

0001

1 STATE OF MISSOURI  
2  
3 PUBLIC SERVICE COMMISSION  
4  
5 TRANSCRIPT OF PROCEEDINGS  
6  
7 Prehearing Conference  
8 September 25, 2006  
9 Jefferson City, Missouri  
10 Volume 1

11 Jason Becker, Becker Development )  
12 Company, )  
13 )  
14 Complainant, )  
15 )  
16 vs. ) Case No. SC-2007-0044  
17 )  
18 AQUA MISSOURI, INC., )  
19 )  
20 Respondent. )

---

21 Jason Becker, Becker Development )  
22 Company, )  
23 )  
24 Complainant, )  
25 )  
26 vs. ) Case No. SC-2007-0045  
27 )  
28 Aqua Missouri, Inc., )  
29 )  
30 Respondent. )

31  
32 MORRIS L. WOODRUFF, Presiding  
33 DEPUTY CHIEF REGULATORY LAW JUDGE

34  
35 REPORTED BY: Monnie S. VanZant, CCR, CSR, RPR  
36 Midwest Litigation Services  
37 3432 W. Truman Boulevard, Suite 207  
38 Jefferson City, MO 65109  
39 (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. Kevin Thompson  
4 Public Service Commission  
5 200 Madison Street  
6 P.O. Box 360  
7 Jefferson City, MO 65102  
8 (573) 751-3350

9 For Office of Public Counsel:

10 Mr. Lewis Mills  
11 Office of the Public Counsel  
12 P.O. Box 2230  
13 200 Madison Street  
14 Jefferson City, MO 65102  
15 (573) 751-3350

16 For Jason Becker &amp; Becker Development Company:

17 Mr. Keith Wenzel  
18 Hendren & Andrae, LLC  
19 221 Bolivar Street, Suite 300  
20 P.O. Box 1069  
21 Jefferson City, MO 65102  
22 (573) 636-8135

23 For Aqua Missouri, Incorporated:

24 Mr. Marc Ellinger  
25 Blitz, Bardgett & Deutsch  
308 East High Street, Suite 300  
Jefferson City, MO 65101  
(573) 634-2500

0003

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

2 JUDGE WOODRUFF: All right. Welcome, everyone.  
3 We're here for a prehearing in two cases, SC-2007-044 --  
4 two zeros and then 44, and SC-2007-0045 both in concern --  
5 complaints by Jason Becker and Becker Development Company  
6 against Aqua, Missouri, Incorporated.

7 And we're going to begin today by taking entries  
8 of appearance, beginning with Jason Becker and Becker  
9 Development Company.

10 MR. WENZEL: Keith Wenzel from the firm of  
11 Hendren & Andrae on behalf of Jason Becker and Becker  
12 Development.

13 JUDGE WOODRUFF: Thank you. For Aqua Missouri?

14 MR. ELLINGER: Mark Ellinger with Blitz,  
15 Bardgett & Duetsch, 308 East High, Suite 301, Jefferson  
16 City, 65101, for Aqua Missouri.

17 JUDGE WOODRUFF: Thank you. And for Staff?

18 MR. THOMPSON: Kevin Thompson, P.O. Box 390,  
19 Jefferson City, Missouri, 65102, for the Staff of the  
20 Missouri Public Service Commission.

21 JUDGE WOODRUFF: And for Office of Public  
22 Counsel?

23 MR. MILLER: On behalf of the Office of Public  
24 Counsel, Lewis Mills and Christina Baker. Our address is  
25 P.O. Box 2230, Jefferson City, Missouri, 65102.

1 JUDGE WOODRUFF: Thank you. I believe that's  
2 all the parties.

3 The first question I want to bring up today is  
4 simply why are there two cases here? I mean, the two  
5 complaints look to be very similar.

6 MR. WENZEL: They are. We had prepared the  
7 first complaint back in February and had deferred filing  
8 that. And then, subsequently, some other issues came up,  
9 so we went ahead and filed the first complaint that we had  
10 prepared in February along with the second complaint. But  
11 you're right. There is duplication.

12 JUDGE WOODRUFF: Would it be appropriate to  
13 consolidate the two, or can one be dismissed?

14 MR. WENZEL: I think it would be appropriate to  
15 consolidate the cases.

16 JUDGE WOODRUFF: All right. I'll prepare an  
17 order, then, to consolidate them, unless somebody has an  
18 objection to that.

19 All right. Well, the main reason you're here  
20 today is to discuss this matter and give me a proposed  
21 procedural schedule as to how you want to -- the  
22 Commission to move towards resolving all of this. So  
23 mostly I'm just going to leave you to your own  
24 discussions.

25 I will ask you to give me a proposed procedural

0005

1 schedule by one week from today, which would be October  
2 2nd. If you can all agree upon a single schedule, that's  
3 great. Have one of the parties go ahead and file that,  
4 and the Commission will consider it.

5 If you can't agree, you can go ahead and file  
6 separate motions with an explanation of why you're  
7 supporting the procedural schedule that you are  
8 supporting, and the Commission will make a decision on  
9 that.

10 Is there anything anyone wants to bring up while  
11 we're on the -- on the record?

12 MR. WENZEL: (Mr. Wenzel shakes head.)

13 JUDGE WOODRUFF: All right. Well, with that,  
14 then, we'll adjourn the on-the-record portion of this  
15 proceeding, and I'll leave you to your discussions. I'll  
16 be upstairs if you need me. Thank you all.

17

18

19

20

21

22

23

24

25