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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Public Hearing

November 19, 2014
Jefferson City, Missouri
Volume 2

In the Matter of the Joint)
Application of West 16th Street)
Sewer Company, W.P.C. Sewer)
Company, Village Water and Sewer)
Company, Inc., and Raccoon Creek) Case No. SM-2015-0014
Utility Operating Company, Inc.,)
for Raccoon Creek to Acquire Certain)
Sewer Assets and, in Connection)
Therewith, Issue Indebtedness)
and Encumber Those Assets)

JUDGE MICHAEL BUSHMANN, Presiding
SENIOR REGULATORY LAW JUDGE

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

For Staff of the Missouri Public Service Commission:

Ms. Cydney Mayfield
Missouri Public Service Commission
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For Raccoon Creek Utility Operating Company, Inc.:

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P.O. Box 456
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Jefferson City, MO 65102
(573) 635-7122

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

2 JUDGE BUSHMANN: Let's go on the record.
3 Today is Wednesday, November 19th, 2014. The
4 Missouri Public Service Commission has set this
5 time for a local public hearing in File No.
6 SM-2015-0014, which is captioned as In the Matter
7 of the Joint Application of West 16th Street Sewer
8 Company, W.P.C. Sewer Company, Village Water and
9 Sewer Company, Incorporated, and Raccoon Creek
10 Utility Operating Company, Incorporated, for
11 Raccoon Creek to Acquire Certain Sewer Assets and
12 in Connection Therewith Issue Indebtedness and
13 Encumber Those Assets.

14 My name is Michael Bushmann. I'm the
15 Regulatory Law Judge that will be presiding over
16 this evening's hearing. Unfortunately, the
17 Commissioners were not able to attend the hearing
18 this evening because they're flying back from a
19 national conference today, and so they're unable to
20 be here.

21 All the testimony that will be given will
22 be transcribed by the court reporter and provided
23 to the Commissioners.

24 Let's start with Counsel making their
25 entries of appearance. For Raccoon Creek Utility

1 Operating Company?

2 MR. COOPER: Dean Cooper appearing on
3 behalf of Raccoon Utility.

4 JUDGE BUSHMANN: Office of Public Counsel?

5 MS. BAKER: Thank you. Christina Baker,
6 P.O. Box 2230, Jefferson City, Missouri, 65102,
7 appearing on behalf of the Office of the Public
8 Counsel and the customers.

9 JUDGE BUSHMANN: And for Staff of the
10 Public Service Commission?

11 MS. MAYFIELD: Thank you, your Honor.
12 Cydney Mayfield, 200 Madison Street, P.O. Box 360,
13 Jefferson City Missouri, 65102.

14 JUDGE BUSHMANN: Thank you. Are there any
15 attorneys present from any of the other parties in
16 the case?

17 Okay. Well, the process this evening is
18 that I'm going to call the names on the sign-up
19 sheet for those who have signed up to testify.

20 If you would still like to do that, when I
21 call your name, please come forward and have a seat
22 right up here by the microphone. I will put you
23 under oath and then ask you to state your name and
24 where you live, and then you can provide your
25 comments to the Commission. The first name that I

1 have is Linda Faulhaber.

2 MS. FAULHABER: I'm choosing to e-mail, so
3 thank you.

4 JUDGE BUSHMANN: Okay. That's fine. Bob
5 Perusich? If I'm saying that correctly.

6 MR. PERUSICH: That's close enough, your
7 Honor.

8 JUDGE BUSHMANN: Okay. Sir, will you come
9 forward and have a seat right there? Please raise
10 your right hand.

11 ROBERT PERUSICH,
12 being first duly sworn to testify the truth, the whole
13 truth, and nothing but the truth, testified as follows:

14 TESTIMONY OF BOB PERUSICH

15 JUDGE BUSHMANN: And could you please
16 state your name and spell your last name?

17 MR. PERUSICH: My name is Robert Perusich.
18 I live at 1900 Ashwood Circle in Hunter's Ridge.

19 JUDGE BUSHMANN: And how do you spell your
20 last name?

21 MR. PERUSICH: It's P-e-r-u-s-i-c-h.

22 JUDGE BUSHMANN: Thank you, sir. Go
23 ahead.

24 MR. PERUSICH: My comment is that with
25 this proposed sale and -- and increase, the

1 property value of this addition is -- is going to
2 go in the toilet.

