

TRANSCRIPT OF PROCEEDINGS

Procedural Conference

January 20, 2010
Jefferson City, Missouri
Volume 1

10	The Staff of the Missouri)
	Public Service Commission,)
11)
	Complainant,)
12)
	vs.)Case No. SC-2010-0150
13)
	Aqua Development Company, d/b/a)
14	Aqua Missouri, Inc.,)
)
15	Respondents.)
16	<hr/>	
	The Staff of the Missouri)
17	Public Service Commission,)
)
18	Complainant,)
)
19	vs.)Case No. WC-2010-0151
)
20	Aqua Missouri, Inc.,)
)
21	Respondent.)

1 The Staff of the Missouri)
Public Service Commission,)
2)
Complainant,)
3)
vs.)Case No. SC-2010-0152
4)
Aqua Missouri, Inc.,)
5)
Respondent.)

7 The Staff of the Missouri)
Public Service Commission,)
8)
Complainant,)
9)
vs.)
10)
Aqua RU, Inc., d/b/a Aqua)
11 Missouri, Inc.,)
Respondent.)

13

14 JUDGE HAROLD STEARLEY, Presiding
15 SENIOR REGULATORY LAW JUDGE

16

17

18

19

20 REPORTED BY: Monnie S. Mealy, CCR, CSR, RPR
Midwest Litigation Services
21 3432 W. Truman Boulevard, Suite 207
Jefferson City, MO 65109
22 (573) 636-7551

23

24

25

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

2 For Staff of the Missouri Public Service Commission:

3 Mr. Eric Dearmont
4 Public Service Commission
5 P.O. Box 360
6 200 Madison Street
7 Jefferson City, MO 65102
8 (573) 751-5472

9 For Office of the Public Counsel and the Public:

10 Ms. Christina Baker, PE, JD
11 Department of Economic Development
12 Office of the Public Counsel
13 200 Madison Street
14 P.O. Box 2230
15 Jefferson City, MO 65102
16 (573) 751-5565

17 For Aqua Missouri, et al.:

18 Mr. Marc Ellinger
19 Blitz, Bardgett & Deutsch
20 308 E. High Street, Suite 301
21 Jefferson City, MO 65101
22 (573) 634-2500

23 Ms. Kimberly Joyce
24 Attorney at Law
25 762 Lancaster Avenue
 Bryn Mawr, PA 19010

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

2 JUDGE STEARLEY: All right. We're going to go
3 ahead and go on the record. Good morning. It's
4 Wednesday, January 20th, 2010. We are here for a
5 prehearing conference in the File No. SC-2010-0150, et
6 al., which is a consolidation of four complaint cases
7 captioned the Staff of the Missouri Public Service
8 Commission versus Aqua Development Company doing business
9 as Aqua Missouri, Incorporated.

10 I know these four complaints cover several
11 different Aqua entities and multiple water and sewer
12 districts, but we've consolidated the matters as a matter
13 of administrative efficiency.

14 My name is Harold Stearley. I'm the presiding
15 officer over these matters. Our court reporter this
16 morning -- morning is Monnie Mealy. And we will begin by
17 taking entries of appearance starting with Aqua Missouri,
18 Incorporated.

19 MR. ELLINGER: I'm Marc Ellinger. Marc Ellinger
20 and Stephanie Bell with the law firm of Blitz, Bardgett &
21 Deutsch, 38 East High, Suite 301, Jefferson City,
22 Missouri, 65101, for the company Aqua Missouri. And also
23 on the phone, Kim?

24 MS. JOYCE: Hi. This is Kimberly Joyce,
25 J-o-y-c-e, on behalf of Aqua Missouri. My business

1 address is 762 West Lancaster Avenue, Bryn Mawr, that's
2 two words, B-r-y-n M-a-w-r, Pennsylvania, 19010.

3 JUDGE STEARLEY: All right. Thank you, Ms.
4 Joyce. And thank you, Mr. Ellinger. The Office of the
5 Public Counsel?

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

10 JUDGE STEARLEY: Okay. Thank you, Ms. Baker.
11 And Staff of the Missouri Public Service Commission?

12 MR. DEARMONT: Good morning, Judge. Eric
13 Dearmont on behalf of the Staff of the Missouri Public
14 Service Commission, P.O. Box 360, Jefferson City,
15 Missouri, 65102.

16 JUDGE STEARLY: All right. Thank you,
17 Mr. Dearmont. Are there any preliminary matters we need
18 to take up at this conference?

19 MR. DEARMONT: I know of none.

20 MR. ELLINGER: None that I'm aware of, Judge.

21 JUDGE STEARLEY: All right. Very well. I know
22 we're early on in this matter. I don't know if the
23 parties are talking settlement, if they're already wanting
24 to proceed to hearing.

25 At this point in time, I'll ask you all to file

1 a status report with the Commission a week from today.

2 And you can indicate if you know how you wish to proceed
3 or if you wish more time for discussions.

4 If you know you're going to be going to hearing
5 and you want to provide a proposed procedural schedule, by
6 all means, feel free to do so. I intended to bring our
7 adjudication calendar with me, and I believe I forgot it.

8 MR. DEARMONT: I have one if you need one
9 through -- through May.

10 JUDGE STEARLEY: All right.

11 MR. DEARMONT: Not that there's much room.

12 JUDGE STEARLEY: No. We have a pretty booked
13 procedural schedule till summer. So if you do decide
14 you're going to proceed to hearing and file a proposed
15 procedural schedule, I would like you to include in that
16 schedule a date for filing a Joint Stipulation of
17 Non-contested Material Facts that will help focus what
18 material disputes are existing between the parties.

19 Also, let the Commission know if you're wanting
20 to have pre-filed testimony or a live evidentiary hearing.

21 Is there anything else we need to take up at
22 this time? All right. Well, we'll conclude the
23 on-the-record portion of this conference, and I'll leave
24 you all to your discussions. I thank you all very much.

25 MS. BAKER: Thank you, Judge.

1 MR. ELLINGER: Thank you, Judge.

2 MR. DEARMONT: Thank you, Judge.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 REPORTER'S CERTIFICATE

2

3 STATE OF MISSOURI)

)

4 COUNTY OF OSAGE)

5

6 I, Monnie S. Mealy, Certified Shorthand Reporter,

7 Certified Court Reporter #0538, and Registered

8 Professional Reporter, and Notary Public, within and for

9 the State of Missouri, do hereby certify that I was

10 personally present at the proceedings as set forth in the

11 caption sheet hereof; that I then and there took down in

12 stenotype the proceedings had at said time and was

13 thereafter transcribed by me, and is fully and accurately

14 set forth in the preceding pages.

15

16

17

18

19

20

21 _____
Monnie S. Mealy, CSR, CCR #0539

22 Registered Professional Reporter

23

24

25