialist III.

17 Q Okay.

18 A It's in the Gas Safety and Engineering  
19 section.

20 Q What are your primary responsibilities?

21 A Our gas safety staff conducts annual  
22 inspections of each operator of the natural gas --  
23 natural gas systems in the state. That's our  
24 primary role. We have a lot of other miscellaneous  
25 roles that we employ.

1 Q Okay. Mr. Kottwitz, are you the same John  
2 Kottwitz who prepared or had parts of -- or had  
3 prepared parts of the report of the Staff filed in  
4 this case on February 10th, 2014?

5 A Yes, I am.

6 Q Okay. Do you have any corrections that  
7 you would like to make to that document at this  
8 time?

9 A No. Not that I'm aware of.

10 Q Are the statements in that report true and  
11 accurate to the best of your knowledge and belief?

12 A Yes, they are.

13 MR. ANTEL: Your Honor, I would like to  
14 offer the report of the Staff, Exhibit 1, and be  
15 taken into evidence and tender the witness for  
16 cross-examination.

17 JUDGE JONES: Any objection -- objection  
18 to Staff's report for Staff Exhibit 1?

19 MR. STARK: No.

20 MS. CARTER: No objection.

21 JUDGE JONES: Hearing no -- hearing none,  
22 Staff Exhibit 1 is admitted into the record.

23 (Staff Exhibit 1 was offered and admitted  
24 into evidence.)

25 JUDGE JONES: Any questions from Summit?

1 MS. CARTER: No questions.

2 JUDGE JONES: Mr. Stark, do you have  
3 questions for Mr. Kottwitz?

4 MR. STARK: No.

5 JUDGE JONES: Okay. Mr. Kottwitz, you may  
6 step down. Any other witnesses for Staff?

7 MR. ANTEL: Staff has no other witnesses.

8 JUDGE JONES: Okay. Summit, you may call  
9 your first witness.

10 MS. CARTER: Dillon West. Is he outside?

11 JUDGE JONES: Mr. West, can you raise your  
12 right hand?

13 DILLON WEST,  
14 being first duly sworn to testify the truth, the whole  
15 truth, and nothing but the truth, testified as follows:

16 DIRECT EXAMINATION

17 BY MS. CARTER:

18 Q If you could state your full name, please?

19 A Dillon James West.

20 Q Who is your employer?

21 A Priority Communications.

22 Q If you could, state your job title, if you  
23 have one.

24 A I guess it would be Locator right now.

25 Q Could you briefly describe your duties?

1 A I put pipe in the ground.

2 Q Do you recall working on Blue Haven Beach  
3 Road or what is now being referred to as Michael  
4 Stark's property?

5 A Yes, I do.

6 Q When did you first go to that property?

7 A The first time I went there, I dropped my  
8 trencher off the night before we started working.

9 Q And where did you locate the trencher?

10 A I guess it would be bottom of the hill  
11 right where -- I guess it's Blue Haven where his  
12 road -- Mr. Stark's road met.

13 Q What do purple paint markings mean to you?

14 A That means private property. You don't go  
15 there.

16 Q Did you see any purple paint around this  
17 road?

18 A No, I didn't.

19 Q Did you see any private or No Trespassing  
20 signs?

21 A Nope.

22 Q If you could, please describe the road  
23 we're talking about.

24 A Well, usually, when we're working down the  
25 roads, we'll hook the pipe trailer up to a truck

1 and just string the pipe up and down the road. But  
2 we couldn't drive down the road. It was -- you  
3 couldn't take a truck down there. We had to park  
4 the pipe truck at the bottom of the hill and pull  
5 the pipe up.

6 Q It's a gravel road?

7 A Yes.

8 Q Was it smooth like it had been fresh --

9 A Not at all.

10 Q What did do you when you first got to the  
11 property the day after you dropped off your  
12 trencher?

13 A Started trenching.

14 Q At some point, did you see Michael Stark  
15 that day?

16 A Yes.

17 Q What was the status of the project when  
18 you first saw Michael Stark?

19 A Well, I was trenching, and I was probably  
20 a good eight, 900 feet in, a pretty good ways. And  
21 he come down the hill and told me it was his  
22 property.

23 Q What did you do in response to seeing  
24 Michael Stark?

25 A I stopped trenching and made a phone call



1 to my boss.

2 Q What was the result of the phone call to  
3 your boss?

4 A He said to go to lunch and wait.

5 Q Did you hear Michael Stark say anything  
6 about coming back to the property?

7 A Yes. Well, from what I can recall, he  
8 said something about coming back at about 2:00.

9 Q After you got back from lunch, did you  
10 start right back to work?

11 A No. We waited.

12 Q How long did you wait?

13 A Quite a long time.

14 Q Eventually, did you go back to work that  
15 day?

16 A Yes.

17 Q And how much of the project was left to do  
18 when you went back to work after waiting?

19 A I'd say a good hundred feet, maybe 150.

20 Q At any time when you were there at the  
21 property that day, did you see any other neighbor  
22 or anyone other than Mr. Stark or your coworkers?

23 A Mr. Stark was the only one I talked to  
24 that day.

25 Q After you spoke with Mr. Stark, did you

1 try to rush through to finish the project?

2 A Not at all.

3 MS. CARTER: That's all the questions I  
4 have.

5 JUDGE JONES: Any cross-examination from  
6 Staff?

7 MR. ANTEL: None, your Honor.

8 JUDGE JONES: Mr. Stark, do you have  
9 questions?

10 CROSS-EXAMINATION

11 BY MR. STARK:

12 Q The purple markings, I've testified, are  
13 at both ends and on both sides of my road. They're  
14 pretty obvious.

15 Can you explain -- I know that you have  
16 seen them since then because I pointed them out to  
17 the staff that -- with the crew that was working  
18 there. Have you -- can you explain why you might  
19 have overlooked those markings?

20 A No, I can't, unless they weren't there.

21 Q Well --

22 A I don't know.

23 Q You did see the markings on the day that  
24 I --

25 A I was there that one day, and I didn't see

1 any that day.

2 Q Okay. What time did you resume your work?

3 A At probably 3:00, maybe.

4 Q Okay. Now, if you saw me there around  
5 9:00 in the morning and you quit just after  
6 that --

7 MS. CARTER: I would object. The witness  
8 did not say he saw Mr. Stark at nine in the  
9 morning.

10 A I don't recall what time it was.

11 Q (By Mr. Stark) Was it --

12 JUDGE JONES: The objection is sustained.

13 Q (By Mr. Stark) Did you see me early in  
14 the morning?

15 A The only thing I can recall is it was  
16 before lunch.

17 Q Could it have been as early as 9:00?

18 A I wouldn't believe so.

19 MR. STARK: Okay. No further questions.

20 JUDGE JONES: Any redirect?

21 MS. CARTER: No.

22 JUDGE JONES: Mr. West, you may step down.

23 COMMISSIONER RUPP: I have a question,  
24 actually.

25 CROSS-EXAMINATION

1 BY COMMISSIONER RUPP:

2 Q What time did you start work that morning?

3 A That morning, 8:00, probably.

4 Q Okay. And you stopped at what time --  
5 roughly, what time after you called your boss?

6 A It was before lunch. And I wouldn't  
7 expect -- if it was 9:00, he wouldn't tell me to go  
8 to lunch right then. So it was -- before lunch, so  
9 11-something, maybe, close to --

