

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Procedural Conference

January 20, 2010  
Jefferson City, Missouri  
Volume 1

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The Staff of the Missouri	)
Public Service Commission,	)
	)
Complainant,	)
	)
vs.	)Case No. SC-2010-0150
	)
Aqua Development Company, d/b/a	)
Aqua Missouri, Inc.,	)
	)
Respondents.	)

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The Staff of the Missouri	)
Public Service Commission,	)
	)
Complainant,	)
	)
vs.	)Case No. WC-2010-0151
	)
Aqua Missouri, Inc.,	)
	)
Respondent.	)

1 The Staff of the Missouri )  
 Public Service Commission, )  
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 Complainant, )  
 3 )  
 vs. )Case No. SC-2010-0152  
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 Aqua Missouri, Inc., )  
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 Respondent. )  
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7 The Staff of the Missouri )  
 Public Service Commission, )  
 8 )  
 Complainant, )  
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 vs. )  
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 Aqua RU, Inc., d/b/a Aqua )  
 11 Missouri, Inc., )  
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 12 Respondent. )

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JUDGE HAROLD STEARLEY, Presiding  
 SENIOR REGULATORY LAW JUDGE

20 REPORTED BY: Monnie S. Mealy, CCR, CSR, RPR  
 Midwest Litigation Services  
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 Jefferson City, MO 65109  
 22 (573) 636-7551

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## 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) 634-250023 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.

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## 1 REPORTER'S CERTIFICATE

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3 STATE OF MISSOURI )

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4 COUNTY OF OSAGE )

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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.

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21 Monnie S. Mealy, CSR, CCR #0539

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Registered Professional Reporter

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