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STATE OF MISSOURI

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PUBLIC SERVICE COMMISSION

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TRANSCRIPT OF PROCEEDINGS

5

Local Public Hearing

6

February 18, 2010

7

Warsaw, Missouri

8

Volume 5

9 In the Matter of the Application)
of Ozark Meadows, Aqua Development)
10 Company, dba Aqua Missouri, Inc.)
Request for Increase in Annual) File No. SR-2010-0023
11 Sewer System Operating Revenues)
MPC Sewer Utility Small Company)
12 Rate Increase Procedures)
In the Matter of Aqua RU, Inc. dba)
13 Aqua Missouri Request for Increase)
in Annual Water System Operating) File No. WR-2010-0025
14 Revenues MPSC Water Utility Small)
Company Rate Increase)

15 In the Matter of Aqua Missouri,)
16 Inc. (CU) Request for Increase in)
Annual Sewer System Operating) File No. SR-2010-0026
17 Revenue MPSC Sewer Utility Small)
Company Rate Increase Procedures)

18 In the Matter of Aqua Missouri,)
19 Inc. (CU) Request for an Increase)
in the Annual Water System) File No. WR-2010-0027
20 Operating Revenues MPSC Water)
Utility Small Company Rate)
21 Increase Procedures)

22

HAROLD STEARLEY, Presiding,
REGULATORY LAW JUDGE

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JEFF DAVIS,
COMMISSIONER.

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2 REPORTED BY:

3 KELLENE K. FEDDERSEN, CSR, RPR, CCR
4 MIDWEST LITIGATION SERVICES

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FOR: Staff of the Missouri Public
Service Commission.

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

2 JUDGE STEARLEY: Good evening. It's
3 Thursday, February 18, 2010. The Missouri Public Service
4 Commission has set this time for a local public hearing in
5 four separate cases in which Aqua Missouri, Incorporated
6 seeks to implement a general rate increase for its water
7 and sewer services in multiple rate districts in the state
8 of Missouri. The file numbers for those cases are
9 SR-2010-0023, WR-2010-0026, SR-2010-00 -- I'm sorry. Let
10 me correct that, WR-2010-0025, SR-2010-0026 and
11 WR-2010-0027.

12 My name is Harold Stearley and I'm the
13 Regulatory Law Judge presiding over tonight's hearing.
14 Our court reporter this evening here with me in Jefferson
15 City is Kellene Feddersen. And I understand Commissioner
16 Davis is present on location.

17 Mr. Ochoa, before we get too much farther,
18 I do want to ask one question. Since our court reporter
19 is in Jeff City tonight, as a backup in case our
20 technology should fail, is there a phone present in the
21 room where you're at?

22 MR. OCHOA: Yes, there is. Jason has the
23 telephone number of that.

24 JUDGE STEARLEY: What is that number in
25 case our video link goes down that we can call and do a

1 conference call?

2 MR. OCHOA: You need to check with him.
3 I'm not sure on what telephone number that was that I gave
4 him. He's got that telephone number.

5 JUDGE STEARLEY: All right. We'll go ahead
6 and proceed, then. This is an official hearing of the
7 Missouri Public Service Commission. Any comments or
8 testimony tonight will be taken under oath. I will have
9 Mr. Ochoa call the names as people had signed in from the
10 witness list, and I will swear them in, I'll ask them to
11 state and spell their name for our court reporter, and
12 then they may make their comments.

13 At the conclusion of their comments, the
14 attorneys present, Commissioner Davis or myself may have
15 questions for those witnesses, so I ask that they stay
16 until we're sure all the questions have been asked and
17 answered.

18 Does anyone have any questions about the
19 procedure we're going to follow tonight? Commissioner
20 Davis, would you like to make some opening remarks?

21 COMMISSIONER DAVIS: My name is
22 Commissioner Jeff Davis. I am here on behalf of my
23 colleagues with the Public Service Commission this
24 evening. There are five Commissioners who are going to
25 hear this case. I am one of the five. We divide up the

1 hearings and try to have at least one live Commissioner at
2 every hearing to see and to meet with people.

3 And so I'm looking forward to hearing your
4 comments, and if you have quality of service issues, I
5 would encourage you to try to be specific about what your
6 complaint is with your service, with your bill. You know,
7 the more specificity you have, the more helpful it is to
8 me. So thank you.

9 JUDGE STEARLEY: Thank you, Commissioner.
10 I'd like to point out to our audience that the local
11 public hearing is designed to take comments and testimony
12 from the witnesses themselves. This is not an evidentiary
13 hearing. The evidentiary hearings we have scheduled for
14 the first couple weeks of March.

15 Consequently, not all the evidence has been
16 admitted into the record. These statements and comments
17 will be admitted into the official record and be reviewed
18 by all the Commissioners. However, since the official
19 record is not complete, the Commissioners are not allowed
20 to comment or answer questions from our witnesses tonight.

21 So if there are questions where information
22 can be provided by the Commission Staff or the company's
23 representatives, I ask that you all hold those until the
24 end of this portion of the hearing.

25 Okay. We shall begin by taking entries of

1 appearance by counsel onsite, beginning with Aqua
2 Development or Aqua Missouri or Aqua RU. Do we have any
3 attorney representatives for the companies listed?

4 (No response.)

5 JUDGE STEARLEY: Hearing no entry, we'll
6 make note in the record that Aqua Missouri does not have
7 an attorney present tonight.