3 People are not going to want -- want to
4 purchase homes in these areas when we're talking
5 about this kind of -- this kind of money. It will
6 become a ghost town out there. And I object to
7 that.

8 This gentleman is representing a group of
9 investors, and I know they have to make money. I'm
10 in business myself. And we don't know what they're
11 going to do or how they're going to do it and if
12 they're looking for us to pay for a satellite
13 system or just to pay for a system that works. And
14 that's my comment, sir.

15 JUDGE BUSHMANN: Okay. Wait right there
16 for a second. Do any Counsel have any questions?

17 MS. BAKER: Are you a customer of West
18 16th or WPC?

19 MR. PERUSICH: I'm a customer of West
20 16th, yes. Hunter's Ridge.

21 MS. BAKER: Thank you.

22 MR. PERUSICH: We currently have about 149
23 homes with about seven or eight vacant lots in it.

24 JUDGE BUSHMANN: Any other questions?

25 Thank you, sir. You may be excused. The next name

1 is Jim Rice. Is Mr. Rice present?

2 MR. RICE: That's me.

3 JUDGE BUSHMANN: Oh, okay.

4 JIM RICE,

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

7 TESTIMONY OF JIM RICE

8 JUDGE BUSHMANN: Please state your name
9 and spell your last name.

10 MR. RICE: My name is James B. Rice, Jr.
11 I'm an attorney. But I am appearing as an
12 individual here tonight, not in a representative
13 capacity, other than my wife. And I do represent
14 her.

15 JUDGE BUSHMANN: Okay. Where do you live,
16 sir?

17 MR. RICE: I live at 1940 Ashwood Circle
18 in Hunter's Ridge. And first of all, Mr. Perusich
19 did bring to your attention earlier in the question
20 and answer session the fact that the notice that
21 was given to the individuals was sent out from
22 St. Louis on November the 13th, which is six days
23 prior to this meeting when the Code of State
24 Regulations provides for at least ten days notice.

25 There were neighbors who did not -- that

1 have reported to us that they did not receive any
2 correspondence concerning this meeting. And I can
3 assure you that had more notice been given, you
4 wouldn't have been able to take it in this Chamber
5 because it would have been flooded with people
6 concerned about the potential that was expressed of
7 raising the -- the rate ultimately.

8 Hunter's Ridge has a considerable number
9 of elderly people on fixed incomes. And I
10 understand this is not a rate hearing. But,
11 certainly, this is Stage 1 of a rate hearing that
12 will seek to more than double or probably triple
13 the rate of the present charge.

14 I submit that I bet there is not a single
15 person in this room, including the Law Judge, that
16 pays a hundred dollars a month for this type of a
17 fee. And we're small people in a -- in a community
18 that is financially challenged.

19 And I certainly hope that the Commission,
20 when they consider the propriety of the action of
21 whether this should go through or not, and Stage 2,
22 whether or not the rate should be increased, I
23 certainly hope that they will take that into
24 consideration.

25 No one questions the fact that investors

1 need to make a return on their investment. But
2 everyone in this room is certainly cognizant of the
3 fact that numbers can be manipulated. Salaries can
4 be changed and manipulated. And things can look to
5 appear one way when, in fact, they're vastly
6 different.

7 I think that it is the desire of the
8 people that are gathered here tonight that we be
9 treated fairly. When we can't find out the
10 purchase price of something that we're going to be
11 paying for, it doesn't strike us as fair or
12 reasonable.

13 I understand that may be the law. And we
14 know there's a lot of laws that aren't always fair.
15 But we're asking that at least you all please give
16 us a fair shake on this proposal. And I thank you
17 for your time.

18 JUDGE BUSHMANN: Thank you. Any questions
19 from Counsel?

20 MS. BAKER: And, again, Hunter's Ridge, so
21 West 16th?

22 MR. RICE: Yes. West 16th, Hunter's
23 Ridge. Yeah.

24 JUDGE BUSHMANN: Thank you, sir. Michelle
25 Sarabia? I think I'm saying that correctly. I

1 apologize.

