

REPORTED BY: Monnie S. Mealy, CCR, CSR, RPR
Midwest Litigation Services
3432 W. Truman Boulevard, Suite 207
Jefferson City, MO 65109
(573) 636-7551

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

2 For Staff of the Missouri Public Service Commission:

3 Mr. Nathan Williams

and Kevin Thompson

4 Public Service Commission

200 Madison Street

5 P.O. Box 360

Jefferson City, MO 65102

6 (573) 751-3234

7

For Missouri American Water Company:

8

Ms. Diana C. Carter

9 Brydon, Swearngen & England

312 East Capitol Avenue

10 P.O. Box 456

Jefferson City, MO 65102-0456

11 (573) 635-7166

12

Also Present:

13

Mr. Jim Busch

14

15

16

17

18

19

20

21

22

23

24

25

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

2 JUDGE JORDAN: Let's go on the record.

3 Good morning, everyone. The Commission is calling
4 the action in File No. SC-2015-0139. This is the
5 complaint of Timothy and Diane Grady versus
6 Missouri American Water Company.

7 I'm Daniel Jordan. I'm the Regulatory Law
8 Judge assigned to this action. And we are here to
9 conduct a pre-hearing conference. It's a few
10 minutes after 10:00, which is the time scheduled
11 for the beginning of this conference.

12 I'll begin with entries of appearance.
13 I'll note that the Complainants are not present.

14 MR. BUSCH: The parking garage is full.
15 That may take an extra few minutes.

16 JUDGE JORDAN: Okay. Thank you. Entry of
17 appearance from Missouri American Water Company?

18 MS. CARTER: Diana Carter, Brydon,
19 Swearngen & England, P.O. Box 456, Jefferson City,
20 Missouri, 65102 for Missouri American Water
21 Company.

22 JUDGE JORDAN: Thank you. And for Staff?

23 MR. WILLIAMS: Kevin Thompson, Chief Staff
24 Counsel, and Nathan Williams, Deputy Staff Counsel,
25 P.O. Box 360, Jefferson City, Missouri, 65102.

1 JUDGE JORDAN: Thank you, Counselor. And
2 do you have a representative staff with you today?

3 MR. WILLIAMS: Yes. Mr. Bush.

4 JUDGE JORDAN: Thank you very much. And I
5 see that the Office of Public Counsel is not
6 present, though, by regulation, they are a party to
7 this action. They've elected not to appear.

8 As far as Complainant is not here yet, I
9 am going to take a recess for a few minutes to give
10 them some extra time to find some parking, and then
11 we'll go back on the record. We're off the record.

12 (Break in proceedings.)

13 JUDGE JORDAN: And let's go back on the
14 record. We're back on the record. Complainants
15 are not in the room. Staff has looked for
16 complainants outside the room. Have you -- have
17 you found anyone?

18 MR. BUSCH: I have not.

19 JUDGE JORDAN: Thank you. Well, before I
20 recess this, I want the parties to know that I will
21 be available the rest of the day if the
22 Complainants do show up. Will Counsel for the
23 utility be available?

24 MS. CARTER: Yes. And I --

25 JUDGE JORDAN: Okay.

1 MS. CARTER: -- can leave a cell phone
2 number if that will work or e-mail, and I'll get
3 that immediately.

4 JUDGE JORDAN: Okay. That's good. And
5 Staff?

6 MR. WILLIAMS: Yes.

7 JUDGE JORDAN: Very good. Very good.
8 Before we go off the record, then, I just want to
9 get an idea where we are with this action because
10 the Complaint suggests that the Complainants have
11 paid the disputed bills. Do I have that right?

12 MS. CARTER: I am so sorry, Judge. I do
13 not know. I am filling in for Tim Luft today who
14 is Missouri American's regular Counsel in the case.

15 JUDGE JORDAN: Okay. I didn't see
16 anything in Staff's report about setting the refund
17 regulation on how to do this.

18 MR. WILLIAMS: I'm filling in for Kevin
19 Thompson, so I don't know very much about the facts
20 of the case.

21 JUDGE JORDAN: Okay.

22 MR. BUSCH: I don't know if they are
23 continuing to pay or not.

24 JUDGE JORDAN: Okay. Okay. Have the
25 parties been discussing what to do with these

1 disputed bills?

2 MR. BUSCH: No.

3 MS. CARTER: No.

4 JUDGE JORDAN: Okay. Well, I think the
5 thing that -- this is -- this is not entirely a
6 private dispute. There is a regulatory function
7 here.

8 And I think the most significant thing in
9 that regard for the Commission is what appears to
10 be kind of a gap in this tariff. As Staff has
11 described it, there are a couple of residences that
12 just were not on the books for this tariff. Is
13 that -- is that accurate?

14 MR. BUSCH: It -- what happened was when
15 Missouri American took over, they did not realize
16 that there were two customers that were connected
17 to the sewer system but were not connected to the
18 water system. So these customers were found after
19 the fact.

