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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Local Public Hearing
November 24, 2014
6:55 p.m.

Knights of Columbus Hall
31687 MO-83
Warsaw, Missouri 65355

In the Matter of the)
Application of Missouri-)
American Water Company For)
a Certificate of)
Convenience and Necessity) File No. SA-2015-0065
Authorizing It to Install,)
Own, Acquire, Construct,)
Operate, Control, Manage)
and Maintain a Sewer System)
in Benton County, Missouri.)

MORRIS L. WOODRUFF, Presiding
CHIEF REGULATORY LAW JUDGE
WILLIAM P. KENNEY,
Commissioner

1 A P P E A R A N C E S

2 FOR MISSOURI-AMERICAN WATER COMPANY:

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19 FOR DNR:

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Also Present:

16 DNR Staff, PSC Staff
17 Mr. Frank Kartmann, President
18 Missouri-American Water Company
19 and Members of the Public

20 Videotaping by: Mr. Gregg Ochoa
21 Public Service Commission
22
23
24
25

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

2

3 JUDGE WOODRUFF: Good evening, again.

4 Welcome to the formal part of our process tonight. My

5 name is Morris Woodruff. I'm the Chief Regulatory Law

6 Judge for the Public Service Commission.

7 Can I have your attention, please. Can you hear

8 me better now? All right.

9 AUDIENCE MEMBER: Not really. Keep it

10 higher.

11 JUDGE WOODRUFF: I'll try and speak as

12 loudly as I can or at least into the microphone. My

13 name is Morris Woodruff. I'm the Chief Regulatory Law

14 Judge for the Public Service Commission, and we're

15 going to start the formal part of our hearing tonight.

16 I want to introduce the gentleman to my right,

17 here, Mr. Bill Kenney.

18 COMMISSIONER KENNEY: Thank you. I

19 appreciate everybody coming out tonight. Good to be

20 back in Warsaw. I had a cabin here for about fifteen

21 years. I appreciate the turnout. It's obviously very

22 important to each of you that are here today.

23 And as I'm sure our staff explained to you, this

24 is just one of the processes we do. We have a court

25 reporter. I'm one of five Commissioners, and all the

1 other four Commissioners will have an opportunity to
2 read everything, the witnesses that come up and talk
3 tonight.

4 So I just want to appreciate your turnout. And
5 give it back to the Judge.

6 JUDGE WOODRUFF: Thank you, Commissioner.
7 When you came in, some of you signed up on a sign-up
8 sheet here. What I'm going to do is call the names on
9 the list as they're listed here, and I'll ask you to
10 come up to the podium here. I'll swear you in and ask
11 you to tell me what you want to tell me.

12 After you finish testifying, if you wait for a few
13 minutes for questions, the Commissioner and myself may
14 have questions. The attorneys for the parties may
15 have questions -- questions for you, also.

16 We don't have a formal time limit. I don't have a
17 stopwatch or anything, but I'd ask you to keep it to
18 ten or fifteen minutes, just in consideration for
19 everybody else who'd like a chance to testify.

20 So, but before I call the first witness, I need to
21 take entries from the attorneys, so we know for the
22 record who's going to be here. Staff?

23 MS. MAYFIELD: Cydney Mayfield, Office of
24 Staff Counsel. My information has been previously
25 provided to the Court Reporter.

1 JUDGE WOODRUFF: For Public Counsel?

2 MR. OPITZ: Tim Opitz for the Office of
3 Public Counsel, my address is P.O. Box 2230, Jefferson
4 City, Missouri 65102.

5 JUDGE WOODRUFF: For Missouri-American
6 Water?

7 MR. LUFT: Tim Luft, Missouri-American
8 Water. My information has been previously provided to
9 the Court Reporter.

10 JUDGE WOODRUFF: Anyone here for DNR?

11 All right. Then, we'll go ahead and call the
12 first name on the list, which is Hubert Harris.

13 Good evening, sir. Please raise your right hand
14 and I'll swear you in.

15 HUBERT L. HARRIS,
16 being first duly sworn, testified:

17 JUDGE WOODRUFF: Thank you. What would you
18 like to tell us?

19 MR. HARRIS: Okay, my name is Hubert L.
20 Harris, and I am president of the North White Branch
21 Association here in Warsaw. We're a smaller portion
22 of the White Branch Association. We have basically
23 more part-timers than we have full-timers.

24 And in the original fiasco that went on when this
25 District was put in, like the people I mentioned, we

1 were not given an option to being on this sewer
2 district or not. I have a perfectly good system.

3 They've never proved that I was doing any
4 polluting or anything, you know. They just come out
5 and said, You've got to change, you know.

6 Well, I'm 67 years old. I'm a Vietnam Veteran.
7 I've got five kids, two of them have fought in the war
8 in Iraq, and I have to be told that I've got to do
9 something that I didn't want to do. I didn't want to
10 go to Vietnam, but I went. You know.

11 But, anyway, what I want to tell you is, is that
12 why isn't my vote being honored? On April the 2nd,
13 2013, I voted to dissolve this system, get rid of it,
14 because of the boom that it wound up being.

15 I mean, as you've heard tonight, we're here fired
16 up. We're ready to go, you know, because of this
17 system that has been here, it's too expensive. It's
18 cheaper to go to a system of our -- of our own.

19 And so the question that I have, really, is, you
20 know, that what authority does the PSC, what authority
21 does the American Water Company have to change,
22 ignore, alter, or succumb the vote of the people?

23 You know, we voted to dissolve this District. And
24 in April of 2014, Supreme Court mandated or they came
25 forward and said and they held that the judicial

1 system and the government cannot interfere with the
2 vote of the people.

3 And so, my -- what I want to make a comment to you
4 is that, why does the PSC or American Water have the
5 right to change my vote? There's only one entity that
6 has the right, and He's going to have to call me home
7 tonight, to take -- to eliminate me.

8 So, again, I thank you for the time. Oh, okay.

9 COMMISSIONER KENNEY: Thank you,
10 Mr. Harris. You mentioned that -- and, again, I
11 can't -- we're not here to -- we can't answer your
12 questions. You understand that?

13 MR. HARRIS: Yes. Well, right, right,
14 right.

15 COMMISSIONER KENNEY: But those questions
16 will be brought up at our hearing when we have an
17 evidentiary hearing in the future.

18 I do have a question for you. You said your
19 system -- how long have you been on the current
20 system? And I apologize, I've been on the Commission
21 for less than two years.

22 MR. HARRIS: You mean with Benton County
23 Sewer?

24 COMMISSIONER KENNEY: Yes.

25 MR. HARRIS: I'm original.

1 COMMISSIONER KENNEY: Okay.

2 MR. HARRIS: Sixteen years.

3 COMMISSIONER KENNEY: And what was your
4 service before that? You said it was --

5 MR. HARRIS: Septic.

6 COMMISSIONER KENNEY: You were septic.

7 MR. HARRIS: Right.

8 COMMISSIONER KENNEY: Okay. So when the
9 change took place, you were forced to go from septic
10 to the Benton County sewer?

11 MR. HARRIS: Exactly. I had -- I had a
12 board member knock on my door, and he said, Dad, the
13 sewer district is in. You're going to have to change
14 or I'm going to turn your water off and condemn your
15 house.

16 COMMISSIONER KENNEY: Now, was that a vote
17 of the public to bring that sewer district?

18 MR. HARRIS: Well, see, that's a misnomer
19 because the people of Benton County did not require
20 that we have an order. That was the Commissioners
21 that went and petitioned the Judge to put the sewer
22 district in. The people didn't do it.

