

1 STATE OF MISSOURI
2 PUBLIC SERVICE COMMISSION
3
4 TRANSCRIPT OF PROCEEDINGS
5
6 PREHEARING CONFERENCE
7 June 28, 2006
8 Jefferson City, Missouri
9 Volume 1
10
11 Gerald and Joanne Reiersen,)
12)
12 Complainants,)
13)
13 vs.) Case No. SC-2005-0083
14)
14 Kenneth Jaeger and Blue)
15 Lagoon Sewer Corp.,)
16)
16 Respondents.)
17)
17 Robert M. Hellebusch,)
18)
18 Complainant,)
19)
19 vs.) Case No. SC-2005-0099
20)
20 Kenneth Jaeger and Blue)
21 Lagoon Sewer Corp.,)
22)
21 Respondents.)
22)
22 RONALD D. PRIDGIN, Presiding,
23 REGULATORY LAW JUDGE.
24
24 REPORTED BY:
25
25 STEPHANIE L. KURTZ MORGAN, RPR, CCR
25 MIDWEST LITIGATION SERVICES

1 APPEARANCES:

2 JAMES F. LEMON, Attorney at Law
3 Ahrens, Hale & Lemon, L.L.C.
4 800 Broadway
5 Hannibal, Missouri 63401
6 (573) 221-4060

7 FOR: Kenneth Jaeger.
8 Blue Lagoon Sewer Corp.

9 LERA L. SHEMWELL, Senior Counsel
10 200 Madison Street
11 P. O. Box 360
12 Jefferson City, Missouri 65102
13 (573) 751-3234

14 FOR: Staff of the Missouri Public Service
15 Commission.
16
17
18
19
20
21
22
23
24
25

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

2 JUDGE PRIDGIN: We'll go on the record. Good
3 morning. This is the prehearing conference in Cases
4 No. SC-2005-0099 entitled Robert M. Hellebusch versus
5 Kenneth Jaeger and Blue Lagoon Sewer Corporation, and also
6 SC-2005-0083 entitled Gerald and Joanne Reiersen versus
7 Kenneth Jaeger and Blue Lagoon Sewer Corporation.

8 I am Ron Pridgin. I am a Regulatory Law Judge
9 with the Missouri Public Service Commission, and I am
10 presiding over this morning's prehearing conference that's
11 being held at approximately 10:15 a.m. in the Governor
12 Office Building in Jefferson City, Missouri.

13 I understand that I've got different parties here,
14 and I -- I'll want oral entries of appearance from them,
15 please, beginning with Staff.

16 MS. SHEMWELL: Good morning and thank you, Your
17 Honor. Lera Shemwell representing the Staff of the Missouri
18 Public Service Commission. Post Office Box 360, Jefferson
19 City, Missouri 65102.

20 JUDGE PRIDGIN: Ms. Shemwell, thank you.

21 Anyone here on behalf of Mr. Jaeger and/or Blue
22 Lagoon Sewer Corporation?

23 MR. LEMON: Yes, Judge. James Lemon, Ahrens,
24 Hale & Lemon, 800 Broadway, Hannibal, Missouri. Mr. Jaeger
25 is also here in person.

1 JUDGE PRIDGIN: All right. Mr. Lemon, thank you.

2 Is either Mr. or Mrs. Reierson here in person or
3 by counsel?

4 MR. REIERSON: Gerald Reierson.

5 JUDGE PRIDGIN: I apologize for mispronouncing
6 your name, sir.

7 MR. REIERSON: 43615 Blue Lagoon Drive, Hannibal.

8 JUDGE PRIDGIN: All right. Thank you -- thank you
9 very much. Is it -- is it Mr. Reierson?

10 MR. REIERSON: Reierson.

11 JUDGE PRIDGIN: Thank you very much, sir.

12 And is Mr. Hellebusch here either by counsel or in
13 person?

14 MR. HELLEBUSCH: Yes, I am, Your Honor, right
15 here. Robert Hellebusch, 150 New Grange Pass, St. Charles,
16 Missouri 63304.