8 How about the Office of the Public Counsel?

9 MS. BAKER: Thank you, your Honor.
10 Christina Baker, P.O. Box 2230, Jefferson City, Missouri
11 65102, appearing on behalf of the Office of the Public
12 Counsel and the ratepayers.

13 JUDGE STEARLEY: Thank you, Ms. Baker. And
14 I would point out to our audience that Ms. Baker is the
15 public advocate, and although our witnesses present
16 tonight or those watching on the web may not be present at
17 any evidentiary hearing, Ms. Baker is your legal
18 representative if we proceed with evidentiary hearings in
19 these matters.

20 The Staff of the Missouri Public Service
21 Commission.

22 MR. DEARMONT: Thank you, Judge. Eric
23 Dearmont on behalf of the Staff of the Missouri Public
24 Service Commission, P.O. Box 360, Jefferson City, Missouri
25 65102.

1 JUDGE STEARLEY: Thank you, Mr. Dearmont.
2 Mr. Ochoa, if you'd please call our first witness.

3 MR. OCHOA: Actually, Judge, Commissioner
4 Davis has the witness sheet, and I'll let him call the
5 names.

6 JUDGE STEARLEY: All right. Very good.

7 COMMISSIONER DAVIS: Okay. Kathy Sullins.
8 Ms. Sullins, can you come forward here, please? Judge,
9 are you going to swear her in?

10 JUDGE STEARLEY: Yes, I am. If you would
11 please state and spell your name for our court reporter.

12 COMMISSIONER DAVIS: State your full name.

13 MS. SULLINS: My full name is Kathryn,
14 K-a-t-h-r-y-n, last name is Sullins, S-u-l-l-i-n-s.

15 JUDGE STEARLEY: All right. Ms. Sullins,
16 if you would please raise your right hand.

17 (Witness sworn.)

18 KATHRYN SULLINS testified as follows:

19 JUDGE STEARLEY: I assume you are a
20 customer of Aqua Missouri's?

21 MS. SULLINS: Yes. I live at the White
22 Branch Resort area.

23 JUDGE STEARLEY: You may proceed with your
24 comments.

25 MS. SULLINS: My concern -- pardon?

1 JUDGE STEARLEY: Please proceed.

2 COMMISSIONER DAVIS: Go ahead. Go ahead,
3 Ms. Sullins.

4 MS. SULLINS: My eyes are getting bad
5 tonight. I'm trying to read some of this here. I find it
6 really unusual that every year that these utility
7 companies have to come in and ask for a raise. Their
8 quality of water is very poor. It's never been any
9 different. I bought back in '82. They came in, not done
10 really anything. They say they've laid lines. They say
11 they flush lines. I'd like to witness this. The rates
12 keep going up. I have to buy drinking water, six gallons
13 or whatever a week. It ruins my coffee pot if I use tap
14 water. The water's very rusty. It ruins my white clothes
15 when I do laundry.

16 I get up in the middle of the night to take
17 a drink of water out of the tap and I can feel it go from
18 my throat on down to my stomach get cramps. Now, this has
19 got to be unfit water.

20 So I have asked numerous times, what have
21 they done? Well, they've supposedly done this, this and
22 this. I'm from Missouri. You've got to show me.
23 Sometimes you can write anything on paper and it will look
24 good to some people. I want to see it done. You've got
25 to make a believer out of me, and today I'm not a believer

1 of anything that they have improved anything on, except
2 for asking another rate increase.

3 And how come the Commission -- can we not
4 change some laws or statutes? This is an antique
5 commission program they're running on. Okay. This was
6 developed back in 1913 on these commissions. Why can't
7 they come up with any different program?

8 They should cap the rate increase
9 somewhere. They should start capping. You can't do this
10 every year for a rate increase. I'm on a fixed income. I
11 have a family of seven in my household, and if it wasn't
12 for me, they would be homeless. I don't see any
13 consideration, and I just pray on the court or whoever
14 that can help us out.

15 I know there's a lady that lives on less
16 than 700 a month on Social Security Disability income.
17 She cannot afford another rate increase. She's in a
18 wheelchair. So, you know, I don't -- I don't see -- I see
19 sky is the limit as far as these rates go, and as far as
20 the consumer goes, I think we're getting screwed. I mean,
21 you know, what are we going to do? Our Social Security
22 don't get a raise for three years. Is that still good?
23 That's not good enough as far as I'm concerned.

24 Where do you buy your supplies when you
25 replace them? Don't buy them at the local hardware. I

1 it's usually -- they're in another state, and sometimes
2 somebody will call me back and I need to call the local
3 health department and have the water tested. Well, see,
4 they'll do that just so much and they'll cut off.

5 And I want a thorough water testing of this
6 system because I still say it's very inadequate for
7 anybody. It gives friends of mine diarrhea. The lady in
8 the wheelchair can't drink it. We have to buy her cases
9 and gallons of water to drink. So I don't -- I mean, you
10 know, I don't warrant the rate increase. I mean, I don't
11 care what they say. Like I say, fixed income, Social
12 Security's on a cap for three years. Apparently they
13 don't care, but that's where I'm coming from.

