

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Settlement Conference

April 5, 2007
Jefferson City, Missouri
Volume 3

Gerald and Joanne Reiersen,)
)
 Petitioner,)
)Case No.
 vs.)SC-2005-0083, et al.
)
Kenneth Jaeger and Blue)
Lagoon Sewer Corp.,)
)
 Respondents.)

RONALD D. PRIDGIN, Presiding
SENIOR REGULATORY LAW JUDGE

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

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

2 JUDGE PRIDGIN: All right. Good morning. We're
3 on the record. This is the settlement conference for
4 Case Nos. SC-2005-0083, Gerald and Joanne Reiersen versus
5 Kenneth Jaeger and Blue Lagoon Sewer Corporation, and
6 SC-2005-0099, Robert M. Hallibush versus Kenneth Jaeger
7 and Blue Lagoon Sewer Corporation.

8 I'm Ron Pridgin. I'm the Regulatory Law Judge
9 assigned to preside over this settlement conference being
10 held on April 5th, 2007, in the Governor's office in
11 Jefferson City, Missouri. The time is approximately ten
12 after 10 a.m.

13 I would like to get entries of appearance from
14 counsel, beginning with the General Counsel's office,
15 please.

16 MR. KRUEGER: Keith R. Krueger for the Staff of
17 the Missouri Public Service Commission. My address is
18 P.O. Box 360, Jefferson City, Missouri, 65102.

19 JUDGE PRIDGIN: Mr. Krueger, thank you. On
20 behalf of Kenneth Jeager and Blue Lagoon Sewer
21 Corporation?

22 MS. MORROW NUTT: Meredith Morrow Nutt here for
23 James Lemon, Address 119 South 10th Street, Hannibal,
24 Missouri, 63401.

25 JUDGE PRIDGIN: All right. Thank you very much.

1 On behalf of the Office of the Public Counsel, please?

2 MS. BAKER: Thank you, your Honor. Christina
3 Baker, P.O. Box 2230, Jefferson City, Missouri, 65102.
4 Appearing for the Office of Public Counsel and the
5 ratepayers.

6 JUDGE PRIDGIN: Ms. Baker, thank you. Any entry
7 on behalf of Gerald or Joanne Reiersen? Hearing none,
8 we'll mark that they are not present. Any entry on behalf
9 of Robert Hallibush? Hearing none, we'll mark that they
10 are not present.

11 And down for Blue Lagoon -- I'm sorry. I
12 neglected to get your name. Could you state your name for
13 me again, please?

14 MS. MORROW NUTT: Meredith Morrow Nutt, spelled
15 M-e-r-e-d-i-t-h M-o-r-r-o-w N-u-t-t. There's no hyphen.

16 JUDGE PRIDGIN: All right. Thank you very much.
17 Let me go over a couple of things, and then I'll -- I'll
18 try to address any concerns that you have. And -- and
19 part of the problem here is we don't have the complainants
20 in person. Hopefully, they will either show up shortly or
21 will be able to speak to you by phone in a little bit.
22 And do you prefer to be called Ms. Morrow?

23 MS. MORROW NUTT: Ms. -- Ms. Nutt is fine.

24 JUDGE PRIDGIN: Ms. Nutt. All right. Thank
25 you. I'm sorry. I know the -- unless my file is

1 mistaken, that I ordered rebuttal testimony to be filed by
2 March 29th, and I don't have any testimony or -- or motion
3 for leave to late file or any explanation. Do you have
4 any explanation as to why we haven't received any
5 testimony?

6 MS. MORROW NUTT: My understanding is that there
7 is no rebuttal testimony.

8 JUDGE PRIDGIN: I can certainly -- certainly
9 recheck my order. Mr. Krueger, does that sound accurate
10 to you?

11 MR. KRUEGER: Yes, it does. I spoke with
12 Mr. Lemon yesterday, and he said that -- that it was not
13 an oversight, that it was not intended to -- they did not
14 intend to file rebuttal testimony. Is that correct?

15 MS. MORROW NUTT: That is my understanding.

16 JUDGE PRIDGIN: That's fine. If you have no
17 testimony, that's fine. We'll note for the record that
18 you'll not be filing any rebuttal. I note -- and I don't
19 have the complainants here to tell them this, and the
20 parties can certainly feel free to -- to speak for me.

21 It looks like -- I forget which of the
22 complainants, or maybe both of them, are asking for the
23 Commission to order Cannon Water District to take over
24 these facilities.

25 And upon my review of the statute that they've

1 cited and looking at the Secretary of State's records, it
2 looks like that Cannon Water District is a Chapter 247
3 water district and that the statute that they're using
4 excludes a public water district from being a capable
5 public utility under the statute.

6 And so I'm -- I'm rather doubtful that -- that
7 the Commission can give them what they're asking for. I'm
8 not a Commissioner. I don't get a vote. So that's -- I
9 mean, you can take that for what it's worth, but it's my
10 reading of the statute that they've got a problem.

11 That's not to say that, you know, the parties
12 are in any way discouraged from trying to negotiate some
13 resolution where the water district might -- might take
14 over. And, obviously, the Commission has the authority to
15 order a server.

16 And I don't know if Cannon is a -- is a
17 potential server for these assets if the Commission
18 determines that -- that Blue Lagoon is not providing safe
19 and adequate service. I guess without the -- without the
20 complainants being here, that's kind of the short version
21 of -- of the comments that I have.

22 Is there anything that Counsel wishes to bring
23 to my attention? Any pending motions or anything I need
24 to know about?

25 MR. KRUEGER: Not from Staff, your Honor.

1 JUDGE PRIDGIN: All right.

2 MS. BAKER: Not from Public Counsel.

3 MS. MORROW NUTT: Not from us either.

4 JUDGE PRIDGIN: All right. Thank you very much,
5 Counsel. I believe we are set for hearing on April 26th,
6 if I'm not mistaken. And I'm trying to think of what else
7 -- I'm assuming we're not going to get any further
8 testimony since we have no rebuttal.

9 Ms. Baker, has OPC filed any testimony?

10 MS. BAKER: No, we have not, and we do not
11 intend to.

12 JUDGE PRIDGIN: Okay. I did not think so. So
13 it looks like that would leave as the next item on April
14 17th date of list of issues, order of witnesses and order
15 of cross. So if there's nothing further from counsel --
16 all right. You have access to this room until 5:00.

17 Normally, I would be here the remainder of the
18 day, but -- but I will be leaving shortly and will be
19 unavailable. But you can certainly contact me next week
20 if you have any scheduling issues.

21 I've got a conference phone here if you need to
22 use it to try to contact the complainants and speak with
23 them. If there's anything else from counsel?

24 MR. KRUEGER: No, your Honor.

25 MS. MORROW NUTT: No.

1 MS. BAKER: No.

2 JUDGE PRIDGIN: All right. Thank you very much.

3 Hearing nothing, that will conclude the on-the-record

4 portion of settlement conference numbers SC-2005-0083 and

5 SC-2005-0099. Thank you very much. We're off the record.

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1 REPORTER'S CERTIFICATE

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3 STATE OF MISSOURI)
) ss.
4 COUNTY OF OSAGE)

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6 I, Monnie S. VanZant, Certified Shorthand
7 Reporter, 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.

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16 IN WITNESS WHEREOF, I have hereunto set my hand and
17 seal on April 30, 2007.

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Monnie S. VanZant, CSR, CCR #0539

22 Registered Professional Reporter

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