17 JUDGE PRIDGIN: Mr. Hellebusch, thank you, sir.

18 Is anyone here on behalf of the Department of
19 Natural Resources or the Attorney General's Office?

20 MR. DICKERSON: Yes, Your Honor. Paul Dickerson
21 with the Department of Natural Resources, P. O. Box 176,
22 Jeff City, Missouri 65201 (sic).

23 JUDGE PRIDGIN: I'm sorry. It's Mr. Dickerson; is
24 that correct?

25 MR. DICKERSON: Yes.

1 JUDGE PRIDGIN: All right. And you're here on
2 behalf of DNR?

3 MR. DICKERSON: Yes.

4 JUDGE PRIDGIN: All right. Thank you.

5 Any other counsel wishing to enter appearances?

6 (NO RESPONSE.)

7 JUDGE PRIDGIN: All right. Thank you.

8 What I'd like to do is to kind of get the parties'
9 opinions on what's going on with this case, and how the
10 Commission should go from here.

11 I -- I set this prehearing conference in lieu of
12 a -- of an on-the-record presentation that Ms. Shemwell
13 requested, so I can at least get the parties' perspectives
14 on where this case is going and where it should go and why.

15 And that way I can report to the Commission and
16 see what the Commission's preferences on how to proceed and
17 what to do.

18 Ms. Shemwell, I believe it's your motion, so
19 whenever you're ready, if you can just explain to me
20 what's --

21 MS. SHEMWELL: Yes, Your Honor.

22 JUDGE PRIDGIN: -- going on?

23 MS. SHEMWELL: Thank you.

24 Staff had recommended an on-the-record
25 presentation because this case has been around a long time.

1 With some of the parties not necessarily represented, we
2 thought that that might be the best approach rather than to
3 filing testimony. And we have done that in a -- a complaint
4 cases and had a more informal process, which we thought
5 might be helpful.

6 The Attorney General has indicated -- Mr. Bozoian,
7 B-O-Z-I-A-N (sic), has indicated he would be happy to come
8 and testify. We understand the Attorney General is
9 proceeding in the Circuit Court. And so --

10 JUDGE PRIDGIN: If -- if I could interrupt -- and
11 I may do this from time to time -- what -- since the AG's
12 Office isn't -- isn't here, what remedies is the State of
13 Missouri seeking in the Circuit Court of Ralls County? What
14 are they after?

15 MS. SHEMWELL: I do not know --

16 JUDGE PRIDGIN: Okay.

17 MS. SHEMWELL: -- what those -- the Department of
18 Natural Resources can speak to that --

19 JUDGE PRIDGIN: Okay.

20 MS. SHEMWELL: -- because it's their -- it's their
21 case that's -- that's -- is moving forward in Circuit Court.

22 JUDGE PRIDGIN: Okay.

23 MS. SHEMWELL: Would you like --

24 JUDGE PRIDGIN: Okay. Mr. -- and I certainly --
25 if anyone wants to jump in, I mean, I'm gonna try to keep

1 this informal, yet orderly, if that makes sense.

2 MR. LEMON: Judge, I could -- I could probably
3 shed a little light, although I'm certainly happy to have
4 DNR jump in, too.

5 Initially there was a consent judgment and order
6 ordering -- in the Circuit Court of Ralls County ordering
7 Mr. Jaeger to take certain actions --

8 JUDGE PRIDGIN: Uh-huh.

9 MR. LEMON: -- regarding upgrades on the system.

10 There were some problems. Some deadlines were not
11 met. There was a motion for a contempt judgment filed. We
12 entered an additional consent judgment after that.

13 At that point Mr. Jaeger was able -- in
14 conjunction with that consent judgment, Mr. Jaeger was able
15 to begin construction on the -- on the upgrades.