14 MS. BAKER: That's all the questions that I
15 have. Thank you.

16 MS. SULLINS: Thank you so much.

17 JUDGE STEARLEY: Okay. Mr. Dearmont, any
18 questions for Ms. Sullins?

19 MR. DEARMONT: I have no additional
20 questions. Thank you.

21 JUDGE STEARLEY: All right. Commissioner
22 Davis?

23 COMMISSIONER DAVIS: Ms. Sullins, okay. So
24 is it -- is it rust in the water? Is it iron? Do you
25 know or --

1 MS. SULLINS: It is rust in the water, and
2 like the lady said in the back, if you put a pan of water
3 on to boil it, you ought to see the crud on top of the
4 water. It makes an awful ring around your pan if you boil
5 it. You make a pot of coffee, let that coffee sit any
6 more than three or four seconds, it looks like a gallon of
7 oil has been on top of that coffee. I'm embarrassed to
8 show it and give it to customers, people when they come
9 and visit. I have to make a fresh pot when I see them
10 walk in the door. You don't let it set any more than five
11 minutes.

12 And the coffee pot, the water will eat up
13 the coffee pot. You have got lime or whatever in it. I
14 don't know how many gallons of vinegar I have to go
15 through and clean that coffee pot every month. That's out
16 of my pocket. That's not out of theirs. That isn't for
17 the rate increase.

18 COMMISSIONER DAVIS: So one of the things I
19 heard you say is you want a thorough water testing?

20 MS. SULLINS: I want a thorough. I don't
21 want a, excuse me, half-ass water testing. I want a
22 thorough from top to bottom for every chemical there is,
23 because I think we're being -- I think they're doing what
24 they want to do to make it look good, and I don't think
25 it's fit for the consumer.

1 COMMISSIONER DAVIS: So if we could get the
2 State Department of Natural Resources down here to test
3 the water and you knew when it was, I mean --

4 MS. SULLINS: That would be fine with me.

5 COMMISSIONER DAVIS: That would be fine?

6 MS. SULLINS: I prefer not to go to the
7 State of Missouri. I want it out of the State of
8 Missouri.

9 AUDIENCE MEMBER: I think they already do
10 that, don't they? We get a statement every month or every
11 year at least with the quality of water.

12 MS. SULLINS: But that's once a year.
13 That's not good enough.

14 COMMISSIONER DAVIS: You want more frequent
15 testing?

16 MS. SULLINS: Every three months we need
17 frequent testing, because we never know what's in the
18 water. Even if there's a water line break, automatically
19 that water's contaminated. We're never notified.

20 COMMISSIONER DAVIS: Okay. You referenced
21 insurance and a lightning strike, and tell me a little
22 more about that.

23 MS. SULLINS: Okay. Let's say lightning
24 strikes the tower or the motor. Okay. So does this
25 utility company have insurance to cover what you call act

1 of God deal to protect us from having to pay for stuff?
2 Like, you know, you've got to have car insurance to
3 protect you, to replace what you lost. Don't these
4 utility companies have insurance?

5 COMMISSIONER DAVIS: Ma'am, I'm not trying
6 to be coy with you. I'm not -- I can't really answer your
7 questions, but --

8 MS. SULLINS: And you don't know if they do
9 or not?

10 COMMISSIONER DAVIS: I think hopefully by
11 the end of this meeting someone is listening that will
12 come to you and give you that answer.

13 MS. SULLINS: Okay. Can you require a
14 company to be insured so we're not always eating up the
15 bill with a rate increase as a Commission?

16 COMMISSIONER DAVIS: Ma'am, to the best of
17 my knowledge, most utility companies are insured either by
18 some sort of insurance policy or they are self insured,
19 one way or the other.

20 MS. SULLINS: We pay the premiums anyway
21 for the -- to cover the insurance?

22 COMMISSIONER DAVIS: I don't know the
23 answer to that.

24 MS. SULLINS: Okay. I just feel that we
25 need a complete testing of this water system every three

1 months year round, and I don't believe that they deserve a
2 rate increase, bottom line.

3 COMMISSIONER DAVIS: All right. Thank you,
4 Ms. Sullins.

5 JUDGE STEARLEY: Ms. Sullins, if you could
6 please come back.

7 COMMISSIONER DAVIS: Ms. Sullins, I think
8 the Judge has a question. I'm sorry.

9 MS. SULLINS: All right. Sure.

10 JUDGE STEARLEY: I just had one other
11 question for you. You said something about water line
12 breaks and never being notified?

13 MS. SULLINS: Right.

14 JUDGE STEARLEY: Have you ever been given
15 boil orders by the company?

16 MS. SULLINS: Not in a long time, no.

17 JUDGE STEARLEY: Okay.

18 MS. SULLINS: I've known where the water
19 line's broken, but I've never been contacted there's a
20 boil order, not by the radio station, not by anybody.

21 JUDGE STEARLEY: Can you give us an idea of
22 how many water line breaks and what period of time you're
23 talking about?

24 MS. SULLINS: No, I can't, because White
25 Branch, you have the north area, you have the south area.

1 So I really don't know, because there's like over 250, 300
2 homes. So I don't know exactly, but I know I've told --

3 JUDGE STEARLEY: For you personally, do you
4 know how many breaks there have been that have interrupted
5 your service?

6 MS. SULLINS: I know there's been two.

7 JUDGE STEARLEY: And how long did it take
8 them to restore service?

9 MS. SULLINS: Well, okay. Let me give you
10 a scenario here. There was a house -- there was a house
11 that was empty over the wintertime. The people failed to
12 winterize the cabin or turn the water off. The water
13 lines had bursted underneath the house. Water was coming
14 out of the ground. I had called the water company. Two
15 or three people called the water company. No one would
16 ever answer. The corporate office or our local water man
17 never answered it.