10 Q You completed eight, 900 feet in that  
11 amount of time?

12 A Oh, yeah.

13 Q Okay. Good.

14 JUDGE JONES: Did you have any questions  
15 based on the Commissioner's questions?

16 MS. CARTER: I do not.

17 JUDGE JONES: Mr. Stark?

18 MR. STARK: No.

19 JUDGE JONES: You may step down, Mr. West.

20 Thank you. You may call your next witness.

21 MS. CARTER: R.J. Peters.

22 MR. PETERS: Hi.

23 JUDGE JONES: Will you raise your right  
24 hand, Mr. Peters?

25 RONALD PETERS,

1 being first duly sworn to testify the truth, the whole  
2 truth, and nothing but the truth, testified as follows:

3 DIRECT EXAMINATION

4 BY MS. CARTER:

5 JUDGE JONES: Thank you, sir.

6 Q (By Ms. Carter) If you could please state  
7 your full name?

8 A Ronald L. Peters, Jr.

9 Q Who is your employer?

10 A Priority.

11 Q What is your job title?

12 A Equipment Operator.

13 Q If you could, briefly describe your duties  
14 for Priority.

15 A Put pipe in the ground.

16 Q Do you recall working on Blue Haven Beach  
17 Road or what we're now calling Mr. Stark's  
18 property?

19 A Yeah.

20 Q What do purple paint markings mean to you?

21 A Private property.

22 Q Did you see any purple paint on this road?

23 A Not on the location where we were at.

24 Q Did you see any private or No Trespassing  
25 signs?

1 A No.

2 Q If you could, please describe the road.

3 A Goat path.

4 Q It was gravel?

5 A It was washed out, yeah. Ruts. It was a  
6 gravel road that you couldn't take a truck up. We  
7 had to take our equipment up it.

8 Q When did you first go to the property?

9 A Probably around eight in the morning.

10 Q At some point, did you see Michael Stark  
11 that day?

12 A Yep.

13 Q What was the status of your part of the  
14 project when you saw Michael Stark?

15 A We were probably about 700 feet -- you  
16 know, he was probably -- the trencher was probably  
17 ahead of me about a hundred foot. So I had already  
18 back filled about 700 foot of the trench.

19 Q What did you do when you saw Michael  
20 Stark?

21 A Well, I didn't really speak with him. But  
22 we stopped. And he spoke with Dillon. And we  
23 stopped.

24 Q At some point, did you start working again  
25 later in the day?

1 A Yeah. Later that day.

2 Q How long did you have as a break?

3 A Oh, I don't know. Probably from -- well,  
4 I'll say after lunch to about three.

5 Q What was your understanding of why you  
6 were waiting that time?

7 A Because he -- he told us that it was his  
8 private property, so we stopped.

9 Q Did you think Mr. Stark was coming back?

10 A Yeah.

11 Q And why did you think that?

12 A Well, because he spoke with Dillon, and he  
13 said we could get a gas guy out here now. And he  
14 said he had stuff to do and he would be back. So  
15 we got --

16 Q Did he say he'd be back at about a certain  
17 time?

18 A He said that afternoon.

19 Q And did you ever see Michael Stark back at  
20 the property that day?

21 A No.

22 Q Did you talk with any neighbor or anyone  
23 other than Mr. Stark or your coworkers?

24 A No.

25 Q After you spoke with Mr. Stark, did you

1     **try to rush to finish the very last part of that**  
2     **project?**

3           A     No.

4           MS. CARTER:   Thank you.

5           JUDGE JONES:   Any cross from Staff?

6           MR. ANTEL:   No cross, Judge.

7           JUDGE JONES:   Mr. Stark, do you have any  
8     questions?

9           MR. STARK:   Yes.

10                           CROSS-EXAMINATION

11     BY MR. STARK:

12           **Q     What was your understanding of why you**  
13     **resumed work after the property had been identified**  
14     **as belonging to me?   What was your understanding?**

15           MS. CARTER:   I would object to that the  
16     property had been identified as belonging to  
17     Mr. Stark.

18           **Q     (By Mr. Stark)   After I identified the**  
19     **property as belonging to me.**

20           A     We resumed work.   We were told to because,  
21     obviously, they believed that it was the County  
22     property or a pry -- a County easement.   And they  
23     told us to resume.

24           **Q     And who specifically told you to resume?**

25           A     Eric.



1 MR. STARK: All right. Thank you.

2 JUDGE JONES: Commissioner Rupp?

3 CROSS-EXAMINATION

4 BY COMMISSIONER RUPP:

5 Q Who is Eric?

6 A Gas -- Summit gas guy.

7 MS. CARTER: Mr. Graves. He'll be the  
8 next witness.

9 COMMISSIONER RUPP: Okay. Thank you.

10 JUDGE JONES: You may step down, Mr.  
11 Peters. Summit, you can call your next witness.

12 MS. CARTER: Eric Graves.

13 ERIC GRAVES,  
14 being first duly sworn to testify the truth, the whole  
15 truth, and nothing but the truth, testified as follows:

16 DIRECT EXAMINATION

17 BY MS. CARTER:

18 JUDGE JONES: Thank you, sir. You may be  
19 seated.

20 Q If you could please state your full name?

21 A Eric Allen Graves.

22 Q Who is your employer?

23 A Summit Natural Gas of Missouri.

24 Q Do you have a job title?

25 A I'm the State Construction Manager for

1 Missouri.

2 Q Could you briefly describe your duties for  
3 Summit?

4 A I'm in charge of the lake project on the  
5 construction site and all the other construction  
6 for the state.

7 Q How did you first become aware of a  
8 situation involving the construction on Blue Haven  
9 Beach Road?

10 A I had received a phone call saying that  
11 there was a disagreement on the -- the property  
12 that we was on.

13 Q Were you told a time to come to the  
14 property?

15 A Yes, I was. It was --

16 MR. STARK: Objection. Hearsay.

17 JUDGE JONES: Objection sustained.

18 Q (By Ms. Carter) What did you do in  
19 response to the phone call?

20 A I showed up at a certain time at the  
21 property and waited a certain time after that  
22 before I told the people -- or the -- or R.J. and  
23 Dillon to proceed.

24 Q Approximately when did you arrive at the  
25 property?

1 A Twenty after two.

2 Q And how long did you stay at the property?

3 A I left at 2:50.

4 Q Did you think that you were supposed to be  
5 meeting with Mr. Stark at the time you were there?

6 A Yes, I did.

7 Q When did you think you were supposed to  
8 meet with Mr. Stark?

9 A At 2:30.

10 Q Did you ever see Michael Stark that day?

11 A No, ma'am.

12 Q When you left the property around 2:50  
13 that day, did you give any instructions to R.J.  
14 Peters and Dillon West before you left?

15 A Yes, I did.

16 Q What were those instructions?

17 A To finish putting in what little bit of  
18 piece was left and to load up and leave.

19 Q What do purple paint markings mean to you?

20 A No trespassing.

21 Q Did you see any purple paint around this  
22 road?

23 A No, ma'am.

24 Q Did you see any private or No Trespassing  
25 signs?

1 A No, ma'am.

2 Q Were you of the belief that this was a  
3 county road?

4 A Yes, ma'am.

5 Q Why was this road a good choice for the  
6 construction as opposed to going along Antique  
7 Road?

8 A Antique Road has short ditches and high  
9 banks on both sides. Or, actually, low banks on  
10 one side. It's hard to get the drills in.

11 This other road was gravel. It's less  
12 traveled. Safer for the construction workers to  
13 install the pipeline and less convenience -- or  
14 inconvenience for the homeowners that live down in  
15 that area.