16 There are some things which are still not done,
17 but there have been things such as replacement of main
18 lines, et cetera, et cetera, that have now been completed.
19 There are some additional upgrades that still need to be
20 done.

21 The other issue is the idea of a continuing
22 authority -- continuing authority that's going to be
23 approved. The Blue Lagoon Sewer Corporation is -- is not a
24 statutory sewer corporation. It's just a standard
25 not-for-profit. That is something which DNR and -- and I

1 believe PSC also has indicated they're not real happy with.

2 There has been some discussion most recently with
3 the Ralls County Public Water Supply District whether they
4 would take over. They are approved to regulate sewer.
5 They -- they got approved several years ago.

6 JUDGE PRIDGIN: Okay.

7 MR. LEMON: Their attorney, Gary Sokolik, met with
8 myself, Mr. Bozoian, Mr. Hellebusch and -- and some others.
9 They are having a meeting on July the 10th --

10 JUDGE PRIDGIN: Okay.

11 MR. LEMON: -- I believe.

12 And -- and I believe we're on their agenda to see
13 about them taking over. He has --

14 JUDGE PRIDGIN: I -- I'm sorry. If I could
15 interrupt? The Ralls County --

16 MR. LEMON: The Ralls County Public Water Supply
17 District No. 1.

18 JUDGE PRIDGIN: Ralls County Public Water. And
19 so --

20 MR. LEMON: And -- I'm sorry. He -- he's --
21 he's -- he's corrected me. It's not Ralls County Public
22 Water. It's Cannon Water District, which is the other water
23 district in Ralls County.

24 JUDGE PRIDGIN: Cannon Water District?

25 MR. LEMON: Cannon Water District.

1 JUDGE PRIDGIN: C-A-N-N-O-N?

2 MR. LEMON: C-A-N-N-O-N.

3 MR. HELLEBUSCH: Here in Missouri.

4 JUDGE PRIDGIN: Cannon Water District is -- is

5 going to meet and consider --

6 MR. LEMON: Consider.

7 JUDGE PRIDGIN: -- taking over this?

8 MR. LEMON: -- taking over --

9 JUDGE PRIDGIN: Okay.

10 MR. LEMON: -- you know, the system.

11 JUDGE PRIDGIN: Cannon Water District.

12 MS. SHEMWELL: What's their location? Did you

13 say?

14 MR. HELLEBUSCH: Perry.

15 MS. SHEMWELL: Perry?

16 MR. LEMON: Perry, Missouri. I -- I may have the

17 specific address in my file if you need it.

18 JUDGE PRIDGIN: And they're meeting July 10th?

19 MR. LEMON: July the 10th is my understanding

20 of -- of --

21 JUDGE PRIDGIN: All right.

22 MR. LEMON: -- when that meeting is.

23 Their -- their attorney is Gary Sokolik,

24 S-O-K-O-L-I-K, from Perry, Missouri.

25 JUDGE PRIDGIN: All right.

1 MS. SHEMWELL: Would they take over the entire
2 system?

3 MR. LEMON: Yes. That's -- that's the -- they --
4 if -- if they are willing to do it with the -- what the
5 proposal is -- and -- and understand this is still very
6 rough -- is that Mr. Jaeger would quitclaim to them the
7 system and -- and whatever land was necessary for the spray
8 field or -- or whatever the ultimate system is, and they
9 would then be the owners of it and they -- they would run it
10 and do the --

11 MS. SHEMWELL: And that's a public?

12 MR. LEMON: It is -- it is a public entity. And I
13 believe they are PSC regulated.

14 MS. SHEMWELL: Let's ask --

15 JUDGE PRIDGIN: Do they have a -- I'm sorry.

16 MS. SHEMWELL: Let's ask Mr. Hellebusch and
17 Mr. Reiersen. Could we ask what they think of that?

18 JUDGE PRIDGIN: Sure. I don't know if they're --

19 MR. REIERSON: I think that's a great idea.
20 That's the best idea that anybody's come up with yet.

21 MR. HELLEBUSCH: Frankly, if Cannon Water District
22 does take it over, that's -- that's fine.

23 JUDGE PRIDGIN: Okay. And do I understand that
24 they -- that Cannon Water District has a certificate of
25 convenience and necessity?