18 So what we done is an individual in the
19 neighborhood, he got a wrench and turned the water off.
20 This went on for six hours. Look at the water we're
21 wasting. Nobody answered that call, not even -- this
22 happened on a Friday. Not even on Monday or Tuesday,
23 nobody ever called.

24 COMMISSIONER DAVIS: Ma'am, when was this?

25 THE WITNESS: This happened last winter.

1 Last winter, about a year ago.

2 COMMISSIONER DAVIS: Okay. So --

3 MS. SULLINS: This was on a vacant house.
4 They did not winterize it, on Pebbles Avenue.

5 COMMISSIONER DAVIS: So January/February
6 2009?

7 MS. SULLINS: Yes.

8 COMMISSIONER DAVIS: Somewhere around
9 there?

10 MS. SULLINS: Approximately about that.

11 JUDGE STEARLEY: Ms. Sullins, I have one
12 final question. Did you ever file a complaint with the
13 Public Service Commission regarding any of these issues?

14 MS. SULLINS: Yes. Also the Attorney
15 General's Office also, yes.

16 JUDGE STEARLEY: Did you speak to any of
17 our staff members when you filed your complaint?

18 MS. SULLINS: I have spoke to staff members
19 before, yes.

20 JUDGE STEARLEY: All right. Well, thank
21 you very much.

22 MS. SULLINS: Thank you.

23 COMMISSIONER DAVIS: Ms. Sullins, I'm sorry
24 to keep you here. I want to ask you one more question.
25 You said that there are approximately 250, 300 homes in

1 the White Branch area?

2 MS. SULLINS: Yes.

3 COMMISSIONER DAVIS: I'm only showing 152
4 customers on the water system. So are all those other
5 people on wells, do you know?

6 MS. SULLINS: I don't know. I don't know
7 how many. There's a few that's on wells because they've
8 had it for many years when they bought them and they
9 refuse to hook up to the water line.

10 COMMISSIONER DAVIS: All right. Thank you,
11 ma'am. Thank you.

12 JUDGE STEARLEY: Commissioner Davis, if
13 you'd please call the next witness.

14 COMMISSIONER DAVIS: Robert Thrasher.

15 JUDGE STEARLEY: Mr. Thrasher, if you'd
16 please state and spell your name for our court reporter.

17 MR. THRASHER: I can't hear the Judge.

18 COMMISSIONER DAVIS: Sir, would you please
19 state your name for the court reporter.

20 MR. THRASHER: Robert Thrasher,
21 T-h-r-a-s-h-e-r.

22 COMMISSIONER DAVIS: And would you raise
23 your right hand.

24 (Witness sworn.)

25 ROBERT THRASHER testified as follows:

1 COMMISSIONER DAVIS: Okay. Mr. Thrasher,
2 are you a customer of Aqua Missouri?

3 MR. THRASHER: Yes, I am.

4 COMMISSIONER DAVIS: Please go ahead,
5 Mr. Thrasher.

6 MR. THRASHER: I've lived here 38 years.
7 Like I said earlier, I was there before water. We do have
8 water, but we have to have a water softener, which that's
9 fine. I go along with that. But the rust and the
10 chemicals that's in our water -- you know, there's water
11 out there in the mud puddle but you wouldn't want to drink
12 it. That's kind of the way we are. We got water but you
13 don't want to drink it.

14 And we've had these rate increases, and
15 I've never seen a bit of change. We did have a new pump
16 put in. That should have been insured. I don't feel like
17 we have to pay for the pump because lightning struck it or
18 whatever. If I have a hot water heater go out, I can't
19 charge it to my customers.

20 I just don't see any improvements. When
21 they first started this, it was, you know, we was going to
22 have a fire hydrant ever, you know, so many blocks. Well,
23 yeah, I got a fire hydrant, but they painted it black and
24 won't let them use it. So what's -- my insurance hasn't
25 went down any, and that was one of the points that they

1 made when they brought this water system in.

2 COMMISSIONER DAVIS: I'm sorry, sir. Was
3 that like a long time ago or was that when Aqua took over?

4 MR. THRASHER: Well, it was when they put
5 the tower in. When they put the water tower in.

6 COMMISSIONER DAVIS: Did Aqua do that or --

7 MR. THRASHER: I think it was before Aqua
8 took over, wasn't it? I'm not --

9 COMMISSIONER DAVIS: Go ahead,
10 Mr. Thrasher.

11 MR. THRASHER: Basically, that's just -- I
12 don't see any improvement, but yet every year they want to
13 raise the price. I don't know where they're coming from
14 on this. That's about all I've got. Thank you.

15 COMMISSIONER DAVIS: Hang on just a second,
16 Mr. Thrasher.

17 JUDGE STEARLEY: Thank you, Commissioner
18 Davis, for swearing in Mr. Thrasher. Can the rest of you
19 hear me all right?