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

5 TESTIMONY OF MICHELLE SARABIA

6 JUDGE BUSHMANN: Please state your name
7 and spell your last name.

8 MS. SARABIA: Michelle Sarabia, S, as in
9 Sam, a-r-a-b, as in boy, i-a.

10 JUDGE BUSHMANN: And where do you live?

11 MS. SARABIA: 1645 East Timber Ridge, and
12 that's in Hunter's Ridge.

13 JUDGE BUSHMANN: Go ahead.

14 MS. SARABIA: Michelle Sarabia. And I
15 want to reiterate what's already been stated and
16 also add that I am deeply disappointed and now know
17 how if anybody else was aware of the turmoil the
18 existing sewer company was in. I was unaware. So
19 I'm disappointed in that.

20 And I also am disappointed that, as
21 customers, we were not privy to the transaction
22 beforehand. And I don't know if anybody else was
23 aware of what was going on, but apparently this
24 transaction has been in the works for quite some
25 time. It's not something that happened last week.

1 I just think that that's something that,
2 you know, maybe we should have been aware of
3 considering it has caused a little bit of turmoil
4 within the communities.

5 Prior notice would have been nice so
6 something would have been known. Regarding the --
7 the purchase, we know that's -- that's gone through
8 pretty much. It is what it is.

9 Your company being able to come in and fix
10 the problems, hat's off to you for doing that. It
11 obviously needs to be done. But I hope that your
12 company also reconsiders the proposed rate hike
13 because I think that is what's scaring the majority
14 of us.

15 As it has been stated previously, we are
16 on incomes here. You know, just because we live in
17 Hunter's Ridge and White Hills, people
18 automatically assume, Oh, those are the big
19 neighborhoods on the block.

20 But, you know, there are elderly. There
21 are some single family homes. Families. And then
22 there's families like us who have, you know,
23 seniors in high school getting ready to go out to
24 college.

25 So that big huge increase is going to

1 affect us. So -- and it also, it's going to affect
2 the resale value of our homes. There are going to
3 be people who are going to be, I'm not going to pay
4 that for sewer.

5 So that's something else to consider and
6 that's something I worry about with kids who are
7 going to be -- we're going to be empty nesters
8 pretty soon, so that's a possibility that we're
9 going to be looking at. So that's just what I
10 wanted to say, and I appreciate it.

11 Thank you.

12 JUDGE BUSHMANN: Questions?

13 MS. BAKER: No.

14 JUDGE BUSHMANN: Thank you, ma'am. Grant
15 Jones?

16 MR. JONES: I apologize. I thought I was
17 signing up for a raffle.

18 JUDGE BUSHMANN: Quite all right. Ken
19 Kuttenkuler?

20 MR. KUTTENKULER: I'm afraid I'm going to
21 talk anyway.

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

25 TESTIMONY OF KEN KUTTENKULER

1 JUDGE BUSHMANN: Please state your name
2 and spell your last name.

3 MR. KUTTENKULER: Ken Kuttenkuler,
4 K-u-t-t-e-n-k-u-l-e-r. I live in Hunter's Ridge,
5 which is the 16th Street Sewer Company. My address
6 is 221 Woodington Drive.

7 JUDGE BUSHMANN: Please go ahead.

8 MR. KUTTENKULER: My main concern -- I
9 understand that the company needs to make money.
10 It takes this process. We all understand that.
11 And at a decent rate.

12 But my concern is I don't want to pay for
13 somebody else's work. So I want it on record that
14 at least I feel like it's fair that we only pay for
15 the work that's being taken place on our particular
16 sewer company. Thank you.

17 JUDGE BUSHMANN: Any questions?

18 MS. BAKER: No.

19 JUDGE BUSHMANN: Thank you, sir. Ed
20 Prenger?

21 MR. PRENGER: Sir, I'm Ed. I'm going to
22 submit written comments to the Commission.

23 JUDGE BUSHMANN: Thank you. Adam
24 Braverman?

25 MR. BRAVERMAN: I'm going to copy Ed's

1 comments and send them as my own.

2 JUDGE BUSHMANN: Paul Benkirch?

3 MR. BEYKIRCH: Beykirch. You did pretty
4 good.

5 PAUL BEYKIRCH,
6 being first duly sworn to testify the truth, the whole
7 truth, and nothing but the truth, testified as follows:

8 TESTIMONY OF PAUL BEYKIRCH

9 JUDGE BUSHMANN: Please state your name
10 and spell your last name.

11 MR. BEYKIRCH: My name is Paul Beykirch,
12 spelled B-e-y-k-i-r-c-h. And I am at 2230
13 Woodington Drive. And that is in West -- that's in
14 Hunter's Ridge.