23 COMMISSIONER KENNEY: So you're saying the
24 Public Service Commission petitioned that you --

25 MR. HARRIS: No, no, the Benton County --

1 the Benton County Sewer District.

2 COMMISSIONER KENNEY: Okay.

3 MR. HARRIS: The Benton County

4 Commissioners petitioned the Judge, and he said, Okay,

5 let's do it. He put it in and -- and mandated that

6 certain things be done, and none of them were done.

7 COMMISSIONER KENNEY: And how long have you

8 been at the residence?

9 MR. HARRIS: Uh, twenty-five years.

10 COMMISSIONER KENNEY: Okay. Thank you,

11 Mr. Harris.

12 MR. HARRIS: Okay. Thank you.

13 JUDGE WOODRUFF: Mr. Harris, I just want to

14 make sure, your first name, is it Hobert?

15 MR. HARRIS: Hubert, H-U-B-E-R-T.

16 JUDGE WOODRUFF: Thank you very much. Do

17 any of the attorneys have any questions for

18 Mr. Harris?

19 MS. MAYFIELD: I do have a clarifying

20 question. You are still currently at the address in

21 Benton County?

22 MR. HARRIS: Absolutely. Yes.

23 MS. MAYFIELD: Thank you.

24 JUDGE WOODRUFF: Thank you, Mr. Harris.

25 MR. HARRIS: Thank you.

1 JUDGE WOODRUFF: Next name on the list is
2 Randy James.

3 MR. JAMES: Declined.

4 JUDGE WOODRUFF: Okay. Thomas Fudge?

5 MR. FUDGE: I decline.

6 JUDGE WOODRUFF: Ben Stockton? Good
7 evening, sir.

8 MR. STOCKTON: Hi.

9 JUDGE WOODRUFF: You are Ben Stockton?

10 MR. STOCKTON: Yes, sir.

11 JUDGE WOODRUFF: S-T-O-C-K-T-O-N?

12 MR. STOCKTON: That's right.

13 JUDGE WOODRUFF: All right. Please raise
14 your right hand.

15 BEN STOCKTON,
16 being first duly sworn, testified:

17 JUDGE WOODRUFF: Thank you very much.

18 MR. STOCKTON: So I can't ask you people
19 questions, but can I ask questions over here?

20 JUDGE WOODRUFF: Not at this time, no. You
21 can ask the questions. We just can't give you
22 answers.

23 MR. STOCKTON: Okay. The DNR has some
24 publications where they say that the sewer rate should
25 be about two percent of annual income, maximum, and if

1 it goes above that rate, they have some grants and
2 some loans that they offer to people. But they say
3 two percent of annual income is about what the sewer
4 rates should be, and this whole evening is about sewer
5 rates.

6 So I just wanted to report that if you go onto
7 Google and do the 2000 census, average median income
8 for Jefferson City is 39,000 -- it's 39,628, Jeff
9 City. The people that are coming in here to take over
10 this sewer system may or may not know what the income
11 is for this sewer system. But for Warsaw, which is a
12 little bit richer than -- than our district, it's
13 23,583. So, that's getting close to half of what it
14 is for Jefferson City.

15 So a two percent rate for Warsaw would be \$39 a
16 month. A two percent rate for Jeff City, which is
17 about what they're setting ours at, would be \$66.05.

18 A good guess for the Benton County Sewer District
19 is somewhere between eighteen five and twenty-three
20 five. It's not as rich as Warsaw, and the rate would
21 be something like thirty dollars to thirty-nine
22 dollars.

23 When we started our District, they promised \$35.
24 After sixteen years, they got to \$116, and that was
25 without making any repairs to speak of and without

1 handling depreciation, and that's when people voted to
2 get off the system, when it was \$116.

3 And they're proposing to start us off at \$65, but
4 they say in their application that they're going to be
5 requesting several rate increases in the near future.
6 Several. So that sixty-five is going to jump in the
7 near future to, I don't know, seventy, eighty, ninety.

8 But 131 people voted to get off of the system
9 totally. So if you subtract those from the 350, the
10 sixty-five jumps to a hundred just immediately, just
11 like that.

12 And a word that I've never heard of tonight, one
13 of them is Wanta-Linga, which is a settlement on the
14 other side of White Branch that's on the Lake of the
15 Ozarks, maybe forty, fifty houses. They continued
16 through on septic systems for the whole sixteen years.
17 No complaints that I've heard of, and those people do
18 not want on this sewer system, and the White Branch
19 Village does not want on this sewer system.

20 And there's been so much turmoil about this sewer
21 system that it's going to have a very difficult time
22 expanding its customer base beyond the 350, and it's
23 going to have a hard time keeping its customer base.

24 So I'm saying if you start us out at sixty-five
25 now, the likelihood is you're going to be looking at a

1 real mess in five to ten years down the road, like a
2 hundred and thirty, forty, fifty dollars.

3 So, since everything is about rates, I think there
4 should be some consideration of the income of the
5 people of the District, and setting it at Jeff City's
6 rates is fairly ridiculous.

7 JUDGE WOODRUFF: Like I said, I
8 can't answer your ques -- I cannot answer your
9 questions at this point, but there are people here
10 that can answer your questions after the hearing,
11 after the formal part of the hearing if you want to
12 stay.

13 One of the attorneys -- is there anyone here from
14 DNR? Not an attorney. These gentlemen here at this
15 table, if you want to talk to them, they might be able
16 to answer more of those questions.

17 MR. STOCKTON: All right. I just wanted to
18 get that on the record.

19 COMMISSIONER KENNEY: Now, what are you
20 currently paying today?

21 MR. STOCKTON: Eighty dollars, and the
22 auditor's report, that we had to pay for to get the
23 auditor to finally review the District, said that that
24 \$80 figure is not justified by any kind of rate
25 analysis done by the District. It's just something

1 that he came in and he established ex nihilo, out of
2 nowhere, so...

3 COMMISSIONER KENNEY: You know, in our
4 state and other states we do have a problem with --
5 because of certain regulations that come down from the
6 EPA, which go through DNR, that affect sewer systems
7 and water quality. A lot of this is directed down to
8 our state.

9 But I -- I will tell you this: We have several
10 small water and sewer districts in this state that
11 we're trying to figure out a way, and there's been
12 discussion quite recently with our Commission of how
13 we can try to figure out a way to sustain them.
14 Because we realize that increased prices are not
15 sustainable.

16 But the way our -- the way we operate right now,
17 there isn't a lot of recourse, because the system has
18 to pay for itself. But we're looking at ways to try
19 to alleviate that.

20 JUDGE WOODRUFF: Questions from the
21 attorneys?

22 MS. MAYFIELD: Actually, I have two
23 questions. Mr. Stockton, you've indicated that a DNR
24 publication is showing two percent of income for
25 rates. Do you have a copy of that DNR publication?

1 MR. STOCKTON: I can give it to you, but I
2 don't have it with me, no.

3 MS. MAYFIELD: You also indicated and
4 referred to a copy of an auditor's report. Do you
5 have a copy of that auditor's report that you would
6 like to enter in as an exhibit tonight?