20 MR. THRASHER: Yes, I can hear you.

21 JUDGE STEARLEY: Okay.

22 COMMISSIONER DAVIS: Ms. Baker do you have
23 any questions?

24 MS. BAKER: You've talked about quality of
25 the water. Have you had any billing issues?

1 MR. THRASHER: No.

2 MS. BAKER: Have you had any experience
3 with their customer service call line?

4 MR. THRASHER: Not really, no. They've --
5 they've been good at that if I've had a problem, which I
6 haven't had, other than they did come out and put a valve
7 in to where they could bleed the line, but nobody's ever
8 done it. And it's an eight-inch pipe in the ground, and
9 you've got to lay on your stomach and turn it off and turn
10 the other one on, and there's no way without getting
11 drowned. It doesn't make a hell of a lot of sense the way
12 they put it in, but nobody's ever done it. That's been
13 several years.

14 MS. BAKER: That's all the questions I
15 have. Thank you for coming.

16 MR. DEARMONT: I understand you're a
17 customer. For the record, you live in White Branch,
18 correct?

19 MR. THRASHER: Uh-huh.

20 MR. DEARMONT: That's all I have. Thank
21 you.

22 COMMISSIONER DAVIS: Mr. Thrasher, thank
23 you.

24 JUDGE STEARLEY: I have no additional
25 questions for Mr. Thrasher.

1 COMMISSIONER DAVIS: Sorry, Mr. Thrasher.

2 JUDGE STEARLEY: No additional questions
3 from Jeff City.

4 COMMISSIONER DAVIS: All right. Thank you,
5 Judge. Judge, I'm going to try to move things along here.
6 So if you've got questions, you're going to need to speak
7 up.

8 JUDGE STEARLEY: You go right ahead,
9 Commissioner Davis.

10 COMMISSIONER DAVIS: All right. Virginia
11 Mars. I'm sorry, ma'am.

12 MS. MARS: I have listened to the others.
13 I agree with them, so I won't take any more time.

14 COMMISSIONER DAVIS: Okay. Charles Rogers.

15 MR. ROGERS: Could I put mine in written?

16 COMMISSIONER DAVIS: Yes, sir, you may.

17 MR. ROGERS: One copy of it?

18 COMMISSIONER DAVIS: That's fine.

19 MR. ROGERS: Thank you.

20 COMMISSIONER DAVIS: Thank you, Mr. Rogers.
21 Juanita Porche.

22 MS. PORCHE: You said it correctly, the
23 first time I believe in my life.

24 COMMISSIONER DAVIS: Ms. Porche, would you
25 spell your name for the record, please.

1 MS. PORCHE: Juanita, J-u-a-n-i-t-a, last
2 name Porche, P-o-r-c-h-e.

3 COMMISSIONER DAVIS: Would you raise your
4 right hand.

5 (Witness sworn.)

6 JUANITA PORCHE testified as follows:

7 COMMISSIONER DAVIS: All right. Thank you.
8 Ms. Sullins (sic), are you a customer of White Branch
9 or --

10 MS. PORCHE: Yes. Aqua Missouri, yes.

11 COMMISSIONER DAVIS: Okay. You're Aqua
12 Missouri, you're White Branch?

13 MS. PORCHE: Yes.

14 COMMISSIONER DAVIS: Okay. Please proceed.

15 MS. PORCHE: Well, the water is terrible.
16 I have no trouble with billing. They always bill me on
17 time. I called customer complaint because I not only get
18 the rusty water, I get pebbles when I run the tub, and it
19 looks like sand. And I called and they put in a flush
20 valve. Well, the flush valve, it has helped a little, but
21 it doesn't work. Put on a whole house filter and in two
22 days that filter is so dirty I have to change it again.

23 I do not drink the water. I use Britta. I
24 don't buy bottled. I'm too cheap. I'm from California.
25 That's where I have a home, southern California, the most

1 expensive state in the Union. My water bill in California
2 is cheaper than here, and I hardly use water here because
3 you don't have to water your yard. You don't have to wash
4 your driveway or your sidewalks. And I cannot believe
5 that I pay less in California than I do here, and -- and
6 it's much better quality than here.

7 And I just don't understand this rate
8 increase. For what you get, you know, it's not worth it.
9 Right now they should be lowering the price of the water,
10 not raising it.

11 COMMISSIONER DAVIS: Okay. Thank you,
12 Ms. Porche. Ms. Baker?

13 MS. BAKER: You answered my three, so I'm
14 good.

15 MS. PORCHE: Judge, do you have any?

16 COMMISSIONER DAVIS: Hold on. Eric?

17 MR. DEARMONT: I have no questions. Thank
18 you.

19 COMMISSIONER DAVIS: Judge Stearley?

20 JUDGE STEARLEY: No questions from
21 Jefferson City.

22 MS. PORCHE: Okay. Thank you.

23 COMMISSIONER DAVIS: Thank you, Ms. Porche.

24 All right. Next on the list, Mr. Robert Vandebenner
25 (phonetic).

1 plants, but I certainly don't like to use it for me. The
2 people who owned the house previously used the neighbor's
3 well water to water the outdoor plants. We don't have
4 that -- so that there wouldn't be the chlorine being fed
5 to the lawn and the flowers and so forth. We don't have
6 that privilege, but it would be nice.

7 And I consider possibly a -- if it were
8 possible, to return to well water. I don't know if that's
9 a feasible thing or economically wise or healthy or
10 whatever, but I don't know that it can be any worse. We
11 have had no problems with receiving bills. I guess that's
12 pretty much it.

