

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

In the Matter of Veolia Energy)
Kansas City, Inc. for Authority)
to File Tariffs to Increase Rates)

Case No. HR-2014-0066

STATE OF MISSOURI)
)
COUNTY OF JACKSON)

SS

Affidavit of Tim Dickerson

Tim Dickerson, being first duly sworn, on his oath states:

1. I am General Manager for Veolia Energy Kansas City, Inc., an affiliate of Veolia Energy North America Holdings, Inc. (collectively referred to as "Veolia").

2. On February 9, 2012, I received a letter from Steve DeGarmo, Sr. Director Corporate Design, Construction and Property Management of Truman Medical Centers ("TMC"). A copy of this letter is attached to this Affidavit as Exhibit A.

3. TMC's letter stated that TMC discovered that expansion joints in TMC's main 12" distribution line appeared to be in need of replacement. The letter stated that it had become evident to TMC that this could have been caused by an event where Veolia's main steam plant went offline in the fall of 2009. The letter stated that TMC was looking at scenarios to fix the problem and that TMC would like Veolia to be part of that discussion and solution, because it appeared to TMC that there would be no way to avoid a prolonged shut down of steam to TMC's facility in order to accomplish the repairs. The letter stated that TMC would appreciate it if I would be able to discuss this in more detail in order to move forward with a solution as soon as possible because TMC feared what the possibilities would be if these joints were to fail in the immediate future.

4. On February 12, 2012 I received an email from Mr. DeGarmo. A copy of this email is attached to this Affidavit as Exhibit B. Mr. DeGarmo's email states "Please see the enclosed document regarding the steam line we discussed a while back. I would like to sit down with you and our Utility Advisor Frank Caro from Polsinelli Shugart regarding the steam line itself. Please let me know when it would be convenient to sit down and visit".

5. In late February 2012, after receiving this email referenced above, I met with Mr. DeGarmo and Frank Caro of Polsinelli. I believed based on Mr. DeGarmo's February 12, 2012 email that Frank Caro was a Utility Advisor. At no time during this meeting did Mr. DeGarmo or Mr. Caro state that Mr. Caro was an attorney or that he represented TMC. During the meeting, Mr. Caro gave me his business card but I did not read the card.

6. I was not aware that Polsinelli is a law firm until TMC filed its application to intervene in this case on February 3, 2014. I was also unaware before this date that Frank Caro is a lawyer or that Frank Caro represented TMC. To the limited extent I formed an opinion of Polsinelli, I assumed based on Mr. DeGarmo's email that Polsinelli is a technical consulting firm.

7. If I had believed that Mr. Caro was an attorney, I would have informed Veolia's internal counsel of the late February 2012 meeting and would have asked Veolia's internal counsel whether Veolia should have counsel present at the meeting.

8. At no time during the late February 2012 meeting did Mr. DeGarmo or Mr. Caro indicate that TMC was adverse to Veolia or that TMC had any dispute with Veolia. I did not believe either before, during or after the meeting that there was any matter of disagreement between TMC and Veolia related to the matters discussed in the meeting. I believed based on the discussion at the meeting, Mr. DeGarmo's February 9, 2012 letter and his February 12, 2012 email that the purpose of the meeting to inform me that TMC planned to have an outage of its steam service.

9. If believed that the matters referenced in Mr. DeGarmo's February 9, 2012 letter, his February 12, 2012 email and the late February 2012 meeting involved an area of disagreement with TMC, I would have reported the meeting to Mr. Chuck Melcher, Veolia's Vice President of Operations or others at Veolia. I also would have taken notes at the meeting.

10. I do not recall and after due investigation have found no records of any communications from Mr. DeGarmo, Mr. Caro or anyone else regarding the matters referenced in Mr. DeGarmo's February 9, 2012 letter, his February 12, 2012 email or discussed at the late February 2012 meeting.

11. Since the late February 2012 meeting, the only communications I recall with Mr. DeGarmo or other TMC employees related to what I believe were routine operational issues that were not matters of dispute.