16 Q And Blue Haven Beach Road and Antique  
17 Road, are they roughly parallel to each other?

18 A Pretty much. Yes, ma'am.

19 Q Did you meet with Mr. Stark at some point  
20 after the day the construction work was done?

21 A Yes, ma'am. The next day.

22 Q Okay. And what did you do in response to  
23 your meeting with Mr. Stark that next day?

24 A After me and Stark had -- or Mr. Stark had  
25 spoke, I went back and got a hold of my engineer

1 and told him the situation. And we started up a  
2 title search to find out -- the proper -- if it was  
3 his property or not.

4 MS. CARTER: Thank you. I have no other  
5 questions.

6 JUDGE JONES: Any cross from Staff?

7 MR. ANTEL: No, your Honor.

8 JUDGE JONES: Mr. Stark?

9 MR. STARK: Yes.

10 CROSS-EXAMINATION

11 BY MR. STARK:

12 Q When -- what were the methods that you  
13 used to determine that this alternate --  
14 alternative possibility for placing your line,  
15 where did you learn of that? In other words,  
16 when you met -- when you met with me on June 19th,  
17 you showed me maps.

18 A I did.

19 Q Okay. What -- at what point did you  
20 acquire those maps?

21 A At what point did I acquire the maps?

22 Q Yes.

23 A The map that I used for -- out of the  
24 book, I acquired at the beginning of the project.

25 Q Okay. The specific map that you showed

1 me, was that acquired at the beginning of the  
2 project?

3 A Yes. That was a GIS map.

4 Q Okay. Now, you may have -- you were here  
5 to hear the testimony from the Camden County  
6 Assessor's Office and from the producer of those  
7 maps that you are required to sign off on  
8 disclaimers that you have to click. Okay?

9 A Uh-huh.

10 Q Or that you have to read the disclaimers.

11 A Uh-huh.

12 Q Okay. Did you read those disclaimers?

13 A Yes.

14 Q Okay. So then you were aware that these  
15 maps should not have been used for the purpose that  
16 you were intending to use them for; is that  
17 correct?

18 MS. CARTER: I would object. That is not  
19 the testimony of the two witnesses.

20 MR. STARK: Should I reword it?

21 JUDGE JONES: Well, no. Your questions  
22 are outside the scope of the direct testimony. So  
23 you might want to --

24 Q (By Mr. Stark) Okay. You've read --  
25 you've admitted that you read those disclaimers?

1 A Yes.

2 Q Okay. Why did you think they didn't apply  
3 to you? Or to Summit Gas?

4 MS. CARTER: I would object. He never  
5 said that the disclaimer did not apply.

6 Q (By Mr. Stark) Okay. Then did you --

7 JUDGE JONES: Objection is sustained.

8 Q (By Mr. Stark) Did you choose to ignore  
9 those disclaimers?

10 A No.

11 Q And -- and can you explain why you feel  
12 that you weren't ignoring those disclaimers?

13 MS. CARTER: I would object that the  
14 questions are far outside the scope of direct  
15 testimony at this point.

16 MR. STARK: Actually, it's exactly to the  
17 point, your Honor.

18 JUDGE JONES: Okay.

19 MS. CARTER: There will be a witness to  
20 testify regarding the Summit's use of the plans.

21 JUDGE JONES: You might save your  
22 questions for that witness. The purpose of your  
23 cross-examination is to ask questions that were  
24 praised on direct examination.

25 Actually, nothing you've asked has come

1 out of the direct examination. I was just trying  
2 to give you some leeway and it doesn't look like  
3 you're going to get back on the right track.

4 MR. STARK: Okay.

5 Q (By Mr. Stark) Who from your staff or  
6 crew on site contacted you after I spoke with them?

7 A Repeat that question, please.

8 Q Who -- which member of your staff made  
9 contact with you after I stopped and protested the  
10 -- Summit's presence on my property?

11 A I got a phone call from our third party  
12 inspector.

13 Q And what was his name?

14 A Ray Nelson.

15 Q Ray Nelson. And -- was he the person that  
16 spoke with me at the time --

17 A No.

18 Q -- that I stopped and protested your  
19 presence there?

20 A No.

21 Q Who would that have been?

22 A That would have been Dillon.

23 Q Dillon. Okay. Who were the other Summit  
24 -- I mean, employees who were on the property at  
25 that time?



1 A No Summit employee was on your property.

2 Q All were Priority's?

3 A Yes, sir.

4 Q Okay. You testified that I failed to show  
5 up as agreed. What gave you the impression I had  
6 agreed to have an appointment with you?

7 A That was the -- what I had received from  
8 the guys that was on site.

9 Q Did they also give you a phone number?

10 A No, they did not.

11 Q Did you -- being on my property at the  
12 time in question, did you look for me?

13 A I -- to answer your question, I had no  
14 phone number. I had no name. So I had no idea who  
15 to even look for.

16 Q Okay. You knew the property that you were  
17 on. You had maps of the property. You had  
18 indications as to where the residences were on that  
19 property.

20 A Uh-huh.

21 Q And you didn't -- you came all that way.  
22 You waited half an hour.

23 A Uh-huh.

24 Q And it's your testimony that you didn't  
25 come to look for me? You just stood up at the

1 highway hoping I would appear?

2 A Because that's what I was under -- told  
3 that you would be there.

4 Q Okay.

5 A And, also, to answer your question, I did  
6 not have that map at that time to figure out who  
7 you was.

8 Q Okay. Do you -- did you figure that it  
9 was too much of an effort to come and find me since  
10 you had stood there and waited for me for half an  
11 hour?

12 I mean, I can't help but feel that if I  
13 were -- had come someplace and to meet with  
14 somebody and they weren't showing up and I thought  
15 I was really supposed to be there meeting with  
16 them, I would look for the person. So --

17 A To answer --

18 Q Did you look -- did that thought occur to  
19 you that maybe instead of leaving after having  
20 waited all that time that you should wait for me or  
21 look for me?

22 A To answer your question, where would you  
23 have liked for me to start?

24 Q The property. It's right there.

25 A I was at that property, sir, waiting on

1 you.

2 Q Okay. At this point, you stated that  
3 although documents provided by Summit's attorneys  
4 refer to a 3:00 --

5 MS. CARTER: I'm going to object to  
6 anything being provided by an attorney that it's  
7 not evidence in the case.

8 JUDGE JONES: Objection sustained.

9 Q (By Mr. Stark) Okay. Well, fine. What  
10 is Summit's policy when you encounter somebody that  
11 says, Wait, you're not supposed to be here, this is  
12 my property? What's your policy of what to do at  
13 that point?

14 A What do -- exactly what I did. I went  
15 back to my engineer, and we tried to figure out if  
16 what you was saying was true because I can't base  
17 it off just what you say. I need proof of that.

18 So we went back, and that's when we  
19 started the title search to make sure that what you  
20 were saying was true.

21 Q But that's not what you did, is it? You  
22 told the crew to finish.

23 A Yes, I did. And --

24 Q And what --

25 A And after I told the crew to finish,

1 that's when I went back and we started this title  
2 search.

3 Q So is it Summit's policy to do the title  
4 work after a complaint has been made and you tell  
5 your contractors to finish the work? Or should --  
6 or is it Summit's policy that when confronted with  
7 a situation such as this that you should stop work  
8 until you substantiate absolute proof your position  
9 of the right to be there?

10 A The reason why I had them finish it was  
11 because I -- it was the minimal of work that was  
12 left to be done is the reason why.

13 Q And you did so knowing you had told them  
14 to go back to work knowing that I had protested  
15 your -- your right to be there?