7 MR. STOCKTON: It's on my computer. It's
8 an official report, but...

9 MS. MAYFIELD: Are you currently a customer
10 of the Benton County Sewer District #1?

11 MR. STOCKTON: Yes.

12 MR. HARRIS: Do you want a copy of the
13 auditor's report?

14 JUDGE WOODRUFF: Bring it on up.

15 COMMISSIONER KENNEY: Yes, bring it up.

16 MR. HARRIS: I wish you'd take the time to
17 read it out loud. You'd laugh.

18 MR. STOCKTON: I think it cost us \$30,000
19 to get it. We had to pay for it as --

20 COMMISSIONER KENNEY: Well, if you're
21 offering that into the record, if there's no
22 objection, the Judge will take care of that. That
23 will be a part of the record.

24 MR. STOCKTON: Certainly.

25 JUDGE WOODRUFF: Is it all right if I keep

1 this?

2 MR. HARRIS: Absolutely.

3 JUDGE WOODRUFF: I'm going to go ahead and
4 mark it as Exhibit 1.

5 MR. HARRIS: Give them all a copy of it.

6 JUDGE WOODRUFF: It will be made an
7 official part of the record. Anyone in the world can
8 read it. It will be on the Internet, also, if anybody
9 wants to -- psc.mo.gov. You can find all the records
10 of this proceeding and anything that's been filed by
11 Missouri-American are all there.

12 So this is marked as Exhibit 1 and will be
13 received into evidence.

14 MR. HARRIS: I've got two more copies if
15 you want them.

16 JUDGE WOODRUFF: One's enough.

17 COMMISSIONER KENNEY: Thank you, sir.

18 MR. HARRIS: Thank you, Chief.

19 JUDGE WOODRUFF: Next name on the list is
20 George Hall. Good evening, Mr. Hall.

21 MR. HALL: Good evening.

22 JUDGE WOODRUFF: Would you please raise
23 your right hand.

24 GEORGE HALL,
25 being first duly sworn, testified:

1 JUDGE WOODRUFF: Thank you very much.

2 MR. HALL: I will not go back over the
3 issue that the -- why hasn't the vote been honored,
4 since it's very clear that it was a clear violation
5 that the people's right has been ignored in this case.

6 The issues I want to present concern the
7 application for Certificate of Convenience and
8 Necessity. Missouri-American Water has misstated the
9 fact that there is no pending action in court.
10 Missouri-American Water admitted by their own
11 admission that they signed an asset purchase
12 agreement.

13 What they have failed to tell the -- the
14 Commission in their application is that decision has
15 been appealed by the voters group and is currently
16 pending appeal before the Eighth Circuit Court of
17 Appeals.

18 My issue is how can they attempt to purchase the
19 District when the asset purchase -- there is no final
20 adjudication awarding the asset purchase agreement?
21 It's under appeal.

22 Another issue I have with their application is
23 that there's been no application, court order, or vote
24 established in the boundary area as a public sewer.
25 We were dissolved April 2nd, 2013. When that

1 dissolution occurred, the district boundary is gone.

2 It no longer exists.

3 The only thing we're being held up on is this
4 liquidating of the assets. And when the people voted
5 to do away with this District, we didn't vote to have
6 somebody else come in and run a defunct centralized
7 sewer system. We want decentralized sewer.

8 If you want the assets, buy them and take them
9 back to your warehouse, store, wherever. We don't
10 want them; we don't need them.

11 The next thing on their feasibility study is the
12 fact that it's unreliable. They're basing it again on
13 the 2012 budget and in the audit report, it distinctly
14 says that the 2012 budget is incomplete, inaccurate,
15 and not -- not viable. The District has never had a
16 proper budget. They've never had a proper rate.

17 Their expenses have exceeded their revenues from
18 day one, which is a constitutional violation in the
19 worst sense under the Missouri Constitution.

20 My next question is, they proposed to assess rates
21 based upon the Jeff City -- Jefferson City area. And
22 as Mr. Stockton has commented, I would adopt his
23 reasoning on that, because EPA guidelines for setting
24 sewer rates is two percent of the median income.

25 I don't want your sewer service at that rate. I

1 want my own individual system, leave me alone. I

2 don't use your water; I don't need your sewer.

3 Finally in their application, they have failed to
4 include a feasibility study and cost of the need of
5 repairs for the treatment plant. Right now the
6 plant's under consent order by DNR to do a million
7 dollars' worth of repairs.

8 There is a plan that's been filed. The plan has
9 been available for over a year, yet DNR has delayed
10 approving that plan because they said if that plan is
11 approved, the District has six months to do a million
12 dollars' worth of repairs.

13 And if you read the memorandum filed by the staff,
14 they're giving Missouri-American Water five years to
15 do it. Why is that? If we have to do it in six
16 months, why don't they, and why aren't those figures
17 in the feasibility study?

18 Finally, included into their deal, why hasn't any
19 alternative sewage treatment process even been
20 considered other than a centralized sewer? The
21 question's easy. This thing -- this whole issue is
22 not about sewer service. It's not about the Clean
23 Water Act. If it was about the Clean Water Act, DNR
24 would have already fixed the plan.

25 We have a DNR receiver. We're being sued by DNR.

1 The plant operator is ex-DNR. The vice president of
2 acquisitions for Missouri-American Water, an
3 eleven-year employee of DNR.

4 We don't need DNR to give our individual systems.
5 That is controlled by the local health department.
6 This whole matter is only to ignore the vote of the
7 people in order for one thing, and one thing only.

8 And it's clear by what the audit said on page 10.
9 This indi -- this District will be sold to a private
10 entity in 2014. And the only reason this is going to
11 be done is for the USDA to collect on an unauthorized,
12 fraudulent loan and then cover it up.

13 Because in their own affidavit, the state director
14 for the USDA stated that there is 400 million in the
15 State of Missouri in these kind of loans, and over
16 twelve billion nationwide. They want to cover it up.

17 JUDGE WOODRUFF: Can I ask you a question?
18 Who borrowed the money from USDA?

19 MR. HALL: Who borrowed it? The people did
20 not. There's eight individuals responsible for the
21 money. Do you want their names?

22 JUDGE WOODRUFF: Well, was it purported to
23 be the District or --

24 MR. HALL: No. No, the District was
25 never -- was never authorized an indebtedness. They

1 voted revenue bonds, which are not an indebtedness.

2 The District never sold one revenue bond.

3 What they did, they got a loan from USDA and then
4 signed a promissory note to pay, without voter
5 approval. And you cannot in-debt the District under
6 the Missouri Constitution unless it's approved by the
7 voters.

8 And then if they'd have did that, they were
9 limited on how much they could borrow. It would have
10 only been five percent of the assessed value of the
11 property. They might have got 100,000.

12 This thing was so defunct, they couldn't meet the
13 debt-service coverage ratio, so they couldn't sell a
14 revenue bond. Nobody would have bought them. They're
15 worthless. Because they started out at a \$30 rate,
16 because they knew that's all the voters would approve.

17 The only way they floated the first year -- the
18 first four years they floated along by using leftover
19 grant money that they didn't return. That's how they
20 got by the first four years, and they were still in
21 the hole every year.

22 JUDGE WOODRUFF: Now, you mentioned that
23 there's an appeal pending at the Eighth District?

24 MR. HALL: Yes, Eighth Circuit Court of
25 Appeals in St. Louis.

1 JUDGE WOODRUFF: All right. Do you happen
2 to have a number?

3 MR. HALL: No, I do not, but I can have --
4 I can e-mail it to you in the morning.

5 JUDGE WOODRUFF: That's all right. I can
6 look it up, too. Who's the plaintiff?

7 MR. HALL: Oh, at the Eighth Circuit Court
8 of Appeals, that's the -- it's the voters group, it's
9 Robert Geranis, et al., versus the USDA.