1 MS. SHEMWELL: It's a public system.

2 JUDGE PRIDGIN: It's a public. So they would not
3 be --

4 MS. SHEMWELL: That's correct. But DNR would have
5 some regulation over them, I believe. But the Commission,
6 as a public or a municipal water supply --

7 JUDGE PRIDGIN: It's a muni.

8 MS. SHEMWELL: -- would not.

9 JUDGE PRIDGIN: So we wouldn't have -- the
10 Commission wouldn't -- wouldn't have regulation over the
11 rates. Would it have any regulation over -- okay.

12 MS. SHEMWELL: I don't believe we regulate at all.
13 But DNR does.

14 JUDGE PRIDGIN: All right.

15 MS. SHEMWELL: So DNR may be aware of that system
16 and --

17 MR. DICKERSON: Yeah, they would -- they would
18 serve as a continuing authority under our rules.

19 JUDGE PRIDGIN: Okay. And DNR has authority over
20 Cannon Water District to make sure that they comply with
21 DNR regs?

22 MR. DICKERSON: Right.

23 JUDGE PRIDGIN: And you have authority to enforce
24 those regs --

25 MR. DICKERSON: Yes.

1 JUDGE PRIDGIN: -- in Circuit Court?

2 MS. DICKERSON: Yes.

3 MS. SHEMWELL: Through the AG.

4 JUDGE PRIDGIN: Yes, the Attorney General's
5 Office.

6 Okay. All right. Okay. Ms. Shemwell, what
7 else -- I want to try to go one at a time. What else -- I'm
8 sorry. Let me let you, because I cut you off in the middle
9 of your -- of your -- and I apologize.

10 MS. SHEMWELL: Staff simply asks for this to try
11 to move things along. I think we have learned something
12 this morning that may result in resolution of this case.

13 And it sounds like the Complainants in the case
14 feel that that's an excellent idea. So it seems to me that
15 we see what happens on the 10th, and if it's satisfactory to
16 Mr. Reiersen or Mr. Hellebusch, then this complaint could
17 be -- as soon as that's accomplished, this complaint could
18 be dropped or withdrawn or indicated as satisfied.

19 So perhaps that's the thing for us to do is visit
20 this morning a little further, and then set a date after the
21 10th to determine, you know, what's happened.

22 JUDGE PRIDGIN: And what I've heard from -- from
23 Mr. Reiersen and Mr. Hellebusch is if Cannon Water District
24 took over this corporation, would you -- and you don't have
25 to -- nothing's final until it's in paper.

1 But if Cannon Water District took over this
2 system, would you consider, you know, dismissing your
3 complaint? Would you be happy with that resolution?

4 MR. REIERSON: Yes.

5 JUDGE PRIDGIN: All right. And Mr. Reiersen said
6 yes.

7 Mr. Hellebusch?

8 MR. HELLEBUSCH: We still have the part of it that
9 he was collecting premiums for sewer bills when he was not
10 authorized to do it, because he was not an -- a -- an
11 authority.

12 JUDGE PRIDGIN: Okay.

13 MR. HELLEBUSCH: He was not a utility company.

14 JUDGE PRIDGIN: And -- and --

15 MR. HELLEBUSCH: So we paid that for six months.

16 JUDGE PRIDGIN: Okay.

17 MR. HELLEBUSCH: So we still have utility bills
18 involved.

19 JUDGE PRIDGIN: Okay. And -- and --

20 MR. HELLEBUSCH: Sewer bill, what do you call
21 those?

22 JUDGE PRIDGIN: Then, Ms. Shemwell, if -- I mean,
23 if they're not gonna -- and I'll let other parties speak to
24 this as well. If they're not Commission regulated, if we're
25 not setting rates, we really don't have any jurisdiction? I

1 mean, that's more of a private contractual matter between
2 the Complaints and the Company, at least as I see it. Now,
3 correct me if I'm wrong.