16 A To go on, that -- that was hearsay coming  
17 from them. I had not directly talked to you.

18 MR. STARK: Okay. No other questions.

19 JUDGE JONES: Commissioner, do you have  
20 questions?

21 COMMISSIONER RUPP: Yeah.

22 CROSS-EXAMINATION

23 BY COMMISSIONER RUPP:

24 Q One question. The purple paint that's  
25 been referenced --

1 A Yes.

2 Q -- is that something that all private  
3 property owners put on their own, or are you  
4 talking about when you go out and spray for  
5 different lines?

6 A Purple paint is -- it's no trespassing.  
7 It's basically based on -- for hunters to let  
8 people out hunting know that, you know, that this  
9 is private property, not to be on it.

10 Q So that's something that the landowners  
11 put on their property to mark it. It's not a spray  
12 paint looking for lines that a utility surveyor  
13 comes out and does first?

14 A No. No.

15 Q Thank you.

16 A Purple paint is strictly just basically No  
17 Trespassing to hunters.

18 COMMISSIONER RUPP: Very good. Thank you.

19 CROSS-EXAMINATION

20 BY JUDGE JONES:

21 Q I'm going to follow up to that. Where is  
22 the paint? On a road? On a tree? A fence?

23 A Tree, fence post, just whatever marks  
24 their property boundaries.

25 JUDGE JONES: Okay.

1 MR. STARK: And to that point, I could  
2 point out on the map where they are.

3 JUDGE JONES: No. That's okay. Any  
4 redirect?

5 MS. CARTER: Yes.

6 REDIRECT EXAMINATION

7 BY MS. CARTER:

8 Q Just to clarify, you were giving the Judge  
9 examples of where paint could be, correct?

10 A Yes.

11 Q Did you not see any purple paint on this  
12 road or near this road?

13 A No, ma'am.

14 Q And, also, just to clarify from  
15 cross-examination, what portion of construction on  
16 this -- on this road was remaining when you came to  
17 the property?

18 A In my estimate, roughly -- on his  
19 property, about 30, 35 feet, 75 feet total.

20 Q And you clarified --

21 A His property.

22 Q Is there more of South Haven Beach Road,  
23 -- excuse me -- Blue Haven Beach Road?

24 A What there is that area of the road used  
25 to be a State highway, so the right-of-ways are

1 wider. And whenever he was there, he had that  
2 little bit to finish up before he got back on,  
3 which is now county right-of-way to finish up the  
4 job.

5 **Q Is there a safety reason for not leaving**  
6 **pipe exposed?**

7 A The trench open because we don't want  
8 anybody out walking on the property, whether the  
9 owner or somebody trespassing to trip, hurt  
10 themselves because -- and then they try to come  
11 back on us. So we tried to button everything up  
12 for safety reasons.

13 MS. CARTER: Thank you.

14 COMMISSIONER RUPP: One follow-up.

15 RECROSS EXAMINATION

16 BY COMMISSIONER RUPP:

17 **Q Is the purple paint just a courtesy that a**  
18 **landowner does? Is there anything in County -- or**  
19 **is it just a courtesy that some -- some landowners**  
20 **do --**

21 A You'll find more in conservation.

22 **Q Okay. All right.**

23 MR. STARK: I --

24 JUDGE JONES: Is that in follow-up to  
25 Commissioner Rupp's question?

1 MR. STARK: Yes.

2 JUDGE JONES: All right.

3 RECROSS EXAMINATION

4 BY MR. STARK:

5 Q In regards to the purple paint, is it your  
6 understanding that a land owner marks his property  
7 with purple paint indicating that it is not to be  
8 trespassed on and that this marking is provided by  
9 rules in statutes?

10 A I will not go with the statutes, no. But  
11 as far as for personal rules, yes.

12 Q Okay. And this is a commonly accepted  
13 method of -- of posting property that's not to be  
14 trespassed upon; is this correct?

15 A Yes.

16 Q And you -- you are familiar with this  
17 because it's so common, correct?

18 A Yes.

19 MR. STARK: Thank you.

20 JUDGE JONES: Any redirect based on his --

21 MS. CARTER: No, thank you.

22 JUDGE JONES: -- recross? Okay.

23 Mr. Graves, you may step down. Summit, you can  
24 call your next witness.

25 MS. CARTER: David Morgan.



1 DAVID MORGAN,

2 being first duly sworn to testify the truth, the whole  
3 truth, and nothing but the truth, testified as follows:

4 DIRECT EXAMINATION

5 BY MS. CARTER:

6 JUDGE JONES: Thank you, sir. You may sit  
7 down.

8 Q (By Ms. Carter) If you could please state  
9 your full name.

10 A David R. Morgan.

11 Q And who is your employer?

12 A Summit Natural Gas of Missouri.

13 Q What is your job title?

14 A State Engineering Manager.

15 Q And could you briefly describe your duties  
16 for us?

17 A Design, laying out projects, project  
18 support in many areas, so --

19 Q Before Summit began any work in Camden  
20 County, did Summit enter into any agreements with  
21 Camden County?

22 A Yeah. Camden -- we have a -- we have an  
23 agreement with them allowing us to work within the  
24 road right-of-ways.

25 Q Was there any provision in that agreement

1 regarding getting permits to individual roads?

2 A No. It was a blanket type agreement.

3 Q So that you wouldn't need to get  
4 individual road permits; is that correct?

5 A That's correct.

6 Q And giving you blanket permission for  
7 county right-of-way; is that correct?

8 A Yes. That's correct.

9 Q When you were starting construction in  
10 Camden County, did the County provide you with any  
11 surveys or other maps showing their public  
12 rights-of-way?

13 A Not that I'm aware of.

14 Q And in July of 2013, Summit obtained a tax  
15 district map from the Camden County Assessor's  
16 Office. That's part of the statement of facts.  
17 Why did Summit obtain that tax district map?

18 A I personally obtained that map. And it  
19 had to do with a process we were working on and  
20 evaluating property taxes Summit owed within the  
21 County.

22 Q It wasn't related to the installation of  
23 pipe?

24 A Not whatsoever.

25 Q I'm going to show you what's been marked

1 as Summit Exhibit 1.

2 MS. CARTER: Commissioner, if you'd like  
3 one of those, everybody else already has one.

4 Q (By Ms. Carter) Could you tell us what  
5 that is?

6 A Yes. That is a page from our -- what we  
7 call a map book.

8 Q What is a map book?

9 A A map book is a -- or it's a -- something  
10 we use to index out and make a large set of plans  
11 smaller. So if you see -- for example, to the  
12 right-hand side of that, you'll see an area there  
13 with squares that are labeled. And, for example,  
14 this is page S21. So that map book, you know,  
15 that's map book page S21. That takes a large area  
16 and makes it into a small, readable air.

17 Q This particular page of the map book, does  
18 that cover the road we're discussing today?

19 A Yes, it does.

20 Q How is the map book -- map book generally  
21 prepared by Summit?

22 A Several different ways. There's --  
23 obviously, this map book was prepared back either  
24 2012 or prior to that and put people on the ground.  
25 We use things such as what's been talked about

1 quite a bit today as the Camden County GIS, but,  
2 also other -- other resources such as Google Earth  
3 and even ESRI.

4 **Q And I'm sorry. What was the last thing**  
5 **you said?**

6 A ESRI. It's a Google Earth based mapping  
7 program, I guess.

8 **Q Is Blue Haven Beach Road shown on this**  
9 **picture?**

10 A Yes. There's text there that it's Blue  
11 Haven Beach road.

12 **Q And what we're referring to as Michael**  
13 **Stark's property, does that appear to be Blue Haven**  
14 **Beach Road?**

15 A On this map, it appears to be.

16 **Q Is Antique Road shown on this picture?**

17 A That text is also on the picture.

18 **Q Why was the gravel portion of Blue Haven**  
19 **Beach Road a good choice for the construction as**  
20 **opposed to Antique Road?**

21 A With all being equal, Antique Road was an  
22 improved paved road. As described earlier by Eric,  
23 the -- you know, the banks, the ditches and stuff,  
24 plus, I think there was other utilities located in  
25 there made it less desirable to go down maybe an

1 unimproved road where there was less utilities,  
2 less other opportunities to damage anything, you  
3 know. From our perspective, we would, you know,  
4 choose -- choose the gravel road over the blacktop  
5 road.