10 JUDGE WOODRUFF: Okay, I can find it off of
11 that. Commissioner? Any questions from the
12 attorneys?

13 MS. MAYFIELD: Just a quick clarification.
14 Are you a current customer residing in the Benton
15 County Sewer District #1?

16 MR. HALL: I reside in the District; I
17 receive sewer service. But as I stated in May 2013 --
18 as I stated in May in 2013 in federal court, I will
19 not pay the Benton County Sewer District to perpetuate
20 a fraud, and I will not pay American Water to cover up
21 a fraud.

22 MS. MAYFIELD: But just to clarify, the
23 answer to the question --

24 MR. HALL: Yes, I get a bill every month.

25 MS. MAYFIELD: So you do reside in the

1 District?

2 MR. HALL: Yes, I do.

3 MR. LUFT: Mr. Hall, do you know the date
4 of when that audit report came out?

5 MR. HALL: November 6, 2014.

6 JUDGE WOODRUFF: Thank you, Mr. Hall.

7 MR. HALL: Thank you.

8 COMMISSIONER KENNEY: Thank you, Mr. Hall.

9 JUDGE WOODRUFF: Next name is Robert
10 Vedder. Evening, sir.

11 MR. VEDDER: Good evening.

12 JUDGE WOODRUFF: You are Robert Vedder?

13 MR. VEDDER: I am Robert C. Vedder.

14 JUDGE WOODRUFF: Spell your last name for
15 us, please.

16 MR. VEDDER: V--as in victory--E-D-D-E-R.

17 JUDGE WOODRUFF: Thank you. Please raise
18 your right hand.

19 ROBERT C. VEDDER,
20 being first duly sworn, testified:

21 JUDGE WOODRUFF: Thank you very much. What
22 would you like to tell us?

23 MR. VEDDER: My concern is, for the most of
24 us, we're fixed-income people down here, and you can
25 only afford so much on fixed income. When you start

1 seeing bills that are going to soar, it's a scare to
2 me.

3 The one thing that you're saying in the paperwork
4 that I've received here tonight, that the rate's going
5 to start out at 65.22 a month, but there's no
6 guarantee when you get into the repairs of that plant.
7 They're saying one million dollars, but it could be a
8 very excessive one million dollars. You're going to
9 have to come after us people to raise the rate, just
10 like the sewer district did. And that's kind of
11 scary.

12 And I -- I feel like that you need to be more
13 honest with us and let us know where we're going to
14 end up with this. Otherwise, I don't want your
15 service, based on that. Thank you.

16 JUDGE WOODRUFF: Commissioner?

17 COMMISSIONER KENNEY: No questions.

18 MS. MAYFIELD: Same question: Do you
19 currently reside in the Benton County Sewer District
20 #1?

21 MR. VEDDER: I sure do.

22 JUDGE WOODRUFF: Next name on the list is
23 Jeffrey J. Baldus. Good evening, sir. If you'd spell
24 your last name.

25 MR. BALDUS: Baldus, B-A-L-D-U-S.

1 JUDGE WOODRUFF: Thank you, very much.

2 Please raise your right hand.

3 JEFFREY J. BALDUS,

4 being first duly sworn, testified:

5 JUDGE WOODRUFF: What would you like to
6 tell us?

7 MR. BALDUS: First of all, everyone hit on
8 the situation of the votes and the intent of the
9 voters to dissolve the District, meaning to do away
10 with the centralized system and because of the -- it's
11 not feasible from a cost issue to the customer at all.
12 At all.

13 To give you an example of the damages to the
14 property values in the area, we paid 65,000 for a
15 similar house in 2000. The comps are now 13,000 and
16 20,000, two houses down and one across.

17 JUDGE WOODRUFF: You said "the comps"?
18 What -- what do you mean?

19 MR. BALDUS: "Comps" meaning what they sold
20 for.

21 JUDGE WOODRUFF: Thank you. Thank you.

22 MR. BALDUS: And I think the -- the
23 property values have recovered because of the -- in
24 2007, the fraud there.

25 Another issue I have is on the budget. It doesn't

1 address the CAPEX requirement for multiple code
2 violations. That's not just at the plant. Our house,
3 for instance, the -- the pipe isn't buried. It's
4 aboveground. So they're -- they're violating a code
5 there, so there's more costs.

6 Those are the main issues that other people have
7 covered, but these are ones that they haven't covered.
8 The property values have gone down 66 percent from
9 this sewer district and the rates, and I've taken a
10 financial loss more than any other interested party.

11 That's the reason why we want to go on our
12 central -- on our own system, to just stop the
13 nonsense.

14 JUDGE WOODRUFF: What type of system would
15 you have?

16 MR. BALDUS: In our system we'd have to
17 have a reverse osmosis, because we probably wouldn't
18 get any perks. They're expensive, but I still think
19 it's worth the cost. Are you familiar with the green
20 system reverse osmosis?

21 JUDGE WOODRUFF: I'm not. If you want to
22 explain it.

23 MR. BALDUS: You can actually recycle
24 rainwater. That's probably what we'll do.

25 JUDGE WOODRUFF: That -- that would be for

1 your drinking water?

2 MR. BALDUS: Yeah, you can recycle the
3 water perpetually.

4 JUDGE WOODRUFF: Would you -- what would
5 you use for sewer service?

6 MR. BALDUS: You don't need it. That's the
7 reverse -- if you know what a reverse osmosis system
8 is --

9 JUDGE WOODRUFF: Yes.

10 MR. BALDUS: -- that's what I would put in.

11 JUDGE WOODRUFF: All right. Anything else?

12 MR. BALDUS: That's it. Thank you.

13 JUDGE WOODRUFF: Commissioner, any
14 questions? Parties?

15 MS. MAYFIELD: I have my same question.
16 Are you currently a resident of Benton County Sewer
17 District #1?

18 MR. BALDUS: Yes.

19 JUDGE WOODRUFF: Thank you, sir.

20 MR. BALDUS: Thank.

21 JUDGE WOODRUFF: Mrs. Raymond Brooks. Good
22 evening. Please raise your right hand.

23 MRS. RAYMOND BROOKS,
24 being first duly sworn, testified:

25 JUDGE WOODRUFF: Thank you.

1 MRS. BROOKS: I'm going to succinctly
2 repeat what I said earlier. We had the River's End
3 Motel, and we bought it in 2007. The prior owners had
4 a lagoon. They went onto the Benton County Sewer
5 District.

6 And after we purchased it in 2007, Benton County
7 Sewer, the man in charge was Ted Seek, came out to our
8 motel and told us that everybody in Benton County is
9 going to have to put in a septic tank.

10 So we listened to him and we put it in. We'd
11 never had a business before like this. We trusted
12 him; we believed him. We put it in. And now I don't
13 know if we can put in laterals.

14 But I just want this to go on record, or not,
15 because we do have a real slanted hill where it could
16 go down, but I don't know if we're allowed to put it
17 in. And now nobody else has had -- had -- has had to
18 put in septic tanks but us.