4 MS. SHEMWELL: It -- it seems to me the question
5 is, then, should they have been a regulated utility?

6 JUDGE PRIDGIN: Right.

7 MS. SHEMWELL: Should they have been brought in as
8 a regulated utility with rates set? And we can certainly
9 discuss that further --

10 JUDGE PRIDGIN: Okay.

11 MS. SHEMWELL: -- in the conference this morning
12 and see what the resolution of that may be.

13 JUDGE PRIDGIN: Okay. And that's -- I mean,
14 obviously you're free to -- to -- to work out whatever.

15 Did -- did I understand that -- that with the
16 Circuit Court of Ralls County we still have some motions
17 pending? I mean, that case is still open, is it not?

18 MR. LEMON: The -- the case is still open, Judge.
19 There -- there actually is -- is an order and -- and there
20 are --

21 JUDGE PRIDGIN: Okay.

22 MR. LEMON: -- some penalties which are daily
23 penalties if certain time -- time limits are not met.

24 I think the Attorney General's Office has agreed
25 to extend some of its time limits in regard to the

1 continuing authority issue because of the fact that we're
2 somewhat at the mercy of the public water supply district,
3 and we had to wait to get on their agenda. But -- and
4 there -- there ac-- actually also are some back- up
5 contingency issues that -- if they refuse, there has been
6 some discussion of a homeowner's association and -- and
7 attempting to get that in place of the continuing authority.

8 JUDGE PRIDGIN: Okay. So it's something that --
9 that the parties are considering is if this Cannon Water
10 District resolution does not occur, that perhaps a
11 homeowner's association might take over that system; is that
12 what I'm hearing?

13 MR. LEMON: That -- that's correct. I mean,
14 there -- there's -- there's some real hope that Cannon will
15 take it over. But I know that Mr. Hellebusch had -- had
16 talked to others and -- about setting up a homeowner's
17 association, and I know some others have -- have a group,
18 too.

19 I think the biggest issue there would probably be
20 representation on the board and coming to some agreement
21 there. But if Cannon falls through, I'm gonna do my best to
22 try to get the parties to work through that and get a -- get
23 an association set up.

24 JUDGE PRIDGIN: Do you have a hearing set next
25 week in the Circuit Court of Ralls County?

1 MR. LEMON: We do not.

2 JUDGE PRIDGIN: Okay. Do you have any -- anything
3 pending -- any motions pending?

4 MR. LEMON: There are no pending motions --

5 JUDGE PRIDGIN: All right.

6 MR. LEMON: -- pursuant to this most recent
7 meeting with Mr. Hellebusch, DNR, my client and the AG's
8 Office.

9 JUDGE PRIDGIN: So that case is basically waiting
10 on this Cannon Water District possibility?

11 MR. LEMON: Exactly, Judge.

12 JUDGE PRIDGIN: All right.

13 MR. HELLEBUSCH: Mr. Lemon?

14 MR. LEMON: Yes.

15 MR. HELLEBUSCH: At our meeting we had at your
16 office --

17 MR. LEMON: Yes.

18 MR. HELLEBUSCH: -- we talked about Cannon Land
19 Company. Has anything been further on that?

20 MR. LEMON: I -- I had not gotten ahold of Gary --
21 I can't think of his last name -- the accountant there. And
22 there's a -- that's correct. I had forgotten. There is
23 a -- there is a second possible authority that -- that was
24 mentioned, which is Cannon Land Company, which is apparently
25 authorized to operate a --

1 MR. HELLEBUSCH: Sewer corporation?

2 MR. LEMON: -- sewer -- a sewer company because of
3 a -- a development they have.

4 It's somewhere within 20 miles of -- of this
5 development.

6 MR. JAEGER: Right across the dam.

7 MR. LEMON: I -- I had not -- Luck -- Gary Luck is
8 that -- that guy's name. I had not gotten ahold of
9 Mr. Luck. Thank you for reminding me. I -- I need to check
10 with him.