6 **Q Did Summit believe both of these roads**  
7 **were county roads?**

8 A Yes. That was our understanding.

9 **Q I'm going to show you what's been --**

10 MS. CARTER: Oh, I move for the admission  
11 of Summit Exhibit 1.

12 JUDGE JONES: Any objection to Summit  
13 Exhibit 1? Summit Exhibit 1 is admitted into the  
14 record.

15 (Summit Exhibit 1 was offered and admitted  
16 into evidence.)

17 **Q (By Ms. Carter) I'll show you what's been**  
18 **marked as Summit Exhibit 2. Could you tell us what**  
19 **that is?**

20 A This is an image off the County GIS.

21 **Q And that's off of the Camden County GIS**  
22 **system?**

23 A Yes. Yes, ma'am. Camden County.

24 **Q And if you can just describe how Summit**  
25 **might use this picture.**

1           A     Well, this -- this particular picture, if  
2     you look at it, it -- it shows Antique Road, Blue  
3     Haven Beach Road. I brought this up after Eric had  
4     contacted me after he had talked to Mr. Stark.

5                 The yellow lines, you know, as has been  
6     discussed earlier, give approximate property  
7     boundaries.

8                 Looking at those yellow lines, you can  
9     see, you know, what we've figured out after the  
10    fact was the -- Mr. Stark owns Parcels 12, 10 and  
11    11.

12                As Mr. Whitworth had said earlier, the  
13    double lines indicate areas that they deduct out  
14    for tax calculation purposes which indicate to us a  
15    public road.

16                So, hence, Blue Haven Beach Road that we  
17    went to on the left was one reason why we thought  
18    it was a county road.

19                MS. CARTER: Move for the admission of  
20    Summit Exhibit 2.

21                JUDGE JONES: Any objection? Hearing  
22    none, Summit Exhibit 2 is admitted into the record.

23                (Summit Exhibit 2 was offered and admitted  
24    into evidence.)

25            **Q     (By Ms. Carter) I'll show you what's been**

1     **marked as Summit Exhibit 3. Could you tell us what**  
2     **that is?**

3           A     Yes, ma'am. This is a Google Earth image  
4     taken on March 8th, 2012, approximately, say,  
5     thirteen months before our crews were -- you know,  
6     did any work on the property.

7                     This shows Antique Road, which is labeled  
8     as 573 Lake Road. And it shows the -- the gravel  
9     road, which the pipe got laid on. And this image  
10    in particular, you can see extensive damage to the  
11    road. You can see, you know, deep trenches. You  
12    know, the dark shadows are trenches and banks and  
13    significant erosion on the upper part of the page,  
14    which is actually the -- the lower part of the  
15    road.

16                  MS. CARTER: I'd move for Summit  
17    Exhibit 3.

18                  JUDGE JONES: Any objection to Summit  
19    Exhibit 3?

20                  MR. STARK: No.

21                  JUDGE JONES: Hearing none, Summit Exhibit  
22    3 is admitted into the record.

23                         (Summit Exhibit 3 was offered and admitted  
24    into evidence.)

25                  **Q     (By Ms. Carter) Mr. Morgan, how did you**

1 first become aware of a situation or dispute  
2 involving the construction on Blue Haven Beach  
3 Road?

4 A Eric Graves contacted me, and I believe  
5 that was after he met with Mr. Stark.

6 Q What did you do in response to learning  
7 about a dispute?

8 A The first thing I did was bring up the --  
9 what we called Exhibit 2, the -- the GIS map and,  
10 you know, looked at the parcels.

11 If you click on the parcels on the web  
12 site, the parcel highlights in red. And we looked  
13 at it and tried to determine ownership, which, you  
14 know, we were -- you know, what parcel, what the  
15 extent of the land was and so on and so forth.

16 So we began our research on, you know,  
17 what Eric was told, that this was somebody's  
18 private property. We began, you know, trying to  
19 determine if that was correct.

20 Q What you saw on the images wasn't the same  
21 as what Mr. Stark was saying, correct?

22 A What I saw in the images as --

23 Q There on Exhibit 1 and 2, does that  
24 conflict with what Mr. Stark was saying regarding  
25 it being private property?



1           A    Well, it's ambiguous. You know, again,  
2   the double lines going back to Mr. Whitworth's --  
3   the double lines, when you're subtracting out the  
4   tax entity of it, you know, to me, means the county  
5   is paying the taxes on it so it's a county road.  
6   But, again, we know the lines are approximate.

7           **Q    Did you then take an additional steps to**  
8   **determine who the owner was?**

9           A    Oh, absolutely. I contacted our surveyor  
10   and had them begin a title search, and, also, had  
11   them begin, you know, the process of doing some  
12   field survey work.

13          **Q    I'll hand you what's been marked as Summit**  
14   **Exhibit 4 --**

15          A    Okay.

16          **Q    -- if you could tell us what that is.**

17          A    That's an e-mail communication from Jim  
18   Gray, who is a licensed surveyor at the firm CJW  
19   Transportation Consultants in Springfield,  
20   Missouri. And then attached, it looks like --  
21   yeah. They -- they've attached all the deed work  
22   for this property.

23          **Q    And is that what Summit received back in**  
24   **response to a request for a title search?**

25          A    Yes, it was.

1 MS. CARTER: I would move for the  
2 admission of Summit Exhibit 4.

3 JUDGE JONES: Any objection to Summit  
4 Exhibit 4? Hearing none, Summit Exhibit 4 is  
5 admitted into the record.

6 (Summit Exhibit 4 was offered and admitted  
7 into evidence.)

8 Q (By Ms. Carter) And what did Summit learn  
9 from this title report in terms of the ownership of  
10 a portion of that road?

11 A It was determined that road was owned by  
12 two folks -- two people, Mr. Stark and Mr. Goss.

13 Q And then after you learned that the pipe  
14 had been placed on private property, what did  
15 Summit do next?

16 A As part of our field work to determine  
17 whether this was on their -- this -- this report  
18 took probably about 30 days for us to get. I think  
19 in that ballpark.

20 And prior to that, as I ordered this, I  
21 had the surveyor come up as-built the line as it  
22 was installed, which means go out in the field and  
23 actually locate a line where it was actually  
24 constructed, do a survey of the property boundaries  
25 and in preparation for, you know -- just kind of

1 below where the pipe's at relative to the real  
2 world.

3 So we had that work done. Title report  
4 came back it was on private property. And as part  
5 of the directive to the surveyor, we had him  
6 prepare a document as if, you know, we were trying  
7 to obtain an easement. So these are the easement  
8 exhibits we later got.

9 Q I'm going to show you what's been marked  
10 as Summit's Exhibit 5.

11 A Okay.

12 Q What is that document?

13 A This is an appraisal.

14 MR. STARK: I object, your Honor.

15 JUDGE JONES: To --

16 MR. STARK: The value of the property is  
17 not in question here. The question for this  
18 hearing is to determine the extent of trespass,  
19 whether it was a mistake, whether it was a  
20 violation of tariffs or rules and regulations or a  
21 violation of state statutes. The value of the land  
22 has nothing to do with the -- those three issues at  
23 hand.