19 And we sold the motel in 2014 to Mr. Squires. So
20 that's basically all I got to say.

21 JUDGE WOODRUFF: Okay. Commissioner?

22 MRS. BROOKS: Hi.

23 COMMISSIONER KENNEY: Now, you have a
24 septic tank, but you're on Benton County Sewer?

25 MRS. BROOKS: Yeah.

1 COMMISSIONER KENNEY: How does that work?

2 MRS. BROOKS: The water runs off into the
3 grinder pumps. The -- the dirty stuff stays in the
4 tank.

5 COMMISSIONER KENNEY: You're part of the
6 sewer system, but you have a separate septic tank?

7 MRS. BROOKS: It's right there by the --
8 by -- in front of the grinder pumps and it runs -- the
9 water --

10 COMMISSIONER KENNEY: So it flows into the
11 grinder pumps and the grinder pumps --

12 MRS. BROOKS: Mm-hmm. The water runs off
13 into that.

14 COMMISSIONER KENNEY: All right. Thank
15 you.

16 MRS. BROOKS: Okay.

17 JUDGE WOODRUFF: Any attorneys?

18 MS. MAYFIELD: Mrs. Brooks, you stated that
19 you sold the hotel in 2014. So are you a current
20 customer of the Benton County Sewer District?

21 MRS. BROOKS: No, we are not.

22 MS. MAYFIELD: All right. Thank you.

23 JUDGE WOODRUFF: Mr. Raymond Brooks. Good
24 evening, sir. Please raise your right hand.

25

1 MR. RAYMOND BROOKS,

2 being first duly sworn, testified:

3 JUDGE WOODRUFF: Thank you very much.

4 MR. BROOKS: Okay, what I'm -- what I'm
5 saying is, they told us we had to put in a septic
6 tank. According to the laws, you're not allowed to
7 put any tanks, any obstacles in front of the grinder
8 pumps, prior to going into them.

9 Okay, I was also told our rates would not go up.
10 Since then -- if I remember correctly, my rates were
11 about 240-some dollars to start with. They went all
12 the way up to over \$700 per month. We have an
13 occupancy rate on a yearly average of less than ten --
14 of just a little over ten people per day. That's for
15 the whole motel, not per room. We have thirty-five
16 rooms occupancy. And to me, that would be outrageous.

17 So I'm wondering where the figures came up with,
18 and I'm wondering if, when American Water takes over,
19 if they are going to apply those same rates as we have
20 now, and what principle and what are they going to
21 base their rates upon.

22 JUDGE WOODRUFF: And you talk about the
23 rates for your motel?

24 MR. BROOKS: Pardon?

25 JUDGE WOODRUFF: You were talking about the

1 rates for the motel?

2 MR. BROOKS: Right.

3 JUDGE WOODRUFF: Is that the one just down
4 the hill over here?

5 MR. BROOKS: Right.

6 JUDGE WOODRUFF: You can talk to the
7 Missouri-American people after the hearing, if you
8 want to get some answers from them.

9 MR. BROOKS: Okay.

10 JUDGE WOODRUFF: Thank you. Commissioner?

11 COMMISSIONER KENNEY: No questions.

12 JUDGE WOODRUFF: Attorneys?

13 MS. MAYFIELD: No.

14 JUDGE WOODRUFF: Thank you, sir.

15 Robin Lessley? Good evening. If you could spell
16 your last name for the Court Reporter, please.

17 MR. LESSLEY: L-E-S-S-L-E-Y.

18 JUDGE WOODRUFF: Thank you. Please raise
19 your right hand.

20 ROBIN LESSLEY,
21 being first duly sworn, testified:

22 JUDGE WOODRUFF: Thank you very much. What
23 would you like to tell us?

24 MR. LESSLEY: Well, my first question, I
25 guess, is addressed to the Benton County Health

1 Department. Who would that be, or can I address the
2 Benton County Health Department?

3 JUDGE WOODRUFF: You can only address us at
4 this hearing.

5 MR. LESSLEY: All right.

6 JUDGE WOODRUFF: After the hearing if you
7 want to talk to them, you can ask them questions. But
8 you can't address them questions right now.

9 MR. LESSLEY: Oh, okay. It was mentioned
10 earlier from American Water, that gentleman,
11 Mr. Woodruff, whoever it was that --

12 JUDGE WOODRUFF: I'm Mr. Woodruff.

13 MR. LESSLEY: The American Water gentleman
14 here's last name was what?

15 MR. KARTMANN: Kartmann.

16 MR. LESSLEY: Kartmann. I'm sorry. You
17 mentioned, Mr. Kartmann, an evidentiary hearing. When
18 will that be?

19 JUDGE WOODRUFF: There is no evidentiary
20 hearing scheduled at this point. It -- it may be
21 scheduled in the future. This is the first step of
22 the process.

23 MR. LESSLEY: Okay. So we as users will
24 know when the evidentiary hearing will be, right?

25 JUDGE WOODRUFF: I'll address that. Yes,

1 you will. The hearing will be -- if -- if a hearing
2 is scheduled, it will be scheduled by the Public
3 Service Commission.

4 MR. LESSLEY: If it is scheduled?

5 JUDGE WOODRUFF: At this point it has not
6 been scheduled yet. Presumably it will, but I'm not
7 going to make a promise about that.

8 MR. LESSLEY: So we don't know at this
9 point whether there will even be a hearing?

10 JUDGE WOODRUFF: It depends on if anyone
11 requests a hearing.

12 MR. LESSLEY: Well, I think most of the
13 people in this room would want to request a hearing.

14 JUDGE WOODRUFF: And that's why we're
15 having a hearing here tonight, also. People in this
16 room can have that opportunity to state -- state their
17 position. And the Commission will decide later when
18 the hearing will be, if there is going to be a
19 hearing.

20 MR. LESSLEY: When -- or what are the
21 qualifications that the Commission has to have in
22 order to determine whether there will actually be a
23 hearing?

24 JUDGE WOODRUFF: It depends on if anyone
25 requests one.

1 MR. LESSLEY: I request one. Can I request
2 one on camera right now?

3 JUDGE WOODRUFF: You have. I can take that
4 as a request. You have requested one.

5 MR. LESSLEY: Okay. Now that that request
6 has been submitted, I'm sure that all of us will know
7 when the evidentiary hearing will be, correct?

8 JUDGE WOODRUFF: If a hearing is scheduled,
9 you will know about it.

10 MR. LESSLEY: Well, I've just requested
11 one, but --

12 JUDGE WOODRUFF: But you're not a party.

13 MR. LESSLEY: I'm not a what?

14 JUDGE WOODRUFF: You're not a party to the
15 case.

16 MR. LESSLEY: Yes, sir, I am in litigation
17 about this case.

18 JUDGE WOODRUFF: Well, not -- not before
19 the Public Service Commission.

20 MR. LESSLEY: Okay.

21 JUDGE WOODRUFF: Let me clarify. Mr. Hall
22 has requested to be made a party in the case, but that
23 has not been ruled upon yet.

24 MR. LESSLEY: When will that be ruled upon?
25 It was supposed to have been ruled upon already.

1 JUDGE WOODRUFF: The Commission will decide
2 when it's to be ruled upon.

3 MR. LESSLEY: And how do they go about
4 doing that?

5 JUDGE WOODRUFF: The Commission has a
6 weekly agenda meeting.

7 MR. LESSLEY: A weekly agenda meeting?

8 JUDGE WOODRUFF: That's correct.

9 MR. LESSLEY: And this is held, I assume,
10 on the first of the week or --

11 JUDGE WOODRUFF: Usually on Wednesday, and
12 it's held in Jefferson City at the Commission's
13 office. If any of you want to watch the Commission's
14 agenda meetings, it's also online on the Commission's
15 Web site.

16 MR. LESSLEY: Oh, okay. Okay, good.
17 Another thing that I think that the Commission needs
18 to consider is the convenience and necessity of having
19 a public system. I mean, that's why we're here.

20 And as well, someone mentioned earlier, there are
21 systems that are a lot more efficient than the current
22 antiquated system that we're struggling to continue.