15 And I'd like to object to the notice like
16 several other folks have mentioned that we received
17 on this hearing. And I would ask that the
18 Commission and any regulatory agencies in future
19 hearings give us at least ten days notice or more
20 if that is stipulated by law.

21 I'd also ask that any communication that
22 is given to us of notice, if it comes from Raccoon
23 Creek, that it be in an envelope that plainly
24 identified where the correspondence is coming from.

25 This piece of correspondence we received

1 was from an individual in the return address who we
2 understand is the President of Raccoon Creek.
3 However, that was not easily identified on what the
4 piece of correspondence was.

5 I'd like to thank Mrs. Baker. I had an
6 occasion to call her earlier in the week. And her
7 office handled my call very professionally. And
8 she answered my questions very clearly and was very
9 patient with the number of questions I had.

10 So I'm -- I'm thankful we have somebody in
11 Jeff City that does represent the consumers'
12 interest and/or helps us get an understanding of
13 events like this that are not regular occurrences
14 in our daily life.

15 I think that's about all I had to say.
16 And I appreciate the opportunity tonight for us to
17 gather and express our concerns.

18 JUDGE BUSHMANN: Questions?

19 MS. BAKER: No.

20 JUDGE BUSHMANN: Thank you, sir.

21 MAN IN AUDIENCE: We have a letter here if
22 you'd like to see it.

23 JUDGE BUSHMANN: Is that something you
24 wanted to submit as an exhibit?

25 MAN IN AUDIENCE: This is just the way

1 it's addressed and everything. I can give it to
2 you of what Mr. Beykirch said there, if you just
3 want to view it. I'd kind of like to keep it,
4 but --

5 JUDGE BUSHMANN: Okay. Kevin Funk?

6 WOMAN IN AUDIENCE: He left. He's going
7 to copy Adam's remarks.

8 JUDGE BUSHMANN: Chris Clovey, maybe?
9 Clobey, maybe? Cooley, perhaps?

10 MAN IN AUDIENCE: I think he left.

11 JUDGE BUSHMANN: Okay. Dana North?

12 MAN IN AUDIENCE: She left.

13 WOMAN IN AUDIENCE: She left.

14 JUDGE BUSHMANN: I assume Chad North left,
15 also. Ryan Edwards?

16 WOMAN IN AUDIENCE: I think they thought
17 they were signing in for the meeting.

18 JUDGE BUSHMANN: They may have been
19 signing in. And Phyllis Sue Domann?

20 MS. DOMANN: I thought it was a sign-in
21 for the meeting.

22 JUDGE BUSHMANN: Well, that's all the
23 names I had on the list. Is there anybody who else
24 has not testified who would like to? Yes. Please
25 come forward.

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

4 TESTIMONY OF GARY NOLAND

5 JUDGE BUSHMANN: Please state your name
6 and spell your last name.

7 MR. NOLAND: Gary Noland, N-o-l-a-n-d.

8 JUDGE BUSHMANN: And where do you live,
9 sir?

10 MR. NOLAND: 1985 West Timber Ridge Drive.
11 It's in the 16th Street Sewer Company.

12 JUDGE BUSHMANN: Go ahead.

13 MR. NOLAND: Yes, sir. I had not planned
14 to speak, but I wanted to support Mr. Perusich and
15 others who have pointed out that there are many
16 retired people in the Hunter's Ridge subdivision.

17 There are also many young people that this
18 is their first experience as owning a home. And
19 I'm going to give an example of my next-door
20 neighbor, Joe.

21 And he bought this home about two years
22 ago. And I figured up just roughly -- and my wife
23 and I are retired educators, but I figured up what
24 our expenses without food, clothing, dental or
25 anything.

1 And he has two young children. But with
2 this increase, when you figure electric, gas,
3 water, insurance and taxes, it's almost 7,000 a
4 year or about \$600 a month. And I hope that people
5 take this into consideration.

6 So if you're paying -- that's not your
7 home payment. That's simply that you've got --
8 that includes real estate taxes, and I used my own
9 figures. But it is certainly -- I talked to a real
10 estate appraiser yesterday. It will de-value our
11 homes a great deal.