24 JUDGE JONES: Is that what the appraisal  
25 is of, the value of the --

1 MS. CARTER: Yes. However, I haven't  
2 moved for the admission of the appraisal.

3 JUDGE JONES: She hasn't, but --

4 MR. STARK: I even object to the question.

5 JUDGE JONES: Well, let's hear what the  
6 question is.

7 MR. STARK: All right.

8 A It's an appraisal of the property.

9 Q (By Ms. Carter) Why did Summit have that  
10 performed?

11 A To - to get a value of it so we can go to  
12 the landowner and offer a fair value for the  
13 easement.

14 Q And does part of appraisal contain the  
15 exact description of the easement and a drawing?

16 A Yes.

17 Q It's in there?

18 A I've got a hard copy of it. Yeah. It's  
19 in there.

20 MS. CARTER: I would move for the  
21 admission of Exhibit 5.

22 JUDGE JONES: And your objection is --

23 MR. STARK: I would object because the  
24 issues --

25 JUDGE JONES: Don't -- don't repeat what

1     you've already said.

2                 MR. STARK: Specifically --

3                 JUDGE JONES: You don't have to -- just  
4     you object.

5                 MR. STARK: Okay. I object.

6                 JUDGE JONES: Okay. The objection is  
7     sustained.

8                 **Q     (By Ms. Carter) Did Summit take steps to**  
9     **obtain a permanent easement from Mr. Stark?**

10                A     Yes.

11                MR. STARK: Objection. Not relevant.

12                JUDGE JONES: Objection is sustained.

13                **Q     (By Ms. Carter) Is the pipe on**  
14     **Mr. Stark's property connected to Summit's system**  
15     **in any way?**

16                A     No.

17                **Q     What did Summit do instead? They had laid**  
18     **this pipe and never got connected. What did Summit**  
19     **do as an alternative?**

20                A     We moved it approximately --

21                MR. STARK: Objection.

22                JUDGE JONES: What's your basis to object?

23                MR. STARK: What they did in the  
24     alternative is not a matter of consideration. The  
25     consideration before this hearing should be --

1 JUDGE JONES: Don't repeat all that.

2 JUDGE JONES: Objection is sustained.

3 MS. CARTER: Judge, if I may, it is  
4 relevant if what the Commission is trying to  
5 determine. If Summit provided safe and adequate  
6 service and violated any Commission rule, order or  
7 tariff, it is relevant what they did in order to  
8 continue providing safe and adequate service.

9 JUDGE JONES: I -- I kind of understand  
10 your rationale as to them providing safe and  
11 adequate service. But as to whether they were  
12 unsafe and inadequate in laying the pipe in the  
13 first place is the more specific question, not what  
14 they did later to do something right.

15 MS. CARTER: Judge, if I may, I think it  
16 has been established from a legal perspective, it's  
17 only about the initial build-out. The Commission  
18 would have no jurisdiction regarding the initial  
19 construction.

20 It would be a civil matter. And the  
21 Commission chose to still have a hearing to  
22 determine if Summit violated any tariff, rule,  
23 order or statute within the Commission's  
24 jurisdiction.

25 And it is relevant that Summit needed to

1 have pipe in that location in order to provide  
2 service. And, therefore, needed an alternative if  
3 that road was --

4 JUDGE JONES: Okay. I'll allow that. Ask  
5 the question.

6 A And the question was?

7 Q (By Ms. Carter) What did Summit do as an  
8 alternative when they were not able to obtain an  
9 easement for this portion of South Haven Beach  
10 road?

11 A Okay. We -- we took a brand new piece of  
12 pipe and located it, installed it on the -- joined  
13 it down the hill on the right-hand side of Antique  
14 Road.

15 Q Does Summit use mainly public  
16 rights-of-way for pipe installation?

17 A Mainly, yes.

18 Q Is that the practice --

19 A Yes.

20 Q -- of Summit? If you need to cross  
21 private property, what do you do?

22 A We negotiate with the landowner and obtain  
23 an easement.

24 Q Did you negotiate and obtain any easements  
25 in the lake area?

1 A Several.

2 Q Before you lay any of your pipe along a  
3 public right-of-way, do you have a title search  
4 performed to have proof that that is public  
5 right-of-way?

6 A No.

7 Q What would it cost the utility and its  
8 ratepayers if you had a title search performed on  
9 every foot of pipe installed?

10 A Oh, boy. A title search is typically  
11 three to \$500. So every parcel that that line  
12 would touch -- if we did that, it would be a lot of  
13 money.

14 Q How many total feet of pipe was installed  
15 by Summit in the lake area?

16 A About 1.9 million, a little over. A  
17 little over 2,000,000 feet.

18 Q Are you aware of any other trespass claims  
19 being filed against Summit regarding their  
20 construction in the lake area?

21 A None that I'm aware of.

22 MS. CARTER: Thank you.

23 JUDGE JONES: Any questions from Staff?

24 MR. ANTEL: None, your Honor.

25 JUDGE JONES: Mr. Stark?



1 MR. STARK: I have some questions.

2 CROSS-EXAMINATION

3 BY MR. STARK:

4 Q The first question is, when you reviewed  
5 the maps provided by the Camden County Assessor's  
6 Office, you're aware of the disclaimers, correct?

7 A Yes, I am.

8 Q Okay. But you make a decision to use the  
9 maps anyway; is that correct?

10 A Use them as a reference.

11 Q Okay. So if you use them as a reference,  
12 then where is your -- your security in knowing that  
13 you have maps that say don't use them for this  
14 purpose, you use them for this purpose? What's  
15 your rationale?

16 MS. CARTER: I would object to the  
17 question. Again, the maps don't say that they  
18 shouldn't be used for reference purposes.

19 MR. STARK: No. They say they shouldn't  
20 be used for establishing legal boundaries.

21 JUDGE JONES: Objection overruled.

22 A I'm not establishing a legal boundary. If  
23 I need to establish a legal boundary, I'll hire a  
24 surveyor.

25 Q (By Mr. Stark) Well, then are you telling

1 the Commission here that when you lay your  
2 pipeline, you don't establish legal boundaries?

3 A We're aware where we can be and where we  
4 can't be.

5 Q How do you make that determination?

6 A Well, typically, through a survey.

7 Q Did you do so in this case?

8 A No, we didn't.

9 Q Okay. Was there a reason you didn't?

10 A As has been stated before, we felt that it  
11 was a county -- county road.

12 Q But the -- and where did you get that  
13 impression?

14 A Where did I get that impression?

15 Q Yes.

16 A From -- from the map, the GIS map.

17 Q And the maps clearly state that they're  
18 not to use to be establishing boundaries?

19 A We didn't establish a boundary. We -- if  
20 you look at map, it shows -- it shows a road there.  
21 Okay? Whether that boundary is in the middle of  
22 the road or to the side of the road, I wasn't  
23 establishing that boundary.

24 We -- we figured that it was a road where  
25 the road right-of-way actually is on one side or

1 the other is -- is sometime -- sometimes we feel we  
2 need to establish that. Sometimes it's  
3 well-established.

4 There's different right-of-way markers.  
5 There's property pins. There's different things  
6 that already exist that we don't need to go to  
7 every parcel and determine where we need to be. It  
8 becomes obvious.

9 **Q So, I mean, it's almost sounding like**  
10 **guesswork on your part.**

11 A No. Not -- no. Far from it. It was a  
12 situation -- and, actually, to back up, this -- the  
13 only time the GIS was used in this particular  
14 situation was after the pipe was in the ground and  
15 I printed the GIS to determine who owned the  
16 property.