23 So, why -- originally I wanted to ask the Benton
24 County Health Department why, since the District has
25 been dissolved, and the Governor's appointed audit

1 board has recognized that it is dissolved, why isn't
2 the Benton County Health -- Health Department issuing
3 permits, since the District has been dissolved?

4 JUDGE WOODRUFF: I'm sorry, I can't answer
5 those kind of questions at this point.

6 MR. LESSLEY: Where might I get the answer
7 to this question?

8 JUDGE WOODRUFF: You can ask the Department
9 of Health.

10 MR. LESSLEY: Are they on here somewhere?

11 JUDGE WOODRUFF: They are not a party in
12 the case, no.

13 MR. LESSLEY: Oh.

14 JUDGE WOODRUFF: There may be some people
15 here from the Department of Health. I see heads
16 nodding over here, if you want to talk to them after
17 the hearing.

18 MR. LESSLEY: Who would that be?
19 Department of Health right here? That's all I have to
20 say. Thank you. You need to ask me any questions?

21 JUDGE WOODRUFF: The Commissioner first.

22 COMMISSIONER KENNEY: I don't have a
23 question, but thank you very much.

24 MR. LESSLEY: You're welcome.

25 MS. MAYFIELD: Yes, I have a question. Are

1 you a current resident of the Benton County Sewer
2 District #1?

3 MR. LESSLEY: Yes, ma'am, I am.

4 MS. MAYFIELD: Thank you.

5 COMMISSIONER KENNEY: Thank you very much.

6 JUDGE WOODRUFF: Thank you, sir.

7 The next name I'm not sure of. Is it Gary Power,
8 Bauer? It looks like an "F."

9 MR. LESSLEY: Lauer.

10 JUDGE WOODRUFF: Lauer? Okay.

11 A MAN: He's not here.

12 JUDGE WOODRUFF: Not here? Steve Squires?

13 MR. SQUIRES: Thank you.

14 JUDGE WOODRUFF: And spell your last name
15 for the Court Reporter.

16 MR. SQUIRES: S-Q-U-I-R-E-S.

17 JUDGE WOODRUFF: Please raise your right
18 hand.

19 STEVE SQUIRES,
20 being first duly sworn, testified:

21 MR. SQUIRES: Well, I'm the current owner
22 of the River's End Motel. I'm right next door. If
23 anybody needs any rooms this weekend, I'll be right
24 over there for the holidays.

25 Well, my concern, you know, as a businessperson is

1 just about the numbers and making a living, you know.

2 And right now we're paying \$600 a month, as I said
3 earlier, you know, on sewer rates.

4 We have a well and it has a grinder pump and a
5 lift station hooked onto the septic tank that's there
6 that Mrs. Brooks talked about earlier. And -- and
7 we're up on a hill, you know, and their -- I guess
8 you'd call it the -- the manhole or their sewer is
9 downhill.

10 So I wonder about that, too, you know, when you
11 have a lift station and we're already downhill, so you
12 don't really need a lift station to have things flow
13 down -- downhill.

14 But mainly I just want to discuss that the
15 occupancy rate is about fifteen to twenty percent on
16 the average at the motel right now. And, you know,
17 there's about four months, five months out of the year
18 that we just don't have anybody there. I just think
19 it's an excessive, you know, rate, 600 a month. And
20 I'm willing to work with anybody, but we've got to get
21 them prices down to be able to afford to stay around.
22 That -- that's about it.

23 JUDGE WOODRUFF: It's kind of a seasonal
24 business around here?

25 MR. SQUIRES: Mm-hmm. Yes.

1 JUDGE WOODRUFF: Summer months are good?

2 MR. SQUIRES: Yeah. Two months, you know,
3 during Spoonbill season, we're really hopping for
4 about a month and a half, two months. Then it's kind
5 of touch-and-go on weekends, you know, for bass
6 tournaments, you know, and you just try to survive as
7 a small businessman.

8 And I would think anybody here in Warsaw and the
9 County, you know, if we want tourism, we've got to
10 keep motels around and hotels, you know, if -- for,
11 you know, for the, you know, Warsaw area to grow.
12 We've got to have -- you know, and it's an older
13 motel, but it's, you know, a very nice, clean motel.
14 And we've got to be around. And to do that we have to
15 have the, you know -- you know, right rates to
16 survive, any of us do.

17 JUDGE WOODRUFF: Commissioner?

18 COMMISSIONER KENNEY: No questions. Thank
19 you.

20 JUDGE WOODRUFF: Thank you, sir.

21 MR. SQUIRES: Thank you, sir.

22 JUDGE WOODRUFF: Next name on the list is
23 William Seek. Good evening, sir.

24 MR. SEEK: Good evening.

25 JUDGE WOODRUFF: And your last name is

1 Seek?

2 MR. SEEK: My last name is Seek. First
3 name is William. I'm known in the area as Ted.

4 JUDGE WOODRUFF: All right, sir. Please
5 raise your right hand.

6 WILLIAM "TED" SEEK,
7 being first duly sworn, testified:

8 JUDGE WOODRUFF: Thank you. Your name is
9 Seek?

10 MR. SEEK: S-E-E-K. Just like
11 hide-and-go-seek.

12 JUDGE WOODRUFF: All right. Thank you,
13 sir.

14 MR. SEEK: And I'm the current president
15 of the Benton County Sewer District, and I am
16 currently inactive because we've been requested a
17 receiver at this time.

18 JUDGE WOODRUFF: They're having a hard time
19 hearing. Can you speak up a little bit?

20 MR. SEEK: If I get too loud, it's going to
21 scream.

22 JUDGE WOODRUFF: Okay.

23 MR. SEEK: Anyway, I want to clear up a few
24 issues. One, that the majority of the board of the
25 Benton County Sewer District is for the sale to

1 American Water.

2 We figure that it is nothing but a win-win
3 situation. Because we voted, we had the vote to
4 dissolve the District. The District actually has been
5 dissolved, but according to state statute
6 67-point-something, it states that we're supposed to
7 have like 120 or 160 days to sell the assets of the
8 District.

9 If we were to do that, that would leave homeowners
10 who have been misled with information that the State
11 will pay to put in their septic system or they can put
12 in some kind of green system, which doesn't comply
13 with today's rules and regulations for the county
14 septic systems.

15 Like the guy said earlier today, you've got
16 setbacks, you've got setbacks from property lines,
17 you've got setbacks from wells and from water lines,
18 and you've got a soil morphology test that you have to
19 pass.

20 Back in '86, I believe it was, there -- there was
21 an environmental study done that determined that there
22 was raw sewage in White Branch running off of the
23 bluffs and in the ditches of White Branch. I'm not
24 sure about Blue Branch, but I'm sure it wasn't any
25 better at all.

1 I am, in fact, a customer of the Benton County
2 Sewer District. I live here in the sewer district, as
3 well. And it's just as President of the District and
4 the other board members that are in favor for this
5 sale, it's -- well, our concern is for the elderly who
6 are on a limited income. Where are they going to get
7 the funds?

8 Now, there -- there -- there is application that
9 you can file with the State. There's no guarantee
10 that you're going to get the assistance to help, but
11 you may. It may not come right now. You may have to
12 kick that money out for yourself until the State
13 reimburses you. I don't know if the people can afford
14 it.