13 COMMISSIONER DAVIS: Okay. Ms. Baker, any
14 questions?

15 MS. BAKER: Have you contacted customer
16 service?

17 MS. MORGAN: I have never contacted them.
18 We do have a very low water pressure. I don't know if
19 that's because of Aqua or our pipes or -- and our pipes
20 seem to fill up with lime. I don't know. Right now they
21 look like they're beginning to plug the way the water is
22 coming out. And we have to clean the coffee pot every
23 three weeks minimum. So -- and, of course, they don't
24 last all that long, but the coffee doesn't taste good
25 anyway. So that's pretty much it.

1 MS. BAKER: Those are my questions. Thank
2 you.

3 MR. DEARMONT: I have no questions,

4 COMMISSIONER DAVIS: Judge, you got
5 anything?

6 JUDGE STEARLEY: No questions.

7 COMMISSIONER DAVIS: Okay.

8 MS. MORGAN: Thank you.

9 COMMISSIONER DAVIS: Thank you, Ms. Morgan.
10 All right. Next on the list, Ms. Nancy Ralph.

11 NANCY RALPH testified as follows:

12 MS. RALPH: Okay. Nancy Ralph, R-a-l-p-h.
13 Yes, I swear to tell the truth.

14 The water is really bad, and I had -- I
15 moved from California, bought a tankless water heater
16 system to save energy, to save water, to not be wasteful.
17 Lasted about three months. Luckily I purchased insurance
18 on it, so the company replaced the tankless water heater
19 system. And another three months passed by and that one
20 goes out.

21 Well, come to find out that you can't have
22 a tankless water heater system and be serviced by Aqua
23 Missouri because our water is too bad. It clogs it up
24 immediately.

25 I have contacted customer service. They

1 were very nice on the phone. Very nice man came out, told
2 me just to put the water hose and let it run down the
3 ditch and just let it run for three or four hours and then
4 fill up the bathtub. And then he came and put a flush
5 valve. If I call him up, he will come out and flush the
6 valve, and the water is a little better for a little while
7 and it goes back to the same thing.

8 The price is ridiculous. I bought the
9 house five years ago. It was 13.50 for water, and now you
10 want \$50? There is -- there's no reason for it. That's
11 all I have to say. Any questions?

12 COMMISSIONER DAVIS: Ms. Baker?

13 MS. BAKER: Billing?

14 MS. RALPH: They've never missed a bill.
15 Got the bill all the way to California, right on time.

16 MS. BAKER: That's all. Thank you.

17 MR. DEARMONT: You live in White Branch,
18 correct?

19 MS. BAKER: Yes.

20 MR. DEARMONT: I have no further questions.
21 Thank you.

22 COMMISSIONER DAVIS: Judge Stearley?

23 JUDGE STEARLEY: No questions from Jeff
24 City.

25 COMMISSIONER DAVIS: Okay. Thank you,

1 Ms. Ralph.

2 All right. Ms. Deborah Lessley.

3 MS. LESSLEY: Deborah, D-e-b-o-r-a-h,
4 Lessley, L-e-s-s-l-e-y.

5 COMMISSIONER DAVIS: Ms. Lessley, will you
6 raise your right hand.

7 (Witness sworn.)

8 DEBORAH LESSLEY testified as follows:

9 COMMISSIONER DAVIS: All right. Thank you.

10 MS. LESSLEY: Okay. Where do I start?

11 COMMISSIONER DAVIS: Wherever you want to.

12 MS. LESSLEY: Well, we've had three hot
13 water heaters since we've lived there, 17 years. During
14 that time, we have replaced at least eight times just the
15 elements alone because of the rust. The quality of the
16 water as far as boiling leaves a ring in my waterless
17 cookware. You have to use bottled water in order to have
18 a pot of coffee. I fill up my claw-foot tub to take a
19 nice hot bath, and the first thing that comes out of it
20 which fills up about a fourth of it is rust.

21 Just down the road from us there is a
22 constant water leak that we have called them about.
23 They've been out there I don't know how many times and
24 it's still not fixed. So not only does that create a
25 problem for us as far as keeping gravel on that road, you

1 is Jim.

2 AUDIENCE MEMBER: I don't know what his
3 last name is.

4 MS. LESSLEY: We can look it up in our
5 phone book.

6 COMMISSIONER DAVIS: We'll figure out who
7 Jim is.

8 MS. LESSLEY: Okay. You know, again, I
9 mean, everybody that lives in that area, there's people
10 that come down, you know, just maybe twice, twice a year.
11 Why is it they can't shut their water off and be just
12 maybe given a service charge? But they're not allowed to
13 do that. They have been told, and this is by -- and I
14 don't know if I can give a name of a resident that asked
15 me to speak on her behalf or not -- Amy Fagen, can no
16 longer come down to her home. She is trying to sell it,
17 and she asked that her service be shut off because she
18 doesn't use it, and they told her, yeah, that's fine if
19 you do that, but if you go to turn it back on, you'll have
20 to put it back in someone else's name because we'll have
21 to charge you for all those months that you didn't pay.

22 You know, that's just not right. You know,
23 we've got people that are in nursing homes that, you know,
24 can't afford that kind of money each month. They keep
25 their homes in hopes that it will sell, and it's not going

1 to if we have these kind of monthly rates. Even the
2 upscale areas in Warsaw don't even have prices this
3 extreme, and they have their trash included with it.

4 So it's just -- it's just not warranted.
5 It's outrageous. It's just completely outrageous. You
6 know, some of us can afford that kind of money, and for
7 the most of the people, no, they can't, especially in this
8 economy.