17 **Q Okay.**

18 A The GIS is used, but when Eric came to me  
19 and said, Who owns this, we brought the GIS up with  
20 this image right here, you know, in trying to  
21 figure out the -- the geo --

22 **Q So if I -- if attorneys for Summit had**  
23 **supplied this map as the basis for installing the**  
24 **gas line and they had -- they provided this**  
25 **document in communications and sworn testimony to**

1 the Public Service Commission, would it be your  
2 statement that this is --

3 MS. CARTER: I'm going to object that the  
4 attorney did not make sworn statements.

5 Q (By Mr. Stark) This was not produced to  
6 you until after the pipe was laid?

7 A No.

8 Q Can you explain the difference? I'm not  
9 understanding what the difference is.

10 JUDGE JONES: Can you slow down for a  
11 minute? Mr. Stark, you're going to have to  
12 rephrase your question. The objection is  
13 sustained. I understand where you're trying to go.  
14 Just slow down, take a deep breath and re-ask your  
15 question.

16 Q (By Mr. Stark) Okay. In previously  
17 submitted -- in documents previously submitted by  
18 Summit Gas's attorneys in sworn testimony and  
19 briefs --

20 MS. CARTER: I'm going to object. I have  
21 not -- no attorney for Summit has submitted any  
22 sworn testimony.

23 JUDGE JONES: The objection is sustained.

24 Q (By Mr. Stark) I'll re -- rephrase it. I  
25 take back the sworn testimony. In documents

1 prepared by Summit's attorneys, I believe that this  
2 map was shown as the basis for why you went on my  
3 property to begin with. So would it be your  
4 statement, then, that if that was the case, that's  
5 not true because this map wasn't obtained by you  
6 until after the gas line was laid?

7 A Mr. Stark, when we lay out a project, we  
8 use all available resources, the GIS map, ESRI,  
9 which the map book is based off of and the Google  
10 Earth. Okay?

11 So our line work is determined by a  
12 combination of those things. Whoever put that line  
13 down your road and is shown in our map book  
14 probably did use this. I can't speak for them. I  
15 don't know who that is.

16 But when that -- when it was constructed,  
17 it was constructed off what was -- was shown as  
18 Exhibit 1, our map book, and shows it going down  
19 that road.

20 When Eric Graves came to me and asked me  
21 -- we're being requested whether there was a county  
22 road or not, that's when I brought up, again, the  
23 GIS site and tried to determine, you know, a quick  
24 ownership situation.

25 Q So who actually made the decision to

1 install the gas line on my road?

2 A That decision was made based off of our  
3 design and map book.

4 Q And who would have been the person who  
5 actually made that decision?

6 A That would have been our engineering staff  
7 in Colorado.

8 Q And they're not here today?

9 A No.

10 Q And you have no idea of anything at all --  
11 you don't have any concrete knowledge of what they  
12 use, what disclaimers they read or ignored; is that  
13 correct?

14 A I've never been in Colorado.

15 Q Okay. One other question. The road in  
16 question, the private road in question runs  
17 immediately adjacent like 20 feet plus or minus to  
18 the south of Antique Road or known as Lake Road  
19 573.

20 Has it been your experience in the past  
21 that you would come across two county roads running  
22 the same direction right alongside one another --  
23 is this -- would this be normal?

24 A Mr. Stark, we're talking about the Lake of  
25 the Ozarks. And I've seen many -- several places

1 like that.

2 Q Would it not be some cause for perhaps  
3 alarm that here is --

4 A Not necessarily.

5 Q -- a paved county road, and right next to  
6 it is this other road that your own staff has  
7 testified it's doesn't look like it was very  
8 travelable? So wouldn't that cause some concern or  
9 alarm that says, Well, maybe this isn't the county  
10 road that we think it is?

11 A I wasn't there whenever they started  
12 constructing. I'd never seen the road prior to  
13 this issue, so --

14 Q What's Summit's policy in this regard?

15 A Be in the county right-of-way.

16 Q What -- what is Summit's policy in making  
17 a decision on site?

18 A I'm not on site. I can't answer that.

19 Q So no -- so there's no company policy,  
20 then that, says that if things don't look right  
21 that maybe you should hold back a little bit here  
22 and check things out further?

23 MS. CARTER: I'm going to object to the  
24 question. That wasn't the testimony. He said that  
25 he's not on site.

1 JUDGE JONES: Objection sustained.

2 MR. STARK: No -- no further questions. I  
3 think I've established my -- my points.

4 JUDGE JONES: Commissioner, do you have  
5 any questions?

6 COMMISSIONER RUPP: I do not.

7 JUDGE JONES: Any redirect?

8 MS. CARTER: No, thank you.

9 JUDGE JONES: And you may call your next  
10 witness.

11 MS. CARTER: That is all the witnesses for  
12 Summit Natural Gas.

13 JUDGE JONES: Okay. Well, you all didn't  
14 have any -- anything for post-hearing briefs. And  
15 you filed prehearing briefs, so that will probably  
16 --

17 MR. STARK: I would like to -- to -- is  
18 there the opportunity for rebuttal, a rebuttal  
19 witness at this point?

20 JUDGE JONES: Do you have a witness here  
21 to testify?

22 MR. STARK: I can -- I've made  
23 arrangements to contact somebody on the phone that  
24 would definitely contradict testimony that's been  
25 made here.



1 I am willing to provide it in writing and  
2 notarized if the Commission will look at that as  
3 the same as being able to -- to hear somebody's  
4 voice.

5 JUDGE JONES: Does anyone have objection  
6 to him calling an additional witness?

7 MS. CARTER: It would depend on -- on who  
8 it is and if we have any proof --

9 MR. STARK: It would be Robert Maag.

10 MS. CARTER: And if we have any proof of  
11 who that individual is.

12 JUDGE JONES: Robert Maag.

13 MR. STARK: It is the person who submitted  
14 the unnotarized statement previously.

15 JUDGE JONES: All right. Does anyone have  
16 any objection to it?

17 MS. CARTER: Yes. Yes, I do object to  
18 someone appearing by phone who we do not know and  
19 have no way of knowing if he is who he claims to  
20 be.

21 JUDGE JONES: You don't know who the last  
22 guy was that was on the phone. Well, we've got to  
23 be consistent at least if we're wrong so you can go  
24 ahead and call him.

25 MR. STARK: Can you establish a

1 five-minute recess?

2 JUDGE JONES: Sure.

3 MR. STARK: Thank you.

4 JUDGE JONES: If you're unable to reach  
5 him, though, let me know.

6 MR. STARK: I -- I understand. It will  
7 take me a moment to do. So --

8 JUDGE JONES: We'll stop for a moment. If  
9 anyone needs to use the rest room or get a drink,  
10 this is your opportunity to do that.

11 (Break in proceedings.)

12 MR. STARK: I will, if allowed --

13 JUDGE JONES: Allowed to do --

14 JUDGE JONES: -- submit the affidavit  
15 previously submitted which you said could be  
16 previously submitted with a notarized and that  
17 clearly indicates that the crews --

18 JUDGE JONES: Can you -- hold on a second.  
19 Let's go on -- were you on the record?

20 THE COURT REPORTER: Yes.

21 JUDGE JONES: Okay. All right. So no  
22 post-hearing briefs. Does anyone want to make a  
23 short closing argument?

24 MS. CARTER: No, Judge. But we have an  
25 opportunity to file a written objection on this

1 whatever affidavit is submitted?