15 Some of these people live on rock bluffs. I -- I
16 know, their soil morphology test, they're not going to
17 pass it. Two, they -- they've been -- their home and
18 their lot is so small that they couldn't put in 250,
19 300 foot of laterals. And that's what the Benton
20 County Health Department environmental section
21 requires in this area, is that you have to have 250 to
22 300 foot of lateral.

23 A green system is not going to apply. We've
24 already been told that. A green system, what they're
25 talking about, and the reverse osmosis, you have ten

1 foot of lateral, and the water's supposed to be almost
2 clean enough that you can drink it.

3 I -- I wouldn't want to give it a shot. But, you
4 know, somebody that -- the guy that's claiming it,
5 I'll watch him drink some. But it's -- they're not
6 going to allow it. You know, you're going to have to
7 have -- the law requires it. Unless Benton County
8 changes their law, the Commissioners get together and
9 changes the law, they're not going to be able to have
10 a green system, as well.

11 So, who's to look out for the people who have been
12 misled and told that, yeah, you're going to have a
13 sewer system; yeah, we're going to make the State pay
14 back all the money; yeah, there's just been so much
15 fraud going on, and the whole thing from the git-go is
16 a fraud? That's a whole different case.

17 We're here today for the system that we've got.
18 Yes, we had a vote. They had a sign up this week
19 about this meeting, and -- and "Honor Our Vote." Your
20 votes have been honored. We have honored the votes.
21 The District is dissolved, but it was dissolved with
22 enough integrity to look out for the people in this
23 District who cannot look out for themselves, who
24 cannot afford to install a new system, and whose
25 property would not pass the -- the -- the current

1 codes in order to do so.

2 That's the job of this board. That's what the
3 board has been doing. I got broad shoulders. I can
4 take the heat. A lot of people here have a great
5 dislike for me. They have no idea what the world's
6 really about, as far as I'm concerned.

7 They are following somebody that has filed
8 numerous suits against the District. Matter of fact,
9 this District has had to spend over \$56,000 last year
10 in attorney fees for somebody's foolishness, and has
11 lost -- they have lost every case. Every case has
12 been dismissed.

13 Now, the last case that was filed against the
14 District, it was dismissed, but we were granted what
15 we requested, which was attorney's fees and the court
16 costs. We were granted that.

17 But if these people who keep filing the suits
18 against the District -- and that's going to happen
19 with American Water. They're going to jump on -- from
20 what I understand, when they first found out that
21 American Water was interested in buying it, there was
22 a phone call made, e-mails sent, we're going to sue
23 you, you know, we're -- we're going to give you hell.
24 What -- what is that about?

25 They got their -- they got their vote. The

1 vote's -- the vote's there. The vote has been honored
2 by the government. We're dissolving the District.
3 And the difference between the District and the
4 assets, there's a great dis -- a big distinction
5 between them. And the District, basically, is your
6 boundaries and all the people.

7 So, now we have omitted the people out by the
8 school, the people in Wanta-Linga, the people in,
9 whatever, White Branch Villa, anywhere else, and out
10 by Whitakerville, all that's been taken off of the
11 table unless American Water decides that they want to
12 expand to that. And then there is still no law that,
13 hey, because you live there, you've got to hook up on
14 it.

15 The people basically got what they want. But it
16 still gives the people who cannot afford to install a
17 new system or their property cannot handle a new
18 system, it gives them the opportunity to have sewer
19 systems and be able to live in their home instead of
20 being able to close and board their home up and turn
21 into rat infestation.

22 Now, if people want a rat-infested neighborhood,
23 more power to them, but I'm one that's not about to
24 let that happen in my neighborhood, and that's one of
25 the reasons why we're fighting so hard. So, more

1 power to American Water for wanting to take it on.

2 I understand that in the contract, that, yeah,
3 USDA has cut back quite a bit of their finances and
4 gave them quite a break, but they're also going to pay
5 off the note that is to Haynes Corporation and that
6 they're willing to take on all the -- all the repairs
7 that need to be made.

8 And, sure, we're going to have to pay a little
9 more. That's what the design of the program was back
10 in 2010 when the rate went up from thirty, thirty-five
11 dollars, was going to go to fifty-four twenty-five.

12 Well, now we even have to deal with \$116 a month.
13 You know. Well, if things would have not gotten out
14 of hand in 2010, the repairs would have been made.
15 There was a budget and there was -- engineers had been
16 hired, repairs were to be made. But I resigned and
17 some other people took over the District, and we've
18 had some people in office that just -- they -- they
19 weren't qualified and they didn't know what they were
20 doing. And it caused a lot more damage to the system,
21 and that's where we're at today when they talk and
22 estimate that it's nine hundred-and-something thousand
23 dollars.

24 But I think with -- with -- with some concerns of
25 American Water working, that they can cut the -- they

1 can cut pennies out and make it a lot cheaper, and I
2 think they can make a good go of it, and I think it's
3 nothing but a win-win situation for this area because
4 it keeps our lake clean. It keeps our neighborhoods
5 clean.

6 We don't have standing -- a big metal container
7 outside of your neighbor's home that looks like crap.
8 What do you write on it? "My crap"? And he has to
9 have it pumped out. If there's three people that live
10 in that home, that tank's going to have to be pumped
11 out at the expense of \$200 several times a month.

12 Yeah, that's cheaper than paying \$80 or \$65 a
13 month? You know. Hit me in the head with a brick to
14 get me to understand why -- we've got the District
15 dissolved. We're still going to have a working
16 system. And those of you who don't want to be on the
17 system, apply for the permit. Get off the system and
18 quit your bitching. That's all I've got to say.

19 JUDGE WOODRUFF: Thank you, Mr. Seek.
20 Thank you.

21 Next name on the list is John Walker. Good
22 evening.

23 MR. WALKER: How you doing?

24 JUDGE WOODRUFF: Please raise your right
25 hand.

1 JOHN WALKER,

2 being first duly sworn, testified:

3 JUDGE WOODRUFF: Thank you, Mr. Walker.

4 MR. WALKER: Thank you. Yes, my name is
5 John Walker. I've had a cabin down here since '88, my
6 family and I. Me and my brother's the only one left.

7 It's gotten way out of hand. You know. Even --
8 they're wanting \$65 a month. I mean, that's too much,
9 I think, for a part-timer. I'm a part-timer down
10 here, and I live in Pleasant Hill. And, you know, now
11 I'm paying \$80 a month. Flush the stool maybe once or
12 twice a month. That's just, you know, crazy.

13 I thought Benton County was one of the poorest
14 counties in the state. I think we're probably paying
15 the highest utilities. I don't know if you guys have
16 drove down by, you know, White Branch and looked at
17 the houses. A lot of the houses down there are only
18 worth twenty, thirty thousand dollars, and they're
19 wanting a couple hundred dollars a month for
20 utilities. It's just -- it's not right. You know.

21 We need somebody that will step up and do the
22 right thing for all of us and make it all a better
23 place to live.

24 JUDGE WOODRUFF: Thank you, sir.

25 Commissioner?

1 COMMISSIONER KENNEY: Thank you, sir.

2 MR. WALKER: And another thing is, you
3 know, I pay my \$80 a month for my sewer and I can't
4 even vote. That's crazy.