11 MR. HELLEBUSCH: He's got it for sale.

12 MR. LEMON: Does he?

13 MR. HELLEBUSCH: Uh-huh.

14 MR. JAEGER: He's trying to sell it.

15 MR. LEMON: Oh, that's right. Cuz there's some
16 discussion about that may be sold to another sewer company.
17 But I will check with Mr. Luck. Thank you for reminding me
18 about that.

19 JUDGE PRIDGIN: Does Cannon Land Company have a
20 certificate of convenience and necessity?

21 MR. MERCIEL: Yes. It's my understanding it's in
22 the process of changing hands right now.

23 JUDGE PRIDGIN: Okay.

24 MR. MERCIEL: I think cuz Gary Luck -- I don't
25 remember if he's the seller or the buyer, but --

1 MR. LEMON: He -- he would be willing to sell. He
2 was, like, the secretary or the president of the Cannon Land
3 Company, I think.

4 MR. MERCIEL: There's somebody -- there's somebody
5 proposing to buy it, and I think it was supposed to take
6 effect the end of this month, if I recall. So it's not
7 necessarily a done deal.

8 JUDGE PRIDGIN: Okay. So we have -- if I'm
9 hearing correctly, we've got Cannon Water District as a
10 possibility. If that falls through, we also have a
11 possibility of Cannon Land Company taking the system over.

12 Mr. Reiersen and Mr. Hellebusch, if -- if Cannon
13 Water District does not agree to take over this system and
14 Cannon Land Company does agree and it has -- apparently has
15 a PSC certificate, is that something that would satisfy you?

16 MR. HELLEBUSCH: Uh-huh. Yes.

17 JUDGE PRIDGIN: Okay. I see -- Mr. Reiersen, is
18 that yes?

19 MR. REIERSON: Yes.

20 JUDGE PRIDGIN: All right. Okay.

21 MR. REIERSON: Isn't there a July 5th court date?

22 MR. LEMON: That was a drop-dead date, but I -- I
23 think we -- we had waived that. But I need to check with
24 the Court and see whether or not they were gonna go ahead
25 and do that or not.

1 MR. HELLEBUSCH: Now, according to what I know
2 from the AG's Office from Harry Bozoian, I think that's firm
3 date or it was the last I knew of it.

4 MR. LEMON: And I -- I -- I -- I have to admit I
5 thought we had resolved those issues at that last meeting,
6 but I haven't talked to Harry about it this week, so --

7 MR. DICKERSON: It's my understanding that there's
8 a -- a report back to the Court on the 5th if any progress
9 has been made. The drop-dead date for it to be completed
10 was June 11th -- were to be completed in direction of the
11 sewer -- sewer main and submittal of a construction permit.

12 So it was a report back on where -- where the
13 progress was made.

14 JUDGE PRIDGIN: Okay.

15 MS. SHEMWELL: Judge, if I might suggest that we
16 meet -- meet off the record, establish the dates, perhaps we
17 can agree on a report to the Commission as a result of this
18 prehearing conference, and suggest dates for -- if final
19 resolution has not occurred, a date for an on-the-record
20 presentation.

21 It sounds like the parties are progressing towards
22 some resolution of the situation, though, so the Commission
23 may not need to be involved until after those events occur.

24 JUDGE PRIDGIN: I -- I would agree. And I -- I
25 don't know, Mr. Lemon, if you know on July 10th if the

1 Cannon Water District is going to vote up or down on the
2 idea or if they're simply going to discuss it. Do you know?

3 MR. LEMON: They -- they haven't specifically
4 said. Mr. Sokolik, their attorney, was -- was hoping to
5 push them right along.