20 So I didn't -- there was no contemplation
21 that there would be an unmetered customer when this
22 was being first put onto the tariff.

23 JUDGE JORDAN: In -- in Staff's report of
24 investigation, summary and Staff's recommendation
25 suggests a new tariff. Has Missouri American filed

1 a tariff to -- to address this gap?

2 MR. BUSCH: They have not. And part of
3 the reason why is due to the ISRS. They will be
4 filing a rate case within the next few months. So
5 instead of trying to, you know -- I assume it would
6 be better if we're going to change something, we do
7 it in the context of that rate case.

8 JUDGE JORDAN: Okay. Okay. That's all
9 the questions I had. Is there anything that anyone
10 else wants to bring up?

11 MR. WILLIAMS: I'll just point out that
12 the person who is responding for Staff is Jim
13 Busch, not an attorney.

14 JUDGE JORDAN: Thank you. I imagine the
15 reporter has -- has noted that. Anything else,
16 then?

17 MS. CARTER: Nothing else. Thank you.

18 JUDGE JORDAN: I don't have anything else.
19 Thank you for showing up this morning. And we're
20 off the record.

21 (The proceedings were concluded at 10:20 a.m. on
22 March 11, 2015.)

23

24

25

1 REPORTER'S CERTIFICATE

2

3 STATE OF MISSOURI)

) ss.

4 COUNTY OF OSAGE)

5

6 I, Monnie S. Mealy, Certified Shorthand Reporter,
7 Certified Court Reporter #0538, and Registered Professional
8 Reporter, within and for the State of Missouri, do hereby
9 certify that I was personally present at the proceedings as
10 set forth in the caption sheet hereof; that I then and there
11 took down in stenotype the proceedings had at said time and
12 was thereafter transcribed by me, and is fully and accurately
13 set forth in the preceding pages.

14

15

16

17

18 Monnie S. Mealy, CSR, CCR #0538

19

Registered Professional Reporter

20

21

22

23

24

25

A	7:4,7 CCR 1:21 8:18 cell 5:1 CERTIFICATE 8:1 Certified 8:6,7 certify 8:9 change 7:6 Chief 3:23 City 1:7,22 2:5 2:10 3:19,25 Commission 1:1 2:2,4 3:3 6:9 Company 1:13 2:7 3:6,17,21 Complainant 4:8 complainants 3:13 4:14,16,22 5:10 complaint 3:5 5:10 concluded 7:21 conduct 3:9 conference 1:5 3:9,11 connected 6:16 6:17 contemplation 6:20 context 7:7 continuing 5:23 Counsel 3:24,24 4:5,22 5:14 Counselor 4:1 COUNTY 8:4 couple 6:11 Court 8:7 CSR 1:21 8:18 customer 6:21 customers 6:16 6:18	described 6:11 Diana 2:8 3:18 Diane 1:10 3:5 discussing 5:25 dispute 6:6 disputed 5:11 6:1 due 7:3	hereof 8:10	minutes 3:10,15 4:9 Missouri 1:1,7 1:13 2:2,7 3:6 3:17,20,20,25 5:14 6:15,25 8:3,8 MO 1:22 2:5,10 Monnie 1:21 8:6 8:18 months 7:4 morning 3:3 7:19
B	D	E	I	N
back 4:11,13,14 beginning 3:11 better 7:6 bills 5:11 6:1 books 6:12 Boulevard 1:22 Box 2:5,10 3:19 3:25 Break 4:12 bring 7:10 Brydon 2:9 3:18 Busch 2:13 3:14 4:18 5:22 6:2 6:14 7:2,13 Bush 4:3	D 3:1 Daniel 1:17 3:7 day 4:21 Deputy 3:24	E 2:1,1 3:1,1 East 2:9 elected 4:7 England 2:9 3:19 entirely 6:5 entries 3:12 Entry 3:16 extra 3:15 4:10 e-mail 5:2	idea 5:9 imagine 7:14 immediately 5:3 investigation 6:24 ISRS 7:3	N 2:1 3:1 Nathan 2:3 3:24 new 6:25 note 3:13 noted 7:15 number 5:2
C		F	J	O
C 2:1,8 3:1 calling 3:3 Capitol 2:9 caption 8:10 Carter 2:8 3:18 3:18 4:24 5:1 5:12 6:3 7:17 case 1:12 5:14,20		fact 6:19 facts 5:19 far 4:8 File 3:4 filed 6:25 filing 7:4 filling 5:13,18 find 4:10 first 6:22 forth 8:10,13 found 4:17 6:18 full 3:14 fully 8:12 function 6:6	Jefferson 1:7,22 2:5,10 3:19,25 Jim 2:13 7:12 Jordan 1:17 3:2 3:7,16,22 4:1,4 4:13,19,25 5:4 5:7,15,21,24 6:4,23 7:8,14 7:18 Judge 1:17,18 3:2,8,16,22 4:1 4:4,13,19,25 5:4,7,12,15,21 5:24 6:4,23 7:8 7:14,18	O 3:1 Office 4:5 Okay 3:16 4:25 5:4,15,21,24,24 6:4 7:8,8 OSAGE 8:4 outside 4:16
		G	K	P
		G 3:1 gap 6:10 7:1 garage 3:14 give 4:9 go 3:2 4:11,13 5:8 going 4:9 7:6 good 3:3 5:4,7,7 Grady 1:10 3:5	Kevin 2:3 3:23 5:18 kind 6:10 know 4:20 5:13 5:19,22 7:5	P 2:1,1 3:1 pages 8:13 paid 5:11 parking 3:14 4:10 part 7:2 parties 4:20 5:25 party 4:6 pay 5:23 person 7:12 personally 8:9 Petitioner 1:11 phone 5:1 point 7:11 preceding 8:13 Prehearing 1:5
		H	L	
		happened 6:14	Law 1:18 3:7 leave 5:1 let's 3:2 4:13 Litigation 1:21 looked 4:15 Luft 5:13	
			M	
			Madison 2:4 March 1:7 7:22 Mealy 1:21 8:6 8:18 Midwest 1:21	