5 JUDGE WOODRUFF: Thank you, sir.

6 MR. WALKER: Thank you.

7 JUDGE WOODRUFF: William T. Willis?
8 Mr. Willis? Deborah Leslie?

9 A LADY: She's gone.

10 JUDGE WOODRUFF: She's gone? Next name is
11 Mark, and I think it starts with -- Morey, Morris?

12 A LADY: And he's gone.

13 JUDGE WOODRUFF: Karen Morgan?

14 A MAN: She had to leave.

15 JUDGE WOODRUFF: Juanita Porche?

16 A MAN: She had to leave.

17 JUDGE WOODRUFF: Mr. Reid?

18 A MAN: He's gone.

19 JUDGE WOODRUFF: He's gone. Bill, looks
20 like, S-A-L-K-Y, Salky? Does that sound familiar?

21 A LADY: He's gone.

22 JUDGE WOODRUFF: Robert Van Deventer? Is
23 he here? That's all the names that are on my list.
24 Does anyone else -- yes, sir, you'd like to testify?

25 MR. GRATE: Yes, sir.

1 JUDGE WOODRUFF: Come on up. If you can
2 tell us your name, please.

3 MR. GRATE: My name is John Grate.

4 JUDGE WOODRUFF: Can you spell the last
5 name, please.

6 MR. GRATE: G-R-A-T-E.

7 JUDGE WOODRUFF: What would you like to
8 tell us? Oh, let me swear you in. Please raise your
9 right hand.

10 JOHN GRATE,
11 being first duly sworn, testified:

12 MR. GRATE: I'd like to get this on the
13 record, if the record is going to accomplish anything.
14 First of all, in prior testimony saying the vote of
15 the people and the vote of the public was mentioned,
16 in 1991, the vote of the public was disregarded when
17 they said no to the formation of the District.

18 In the late '80s, using the Missouri Clean Water
19 Act, our County Commissioners, a group of people, the
20 EPA, and the DNR, convinced the Court that it was
21 needed to protect the environment. To this day,
22 nobody has voted to create a sewer district.

23 The only vote that did pass was one to accept the
24 bond that was already mandated before the 1994 vote.

25 The assets of the area belong to the people that paid

1 the fee for the sewer service. They were ordered to
2 hook up to them.

3 And so it shouldn't take much, with all the
4 figures that's available, for the bean counters to
5 come up with how much money those who paid their fee
6 should be reimbursed, not the EPA who got a loan from
7 the Department of Agriculture, which is, in fact,
8 already our tax money. Thank you.

9 JUDGE WOODRUFF: Any questions?

10 COMMISSIONER KENNEY: Thank you, Mr. Grate.

11 JUDGE WOODRUFF: Thank you. Anyone else
12 like to testify? Yes, ma'am. Come on up. Good
13 evening. Tell us your name, please.

14 MS. SULLINS: My name is Kathryn Sullins.

15 JUDGE WOODRUFF: Spell your last name.

16 MS. SULLINS: S--like in Sam--U-L-L-I-N-S.

17 JUDGE WOODRUFF: Kathryn?

18 MS. SULLINS: Kathryn, K-A-T-H-R-Y-N.

19 JUDGE WOODRUFF: What would you like to
20 tell us, ma'am?

21 MS. SULLINS: Okay. I'd just kind of like
22 for you folks to have -- preyed on -- so we can go
23 back to our old systems. There was nothing wrong with
24 it, nothing at all. It has been -- our homes have
25 depreciated on account of what a lot of these people

1 have done, which some people don't care.

2 I'm a single person, a widow, and I do care. I
3 can't sell my home. It's been on the market for four
4 years. No one will look in White Branch, I'll
5 guarantee you. They've heard the sewer system. They
6 know what mess it's in.

7 We've been to meetings. I went to it when it was
8 originally created, nothing but lies and deceit from
9 time -- even to now. And please honor our vote that
10 we dissolved the sewer district. Assets were to be
11 sold in 120 days. Those have not been done.

12 We want to go back on our own system, or else put
13 us up in a decent system. They worked perfectly fine
14 before. Don't come in and mess up something that's
15 working, just because somebody wants money and greed.
16 And I thank you for your time.

17 JUDGE WOODRUFF: Thank you.

18 COMMISSIONER KENNEY: Thank you.

19 JUDGE WOODRUFF: Thank you, ma'am.

20 Anyone else like to testify? I don't see any
21 other hands --

22 Yes, ma'am. Tell us your name first.

23 MS. BROSNAHAN: Patty Brosnahan.

24 JUDGE WOODRUFF: Spell the last name.

25 MS. BROSNAHAN: B-R-O-S-N-A-H-A-N. I was

1 just going to say --

2 JUDGE WOODRUFF: Let us swear you in first.

3 MS. BROSNAHAN: Oh, sure.

4 PATTY BROSNAHAN,

5 being first duly sworn, testified:

6 JUDGE WOODRUFF: Now, tell us what you'd

7 like to tell us.

8 MS. BROSNAHAN: I was just thinking back to
9 when they did put the systems in. They told us that
10 we had no choice when they put the systems in. We
11 either had to pay that six hundred dollars or five
12 hundred and eighty-something dollars to put that thing
13 in, the grinder pump, or -- and then it was going to
14 be \$36 a month, which I thought at the time, I'll be
15 honest with you, I thought it was wonderful to have
16 sewer systems. I'm kind of downhill, and I got the
17 scent of the septic from the top of the hill.

18 But \$36 a month was a reasonable amount, you know,
19 that was great. But that five hundred-and-some
20 dollars that we had to pay to begin with, that was a
21 big chunk, but they told us it was going to be double
22 that if we didn't sign up and pay for that right then,
23 because we were going to have to pay twice that amount
24 later to have it put in.

25 So we weren't given any kind of choice to that.

1 It was like you have to do this. And then when they
2 voted to dismantle the thing, I thought that was the
3 end of it, we were -- we were going to be able to go
4 back to our old systems.

5 And I tried and tried to get ahold of the health
6 department to find out how can I go back to my old
7 septic tank. Which never did I get any kind of answer
8 what I'd have to go through to do it. Because I think
9 that I have the room and everything, that it would be
10 perfectly acceptable. I have enough line. The
11 property's big enough. I'm not one of the poor
12 people that are trapped in a small lot that couldn't
13 do that.

14 So, I just feel like there's a lot of choices
15 there that we weren't given, and that just reminded me
16 with what they were saying when they came up with that
17 first fee that we had to pay to begin with, all the
18 things that we were promised that never came.

19 Thank you.

20 JUDGE WOODRUFF: Thank you.

21 COMMISSIONER KENNEY: Thank you, ma'am.

22 JUDGE WOODRUFF: And I remind you, the
23 Department of Health people are here tonight. You can
24 talk to them.

25 MS. BROSNAHAN: Okay, thank you.

1 JUDGE WOODRUFF: Anyone else want to
2 testify? Seeing no other hands going up, so once
3 again, I thank you all for coming tonight. And with
4 that we are adjourned.

5 (Proceedings concluded at 7:58 p.m.)

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EXHIBIT INSTRUCTIONS:

Exhibit was retained by Judge Morris L. Woodruff, to be delivered to Leslie Myers

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REPORTER'S CERTIFICATE

STATE OF MISSOURI)
) ss.
COUNTY OF GREENE)

I, Christine Richele, Certified Shorthand
Reporter, Registered Professional Reporter, Certified
Court Reporter #385, Certified Realtime Reporter (Mo),
within and for the State of Missouri, do hereby
certify that I was personally present at the hearing
as set forth in the caption sheet hereof; that I then
and there took down in stenotype the proceedings had
at said time, which were thereafter transcribed by me
and is a true and accurate reproduction of the
proceedings, set forth in the preceding pages.

IN WITNESS WHEREOF, I have hereunto set my hand
and seal on December 4, 2014.

Christine Richele, CSR, CRR, CCR #385
Registered Professional Reporter

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