6 JUDGE PRIDGIN: Okay.

7 MR. LEMON: Their engineer is actually the same
8 engineer who is handling the upgrades for Mr. Jaeger.

9 JUDGE PRIDGIN: Okay.

10 MR. LEMON: So -- so we're in hopes that, with his
11 information, they would be in a position to vote. But I
12 don't know for sure that they will or will not.

13 JUDGE PRIDGIN: I understand. Is that a -- is
14 that a public meeting?

15 MR. LEMON: I believe that is a public meeting.

16 JUDGE PRIDGIN: And is that -- I -- I'm hoping
17 that you have notice. If you're interested in attending
18 the -- the -- Mr. Reiersen and Mr. Hellebusch, that you're
19 able to attend and -- and participate.

20 MR. HELLEBUSCH: Right.

21 JUDGE PRIDGIN: And I'll let the parties, you
22 know, discuss off the record. Be sure that they have notice
23 if they want to show up and -- and listen and participate if
24 they're -- if they're allowed to.

25 Is there -- and I think the best thing for me to

1 do is -- is to wrap up this conference and let the parties
2 discuss what kind of report to file and -- and I would -- I
3 would want something fairly soon after July 10th. I don't
4 mean July 11th, but sometime in July.

5 And, Ms. Shemwell, if -- if you could file
6 something with me perhaps by next week just informing me
7 when you're going to inform me, if that makes any sense.

8 MS. SHEMWELL: Certainly.

9 JUDGE PRIDGIN: Cuz I -- I -- it doesn't sound
10 like we know for sure what's going to happen July 10th.

11 MS. SHEMWELL: Correct.

12 JUDGE PRIDGIN: Okay. Is there anything else that
13 the parties would like to bring to my attention before I
14 close this conference?

15 MR. HELLEBUSCH: I guess just out of curiosity,
16 why it has taken Mr. Jaeger so long since he had since
17 May 5th of last year to conform with this.

18 I know Mr. Lemon mentioned that there was
19 problems, okay? Some of them viable, some of them not,
20 okay? He really did not proceed on this until the spring
21 'til he was found in contempt by the Judge to start on it.

22 Since then -- since he has started putting in the
23 pipes, and it's natural for the world to be tore up when
24 you're putting in pipes, but he has -- there's a lot of
25 driveways that are in very -- disarray of people trying to

1 get in and out, okay, which sunk -- sunken holes from the
2 pipes going in and stuff like that which he has not fixed.

3 He's -- he's found it in his wisdom to fix the
4 upper -- the front part to a better extent than he has
5 the -- the bottom part of the subdivision.

6 So I'd like something like that to be addressed on
7 his part. I've mentioned it to him, that they need to be
8 filled in.

9 JUDGE PRIDGIN: Okay. And -- and I don't know
10 that that needs to be done on the record. Obviously you're
11 free to talk and to discuss these issues all you want.

12 And I'll -- if -- if you want to address this on
13 the record, you can. I don't know that it's -- that it's
14 necessarily going to help me or help the Commission resolve
15 this complaint one way or the other.

16 I don't want to preclude folks from speaking on
17 the record if they want, but I don't know how it will assist
18 the Commission --

19 MR. HELLEBUSCH: Okay.

20 JUDGE PRIDGIN: -- to be honest with you.

21 And obviously you're free once -- once I leave,
22 you're free to discuss whatever.

23 Okay. Anything else from the parties before I go
24 off the record?

25 MR. LEMON: No, Judge.

1 MS. SHEMWELL: No.

2 JUDGE PRIDGIN: All right. Seeing -- seeing
3 nothing further, that will conclude the prehearing
4 conference in Cases No. SC-2005-0083 and SC-2005-0099.

5 Thank you very much. We're off the record.

6 MS. SHEMWELL: Thank you.

7 WHEREUPON, the on-the record portion of the
8 prehearing conference was concluded.

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25