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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Procedural Conference

November 17, 2009
Jefferson City, Missouri
Volume 1

In the Matter of RDG Development,)
LLC For a Certificate of)
Convenience and Necessity)
Authorizing it to Own, Operate,) File No. SA-2010-0096
Maintain, Control and Manage a)
Sewer System in Callaway County,)
Missouri)

HAROLD STEARLEY, Presiding,
REGULATORY LAW JUDGE

REPORTED BY:
KELLENE K. FEDDERSEN, CSR, RPR, CCR
MIDWEST LITIGATION SERVICES

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16 Service Commission.

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

2 JUDGE STEARLEY: All right. Good morning.
3 Today is Tuesday, November 17th, 2009. We are here for a
4 procedural conference in the matter of RDG Development,
5 LLC for certificate of convenience and necessity
6 authorizing it to own, operate, maintain, control and
7 manage a sewer system in Callaway County, Missouri, File
8 No. SA-2010-0096.

9 My name is Harold Stearley, and I'm the
10 presiding officer over this matter. The court reporter
11 this morning is Kellene Feddersen.

12 We will begin by taking entries of
13 appearance, starting with RDG.

14 MR. COOPER: Thank you, your Honor.
15 Dean L. Cooper from the law firm Brydon, Swearngen &
16 England, P.C., P.O. Box 456, Jefferson City, Missouri
17 65102, appearing on behalf of RDG.

18 JUDGE STEARLEY: Thank you, Mr. Cooper.
19 Office of the Public Counsel.

20 MS. BAKER: Thank you, your Honor.
21 Christina Baker, P.O. Box 2230, Jefferson City, Missouri
22 65102, appearing on behalf of the Office of the Public
23 Counsel and the ratepayers.

24 JUDGE STEARLEY: Thank you, Ms. Baker.
25 And the Staff of the Missouri Public

1 Service Commission.

2 MS. KLIETHERMES: Thank you, Judge. Sarah
3 Kliethermes, 200 Madison Street, Jefferson City, Missouri
4 65102, appearing on behalf of the Staff of the Missouri
5 Public Service Commission.

6 JUDGE STEARLEY: Thank you,
7 Ms. Kliethermes.

8 Let me just kind of summarize a little bit
9 what I've got from the parties' feelings, and you can
10 correct me if I'm wrong. When RDG filed its application,
11 it was seeking a flat rate of 71.66, and then there were
12 some other associated charges like disconnect fees,
13 et cetera.

14 MR. COOPER: Correct.

15 JUDGE STEARLEY: Staff came back with a
16 recommended rate of 40.06, to which Public Counsel and
17 company both objected to.

18 So just kind of for clarity, is anyone at
19 this point opposing the actual grant of the certificate?

20 MS. BAKER: No, your Honor.

21 JUDGE STEARLEY: Okay. And Staff had a few
22 other conditions listed in its recommendation. Is anyone
23 opposing those listed conditions?

24 There weren't very many of them. There was
25 like for a future rate case and depreciation schedules,

1 some requirements with DNR.

2 MS. BAKER: I would say the only one of
3 those that we may have concerns with are the depreciation,
4 but the other two, the rate case and the DNR are fine.

5 JUDGE STEARLEY: So I'm just trying to get
6 a feel for basically it's coming down to cost of service
7 issues --

8 MS. BAKER: Yes.

9 JUDGE STEARLEY: -- and revenue
10 requirement?

11 MR. COOPER: That's probably right, your
12 Honor, although I think that some of those conditions are
13 linked back to some extent to what rate ends up being
14 approved. So their acceptability to the company probably
15 changes depending upon the rate.

16 JUDGE STEARLEY: Okay. So are the parties
17 at this point still working on resolving these issues
18 amongst yourselves or are you contemplating a hearing at
19 this point? Do you want to set a hearing schedule and
20 keep trying to work on it while that schedule's
21 progressing, or how is it that you're wishing to proceed?

22 MS. BAKER: Public Counsel is certainly
23 willing to talk about working it out, but given the
24 Commission's very heavy schedule at the moment, it might
25 be best to at least set the time frame for a hearing.

1 MR. COOPER: Could be, although I think
2 we'll know more after we talk today would be my reaction,
3 if that's acceptable to you.

4 JUDGE STEARLEY: All right. Well, maybe
5 what I'll do, then, is have the parties file a status
6 report. Next week's a holiday week, and not wishing to
7 irritate anyone, maybe we should defer to Monday,
8 November 30th for a status report. You can let me know
9 where you're at at that time.

10 If the parties do decide that they want to
11 proceed with a hearing or set dates for a hearing in the
12 background of still negotiating, maybe you could inform me
13 in the status report and give me a projected date for
14 filing a procedural schedule, and in that I would like to
15 know if the parties are wishing to do prefiled testimony
16 or if you want a live hearing.

17 And the procedural schedule, regardless of
18 which way we're going with testimony, should include a
19 date for the filing of a joint stipulation of any material
20 facts that are not in dispute.

21 Other than that, is there anything else we
22 need to take up on the record at this time?

23 MR. COOPER: I don't have anything.

24 MS. BAKER: No, not that I know of.

25 JUDGE STEARLEY: Okay. Well, thank you all

1 very much, and we will end the on-the-record portion of
2 this and I will leave you-all to your discussions.

3 WHEREUPON, the recorded portion of the
4 procedural conference was concluded.

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1 C E R T I F I C A T E

2 STATE OF MISSOURI)
) ss.
3 COUNTY OF COLE)

4 I, Kellene K. Feddersen, Certified
5 Shorthand Reporter with the firm of Midwest Litigation
6 Services, do hereby certify that I was personally present
7 at the proceedings had in the above-entitled cause at the
8 time and place set forth in the caption sheet thereof;
9 that I then and there took down in Stenotype the
10 proceedings had; and that the foregoing is a full, true
11 and correct transcript of such Stenotype notes so made at
12 such time and place.

13 Given at my office in the City of
14 Jefferson, County of Cole, State of Missouri.

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16 Kellene K. Feddersen, RPR, CSR, CCR

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