9 COMMISSIONER DAVIS: Ms. Baker?

10 MS. BAKER: Got my three. I appreciate you
11 coming out.

12 MR. DEARMONT: I have a few questions about
13 this persistent water leak. Is that on your property?

14 MS. LESSLEY: No. It's down the road that
15 I travel out every day to go to work.

16 MR. DEARMONT: Is it a public road?

17 MS. LESSLEY: Yes.

18 MR. DEARMONT: Have you contacted the Staff
19 of the Commission regarding this?

20 MR. DEARMONT: No, I have not. I -- they
21 have given me the confidence that they're still trying to
22 work on it. I know that the people that lived there have
23 contacted them several times, too.

24 MR. DEARMONT: Approximately how many times
25 would you say you've called the company?

1 MS. LESSLEY: Four.

2 MR. DEARMONT: I have no further questions.

3 COMMISSIONER DAVIS: Ms. Lessley, is that
4 on Stone Crest Road?

5 MS. LESSLEY: Yes.

6 COMMISSIONER DAVIS: Do you have any idea
7 about what the address is?

8 MS. LESSLEY: It would be about 31543.

9 COMMISSIONER DAVIS: 31543 Stone Crest
10 Road. Okay. Judge, do you have any questions?

11 JUDGE STEARLEY: No questions for this
12 witness.

13 COMMISSIONER DAVIS: All right. Thank you,
14 Ms. Lessley. Robert --

15 MR. LESSLEY: Robin.

16 COMMISSIONER DAVIS: Robin Lessley. I'm
17 sorry.

18 MR. LESSLEY: Just like the bird. Robin
19 Lessley, 31581 Stone Crest Road. I swear to tell the
20 truth, all the truth and nothing but the truth, your
21 Honor. Is there anything else I need to say?

22 COMMISSIONER DAVIS: Are you a customer
23 of --

24 MR. LESSLEY: White Branch Aqua Source
25 customer.

1 COMMISSIONER DAVIS: Go ahead.

2 MR. LESSLEY: My wife and I have lived
3 there, this is our 17th year. I work a service job, and I
4 am paid for the quality of service that I provide to my
5 customers, as well as most other companies. I'd like to
6 bring up the fact that there's no better time in this
7 nation's economy that I've been alive to ask for a raise
8 from your customers if you don't provide them with good
9 service, especially with a lot of those customers being
10 retired and on fixed incomes and relying on pensions that
11 have lost probably 50 percent of their value. And I think
12 that water, Aqua Water is a service.

13 I wanted to reiterate again about my wife
14 bringing up the leak down the road at 31480, whatever she
15 said. It leaks year round. They've been down there four
16 times to try to repair it, and it continues to leak. In
17 the dead of August, hot heat, there hasn't been a rain for
18 two months, there's a little running of water that always
19 continues down that street.

20 So if they're so concerned about raising
21 our rates, maybe they ought to regulate the water a little
22 bit better.

23 Another thing that I'd like to bring up,
24 too, is properties that have gone vacant or have been for
25 sale or foreclosed properties that remain on the market,

1 if Aqua Source needs the additional income, why can't they
2 lien on these properties for the money when they sell
3 rather than raise our rates? Are they even doing that? I
4 don't know.

5 We live in a depressed part of the state.
6 I can think of very few counties in Missouri that could
7 justify this kind of increase in their utilities,
8 especially since we're a primarily retired community.

9 See if there's anything else I've got.
10 Does the Commission take into account the average of what
11 all communities pay in the state of Missouri for their
12 water? I'd be interested to know. I mean, how could you
13 justify charging a depressed economy or a depressed area
14 more than you're charging a wealthier area in the state?
15 Doesn't make sense to me. Is that like taxation without
16 representation? I don't know.

17 And what about metered water? Why can't we
18 pay for what we use? When we moved down here 17 years
19 ago, was it \$18? \$13. That was 16 years ago. How could
20 that be? I mean, that's a tremendous rate increase.
21 Seems like there should be some kind of legislation about
22 maximum amounts of increase of percentage of your water
23 and utilities. I mean, I know there are in other areas of
24 the economy. Why can't there be in utilities? Is there
25 not? I don't know.

1 I do know this. I know that if the water
2 rates are raised this high in this community, it will
3 further depress the area, and there will be families who
4 are looking to buy property here that won't buy property
5 here simply for that reason. My wife is a realtor, and I
6 know that.

7 One last thing I'd like to close on is I
8 wish that I went to my employer and asked him for a raise
9 based upon my service and he'd give it to me every time.
10 But I do know this: If I don't do the service and I don't
11 provide the quality, I don't get the raise. So I would
12 hope that the Commission would take that into account and
13 do a true audit of where the money is actually going.
14 Thank you very much.

15 COMMISSIONER DAVIS: Thank you. Questions
16 for Mr. Lessley, Ms. Baker?

17 MS. BAKER: I have no questions. Thank you
18 very much.

19 MR. LESSLEY: You bet.

20 MR. DEARMONT: I have no questions. Thank
21 you.

22 COMMISSIONER DAVIS: Judge Stearley?

23 JUDGE STEARLEY: No questions here.

24 COMMISSIONER DAVIS: Mr. Lessley, I'm going
25 to ask you a few questions. Would you like to see a

1 specific audit of the -- I'm sorry, Ozark Meadows or the
2 White Branch property? You'd like to see that, see it
3 made public where at least the customers can see that?