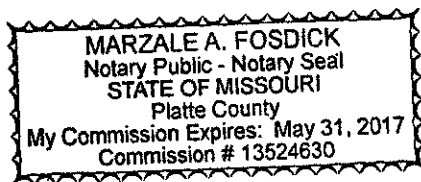
12. Since the late February 2012 meeting, I do not recall, and after due investigation, have found no records of any communications from or meetings involving Mr. Caro or any other person employed by Polsinelli until TMC's February 3, 2014 application to intervene in this case.

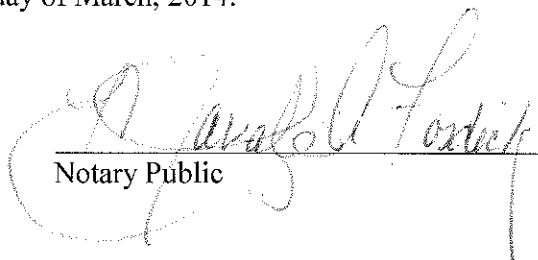
13. Trigen-St. Louis and Veolia are (1) owned by the same parent company; (2) have the same business function, strategies and protected trade secrets; (3) have the same officers; (4) have the same directors; (5) have the same in-house legal department; (6) enter the same types of contracts; (7) have the same financial structure; (8) and operate in the same state using the same equipment.

I hereby swear and affirm that the information provided herein is true and correct.


Tim Dickerson

Subscribed and sworn to before me this 25 day of March, 2014.




Notary Public



2/9/12

Tim Dickerson
Veolia Energy
115 Grand Blvd
Kansas City, Missouri 64106

Re: TMC Steam

Dear Mr. Dickerson,

We have discovered that the expansion joints in our main 12" distribution line in the steam tunnel have expanded but have not contracted and upon further inspection the joints appear to be in need of replacement. After looking into the situation it has become evident to us that this could have been caused by an event where the Veolia Main Steam Plant went off line for a period of almost 1 ½ hours in the fall of 2009.

We are looking at potential scenarios to fix the problem and we would like for Veolia to be a part of that discussion and solution because it appears to us that there is no way to avoid a prolonged shut down of steam to our facility in order to accomplish the repairs.

We would appreciate it if you would be able to discuss this with us in more detail so we can move forward with a solution as soon as possible as we fear what the possibilities could bring if these joints fail in the immediate future.

Please contact me at 816-404-2625 to discuss the details.

Thank you for your help.

Respectfully Submitted,

Steve DeGarmo

Sr. Director Corporate Design,
Construction and Property Management



EXHIBIT A

Melcher, Charles <charles.melcher@veolia.com>

Fwd: Letter

Dickerson, Tim <tim.dickerson@veolia.com>
To: Charles Melcher <charles.melcher@veolia.com>

Fri, Feb 28, 2014 at 3:29 PM

This letter from DeGarmo references Caro as a utility advisor from Polsinelli. I don't see anything about being a lawyer.

Please note my new email address is tim.dickerson@veolia.com

Tim Dickerson, P.E.

Plant Manager

Veolia NA

115 Grand BLVD.

Kansas City, Mo. 64106

Office: 816-889-4900

Fax: 816-842-4272

----- Forwarded message -----

From: **DeGarmo, Steve W** <Steve.Degarmo@tmcmcd.org>

Date: Mon, Feb 13, 2012 at 12:40 PM

Subject: Letter

To: "Dickerson, Tim" <tdickerson@veoliaenergyna.com>

Tim,

Please see the enclosed document regarding the steam line we discussed a while back. I would like to sit down with you and our Utility Advisor Frank Caro from Polsinelli Shugart regarding the steam line itself.

Please let me know when it would be convenient to sit down and visit.

Thanks

Steve DeGarmo

Sr. Dir. Corporate Design, Construction & Property Management

Truman Medical Centers

2055 Holmes Street, Kansas City, MO 64108

(816) 404-2625 | steve.degarmo@tmcmcd.org


Trumed.org

EXHIBIT B



2 attachments

 **ATT00001.txt**
1K

 **2-9-12 Letter.pdf**
32K