2 JUDGE JONES: Yes, you may. How much time  
3 after that affidavit is submitted do you need?

4 MS. CARTER: It can be very short.  
5 Whatever you'd like.

6 JUDGE JONES: Same day, if filed before  
7 noon?

8 MS. CARTER: Yes. That would be fine.

9 JUDGE JONES: Okay.

10 MS. CARTER: So long as I receive a copy  
11 of it or am notified. I believe Mr. Stark faxes  
12 things into the Data Center, so I don't -- I don't  
13 know when they're sent.

14 MR. STARK: I'll fax a copy of it to you.

15 MR. BORGMEYER: And, actually, I just need  
16 to clarify. You should use the fax number for the  
17 Data Center. You've been faxing things to my  
18 office.

19 JUDGE JONES: It's too late for that.  
20 Just keep doing what you're doing. All right?

21 MR. BORGMEYER: He's got -- he's got the  
22 number, so --

23 MR. STARK: Sorry. Just error in doing  
24 that.

25 MR. BORGMEYER: Yeah. You have the

1 number, so just --

2 JUDGE JONES: Does anyone else have  
3 anything else?

4 MR. STARK: I'd like to just make a brief  
5 statement, please.

6 JUDGE JONES: All right.

7 CLOSING STATEMENT

8 BY MR. STARK:

9 MR. STARK: The issue here is to determine  
10 the extent by which -- or the severity of -- or the  
11 basis beyond -- behind the trespass onto my  
12 property.

13 Testimony has been introduced here today  
14 that the maps which were used were clearly  
15 identified with -- with disclaimers that they  
16 should not be used.

17 It is the further testimony here that work  
18 was completed on the property, although there's a  
19 disagreement -- a disagreement as to what extent of  
20 the work that was completed was done before or  
21 after my protest.

22 Summit clearly states that the work ceased  
23 and did not resume until after 3:00. Now, just as  
24 a matter of consideration, I was taking my friend  
25 Garrett Cope, to school. His classes began at

1 nine.

2 JUDGE JONES: Mr. -- Mr. Stark, you're  
3 starting to testify.

4 MR. STARK: Okay. 9:00 to 9:30 time  
5 frame, which I spoke of in my testimony is  
6 accurate. That is time in which I encountered the  
7 work crews on my property. They were just  
8 beginning their work.

9 I walked the entire length of the road,  
10 saw where they had laid trenches, dug trenches,  
11 where they hadn't, saw the equipment running up and  
12 down the road. They were just beginning their  
13 work.

14 If, in fact, they quit right after my  
15 protest and did not resume until 3:00, I think a  
16 reasonable man can figure that the time that they  
17 worked on the property wouldn't really be very  
18 capable of putting in over a thousand feet of  
19 pipeline and then burying it and grading the  
20 surface.

21 So it appears to me that the empirical  
22 evidence is that, in fact, they did continue the  
23 work. I have provided testimony by the way of an  
24 affidavit that indicates that the work that we  
25 encountered the work at about 9:00. And then at

1 2:30, the entire road project was done.

2 I will submit a revised affidavit with a  
3 notarized statement that states that when a  
4 neighbor in the community approached the work crew,  
5 he was told that they had been approached by the  
6 owner and told not to be there.

7 MS. CARTER: I'm going to object, even if  
8 it is just a closing argument, that he is now  
9 testifying on behalf of --

10 MR. STARK: I'm summarizing my testimony.

11 MS. CARTER: There was no such testimony.

12 MR. STARK: Well, I'm summarizing the  
13 testimony that I intend to produce.

14 JUDGE JONES: Objection sustained. The  
15 testimony can speak for itself.

16 MR. STARK: Okay. The issue on the Public  
17 Service Commission's role here -- I'm unfortunately  
18 not privileged to much of the information that the  
19 Staff of the Commission is.

20 But I would hope that Commissioners will  
21 look for an opportunity to not walk away. To  
22 dismiss this case would lack the protection to the  
23 public that I think that the Public Service  
24 Commission should be providing.

25 The Public Service Commission said to

1 Summit Gas, Go forth. Put your gas lines in the  
2 Lake of the Ozarks area. If in the process it is  
3 uncovered that they -- or it is alleged that they  
4 have grossly misconduct -- misconducted themselves  
5 in this operation, the fact that whether it was  
6 initial build-out phase or whether it's the  
7 expansion phase, I would hope that the Commission  
8 would not give the weight to that argument as to  
9 the weight of what good do we do when somebody that  
10 we've empowered goes out and abuses that privilege.  
11 They even abused their privilege in this point.

12 When I wasn't willing to provide them with  
13 an after the fact right-of-way, they threatened  
14 that they were going to just take it away. So,  
15 surely, the threat of eminent domain and  
16 condemnation --

17 MS. CARTER: I'm going to object. Your  
18 Honor, you sustained his objection, and I was not  
19 allowed to put into evidence the documents that  
20 shows what we offered for a permanent easement and  
21 provided him with information on his rights and a  
22 way to contact the property rights for additional  
23 help. And he is now testifying that he was  
24 threatened that we would take the property away.

25 JUDGE JONES: There's nothing in evidence

1 that has anything do with them threatening to take  
2 your property away. Don't try to tell me there is.

3 MR. STARK: I testified to it.

4 JUDGE JONES: That was your opening  
5 statement. But try to close up your remarks,  
6 Mr. Stark.

7 MR. STARK: Okay. I just hope that the  
8 Commission takes this opportunity to stand up -- I  
9 don't necessarily think of myself as the little  
10 guy. But, I mean, in reality, I guess I really am.

11 I don't have the money to go out and hire  
12 super expensive lawyers to prosecute this case.  
13 And, really, I'm a public citizen. I've been  
14 egreged that why should I have to go through this  
15 lengthy process to get what's right or to have done  
16 what's right? Why should I have to go to court and  
17 file lawsuits because Summit trespassed on my line  
18 -- on my property?

19 Why should I, as a member of the public,  
20 not have the protection of the Government agency  
21 that unleashed Summit into this situation?

22 So my most important plea is that the  
23 Commissioners not dismiss this case.

24 If nothing else, a pure finding of fact, it may be  
25 the least you could do, but at least it should be



1 done.

2 The other issues, asking for damages,  
3 asking for -- for a relinquishing -- a canceling of  
4 their Certificate of Convenience & Necessity, those  
5 were all things that previously the Commission had  
6 ruled against and which I have not made a part of  
7 any of the arguments which I have presented here  
8 today.

9 I understand I will not get an award of  
10 damages. I understand that Summit Gas will not be  
11 fined. I understand that that Summit Gas will not  
12 lose its Certificate of Convenience & Necessity.

13 But they did do wrong. And the evidence  
14 is clear that they did wrong. And I don't think  
15 the Commission can just say, We dismiss and walk  
16 away.

17 JUDGE JONES: Okay. Thank you. With  
18 that, we'll go off the record.

19 (The proceedings were concluded at 12:30 p.m. on  
20 September 4, 2014.)

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## REPORTER'S CERTIFICATE

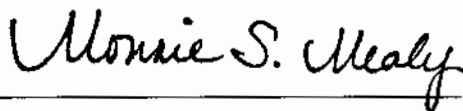
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STATE OF MISSOURI )

) ss.

COUNTY OF OSAGE)

I, Monnie S. Mealy, Certified Shorthand Reporter,  
Certified Court Reporter #0538, and Registered Professional  
Reporter, within and for the State of Missouri, do hereby  
certify that I was personally present at the proceedings as  
set forth in the caption sheet hereof; that I then and there  
took down in stenotype the proceedings had at said time and  
was thereafter transcribed by me, and is fully and accurately  
set forth in the preceding pages.



Monnie S. Mealy, CSR, CCR #0538

Registered Professional Reporter

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