<p>present 2:12 3:13 4:6 8:9 Presiding 1:17 pre-hearing 3:9 private 6:6 proceedings 1:3 4:12 7:21 8:9 8:11 Professional 8:7 8:19 Public 1:1 2:2,4 4:5 put 6:22 P.O 2:5,10 3:19 3:25</p> <hr/> <p>Q</p> <p>questions 7:9</p> <hr/> <p>R</p> <p>R 2:1 3:1 rate 7:4,7 realize 6:15 reason 7:3 recess 4:9,20 recommendation 6:24 record 3:2 4:11 4:11,14,14 5:8 7:20 refund 5:16 regard 6:9 Registered 8:7 8:19 regular 5:14 regulation 4:6 5:17 regulatory 1:18 3:7 6:6 report 5:16 6:23 REPORTED 1:21 reporter 7:15 8:6 8:7,8,19 REPORTER'S 8:1 representative</p>	<p>4:2 residences 6:11 Respondent 1:14 responding 7:12 rest 4:21 right 5:11 room 4:15,16 RPR 1:21 R.E 1:17</p> <hr/> <p>S</p> <p>S 1:21 2:1 3:1 8:6 8:18 scheduled 3:10 SC-2015-0139 1:12 3:4 see 4:5 5:15 SENIOR 1:18 Service 1:1 2:2,4 Services 1:21 set 8:10,13 setting 5:16 sewer 6:17 sheet 8:10 Shorthand 8:6 show 4:22 showing 7:19 significant 6:8 sorry 5:12 ss 8:3 staff 2:2 3:22,23 3:24 4:2,15 5:5 6:10 7:12 Staff's 5:16 6:23 6:24 State 1:1 8:3,8 stenotype 8:11 Street 2:4 suggests 5:10 6:25 Suite 1:22 summary 6:24 Swearengen 2:9 3:19 system 6:17,18</p> <hr/> <p>T</p>	<p>take 3:15 4:9 tariff 6:10,12,22 6:25 7:1 Thank 3:16,22 4:1,4,19 7:14 7:17,19 thing 6:5,8 think 6:4,8 Thompson 2:3 3:23 5:19 Tim 5:13 time 3:10 4:10 8:11 Timothy 1:10 3:5 today 4:2 5:13 transcribed 8:12 TRANSCRIPT 1:3 Truman 1:22 trying 7:5 two 6:16</p> <hr/> <p>U</p> <p>unmetered 6:21 utility 4:23</p> <hr/> <p>V</p> <p>versus 3:5 Volume 1:8 vs 1:12</p> <hr/> <p>W</p> <p>W 1:22 want 4:20 5:8 wants 7:10 water 1:13 2:7 3:6,17,20 6:18 we'll 4:11 we're 4:11,14 7:6 7:19 Williams 2:3 3:23,24 4:3 5:6 5:18 7:11 work 5:2</p> <hr/> <p>#</p> <p>#0538 8:7,18</p>	<hr/> <p>1</p> <p>1 1:8 10:00 3:10 10:20 7:21 11 1:7 7:22</p> <hr/> <p>2</p> <p>200 2:4 2015 1:7 7:22 207 1:22</p> <hr/> <p>3</p> <p>312 2:9 3432 1:22 360 2:5 3:25</p> <hr/> <p>4</p> <p>456 2:10 3:19</p> <hr/> <p>5</p> <p>573 1:23 2:6,11</p> <hr/> <p>6</p> <p>635-7166 2:11 636-7551 1:23 65102 2:5 3:20 3:25 65102-0456 2:10 65109 1:22</p> <hr/> <p>7</p> <p>751-3234 2:6</p>
--	---	---	--