12 And I think because it's already been
13 pointed out -- and I apologize for reinforcing some
14 of the points that have been brought up. But it
15 will have a major impact on a nice subdivision with
16 great people.

17 I know many of the people in here. They
18 are hard working, and they -- they have wanted a
19 place like Hunter's Ridge subdivision. I can't
20 speak for the others. But it's a nice community.

21 And what you are proposing, what Raccoon
22 Creek is proposing is going to have a major impact
23 on everyone in that subdivision.

24 I appreciate very much the opportunity to
25 speak. And I apologize for repeating some of the

1 things that have been said.

2 But I took the time just to figure up
3 roughly what kind of impact this was going -- if we
4 went to the 94.50, and as it's already been pointed
5 out, we have no idea of what it's going to be. But
6 it's -- what he's proposing and sharing the
7 expenses with three different companies, which I
8 don't particularly think are in my best interest.
9 Maybe it is for the companies, the places.

10 And I want to point out one thing. A
11 couple years ago, the Public Service Commission had
12 a hearing at the State Fair Community College with
13 the West 16th Sewer Company.

14 And we jumped -- I don't remember at what
15 the exact amount was. But I kind of squirmed a
16 little bit when we had that rate increase. And it
17 wasn't quite double. But it was substantial. And
18 it was to fix some of these problems that this
19 gentleman is pointing out that they have been
20 written up.

21 And I would ask anyone why the people that
22 own this company, it seems to me that it would be
23 irresponsible not to file a plan. How hard is it
24 as to file a plan and address some of these issues
25 without selling the company and getting these

1 figures?

2 So once again, I thank you, and I'll be
3 glad to answer your questions.

4 JUDGE BUSHMANN: Any questions?

5 MS. BAKER: No.

6 JUDGE BUSHMANN: Thank you, sir.

7 MR. NOLAND: Thank you, sir.

8 JUDGE BUSHMANN: Anybody else that would
9 like to testify? Yes, sir.

10 KEVIN BOND,
11 being first duly sworn to testify the truth, the whole
12 truth, and nothing but the truth, testified as follows:

13 TESTIMONY OF KEVIN BOND

14 JUDGE BUSHMANN: Please state your name
15 and spell your last name.

16 MR. BOND: My name is Kevin C. Bond,
17 B-o-n-d. I live at 4130 Apple Ridge Road, which is
18 in W.P.C. Sewer Company. I live -- or I am in the
19 South Walnut Hills Homeowners Association and have
20 served as past President, although I'm not
21 representing the Association tonight.

22 I would like to object to two separate
23 issues. No. 1, the notice. There's been some
24 discussion from the West 16th about the delivery of
25 the notification.

1 I personally did not receive the notice
2 until yesterday, in yesterday's mail. I do not
3 have mine with me today to be able to look at what
4 the mailing date was. But I believe that's
5 insufficient notice for preparation, and, also,
6 insufficient notice for us to be able to appear to
7 -- to be able to be at the hearing.

8 Secondly, I would like to object to the
9 sale of the W.P.C. Water Company. Not necessarily
10 from Rabbit Creek. I have no issues with them, but
11 from the current owner because two years ago, there
12 was a rate adjustment made.

13 There was a request and an approval made.
14 At that point in time, there was deficiencies and
15 there needed to be -- and there needed to be
16 improvements that was made. So -- so there was full
17 knowledge at that time that -- that improvements
18 needed to be made.

19 Well, I come tonight, and I find out that
20 not only have the improvements not been made, but,
21 also, there has not been a plan submitted for
22 either the disinfecting or the nutrient removal.

23 And I believe that it is improper to
24 reward the current owners with the sale of property
25 for improvements that have not been made, and we

1 have been paying the additional monies during that
2 time for the expectation that that's being done.

3 JUDGE BUSHMANN: Any questions? Thank
4 you, sir.

5 MR. BOND: Thank you.

6 JUDGE BUSHMANN: Anybody else? I don't
7 see any hands. So I'd like to thank you all for
8 coming out tonight. That concludes the hearing.
9 We're off the record. Thank you for coming.

10 (The proceedings were concluded at 7:30 p.m. on
11 November 19, 2014.)

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REPORTER'S CERTIFICATE

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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