4 MR. LESSLEY: Yes, sir, I would like to see
5 that. I think it should be public knowledge.

6 COMMISSIONER DAVIS: Okay.

7 MR. LESSLEY: One other thing, too, that
8 I'd like to know is if we can participate in the
9 evidentiary hearing or can we listen to the evidentiary
10 hearing? And I'd like to know when the actual audit will
11 finish, or it has already, right? It's already done and
12 we don't know about it. I mean, I don't know. Is that
13 right? But I'd like to see it, yes.

14 COMMISSIONER DAVIS: And then I heard other
15 people reference earlier, if they are flushing the lines,
16 would you like to know when they're flushing the lines in
17 your area?

18 MR. LESSLEY: Yeah, that would be helpful.
19 I could turn off my hot water heater. That way maybe I
20 wouldn't have to replace it every three years. We've got
21 a very bad lime problem. I mean, the whole community is
22 built on a big slab of rock. The only way -- and I don't
23 know. Maybe Aqua's trying to justify the increase by
24 replacing all the lines. For that kind of increase, maybe
25 they should do that. We don't have any breaking. Very

1 take two weeks?

2 COMMISSIONER DAVIS: I would tune in on,
3 what is it, the first Monday in March. What time is it
4 set?

5 MR. DEARMONT: I believe nine o'clock.

6 JUDGE STEARLEY: Nine o'clock is correct.

7 MR. DEARMONT: Feel free to get in touch
8 with Staff and I can provide you with specifics,
9 especially as far as when this specific case will go to
10 hearing. They're kind of segmented.

11 COMMISSIONER DAVIS: That's right, because
12 they are --

13 MR. DEARMONT: They're not consolidated.
14 It will be -- essentially this case will be going to
15 hearing tentatively for about three days in the first two
16 weeks in March. So I can give you some more specifics in
17 the future.

18 COMMISSIONER DAVIS: And Staff, we need to
19 make sure that everyone in each specific zone knows when
20 their case is going so they can tune in and watch as
21 opposed to just trying to win the lottery.

22 MR. LESSLEY: Yeah, because the little gal
23 on the 1-800 number up there at the PSC told me that it
24 was March 3rd, 4th and 5th. Apparently that's not right.

25 JUDGE STEARLEY: March 3rd, 4th and 5th is

1 correct for this particular file number. Those are the
2 correct dates.

3 COMMISSIONER DAVIS: That's good to know.
4 All right. Now, these names are scratched out, but I just
5 want to make sure. Baron and Amber Pennington? Did you
6 want to --

7 MS. PENNINGTON: No, we're not customers.

8 COMMISSIONER DAVIS: If you want to
9 testify, you're welcome to testify even though you're not
10 a customer. So you may come on down. Ms. Pennington, can
11 you spell your name, please.

12 MS. PENNINGTON: Amber Pennington,
13 P-e-n-n-i-n-g-t-o-n.

14 COMMISSIONER DAVIS: Raise your right hand.
15 (Witness sworn.)

16 AMBER PENNINGTON testified as follows:

17 COMMISSIONER DAVIS: Okay. Ms. Pennington,
18 please proceed.

19 MS. PENNINGTON: I am not a member of Aqua
20 Source. I have my own well, thankfully. I've had
21 neighbors come to my house to get water at times to drink
22 it because it is that much better than what they have.

23 The only thing I can speak on behalf of is
24 I was the president of the association for two years.
25 During that time, the water was a big issue. I dealt with

1 the water man, Jim, on numerous occasions. He was kind of
2 very helpful. He wanted to help. He wanted to try and
3 fix things, but it was almost like his hands were tied.
4 They wouldn't allow him to do certain things. Where that
5 came from, I don't know, but him and I had the same
6 discussions on numerous occasions about the water leak
7 down on Stone Crest Road.

8 There was one instance on that that a
9 resident was behind on their water bill, and he had said
10 he was going to cut their water off, which in turn would
11 stop the water leak. The people paid it up, caught it up.
12 They caught wind that it was going to get paid up, so they
13 in turn didn't shut it off, but it didn't fix the water
14 leak either.

15 He explained to me that it was going to
16 cost him a lot of man hours, a lot of money to rent the
17 equipment to get it out there, to get it dug up, to get it
18 fixed. So he didn't do it. At time it was really, really
19 bad to where it would run across the road. You couldn't
20 even drive through it. Other times it's just a slow leak.
21 Why, I don't know. As far as fixing it properly or being
22 willing to fix it properly, there was no big hurry. They
23 didn't care.

24 The other issue that I ran into and had a
25 lot of problems with was road maintenance. The water

1 lines in White Branch are not down below frost level,
2 first of all. Second of all, grading the roads, grading
3 the ditches, the water lines get broke. There too, we are
4 the ones that are grading the roads and the ditches. If
5 they get broke, we have to pay to get them fixed. I don't
6 see how that becomes White Branch's problem. When the
7 water company is getting their monthly bill, they should
8 have their water lines down to specs below frost level.

9 But I can speak on several occasions that
10 the association put out money to fix these water lines
11 trying to fix our roads because they were broke. Most of
12 the time it was volunteers helping out the one water guy
13 to come out there to dig up, use our fuel, our tractors,
14 our manpower to pay for this to get fixed. Never were
15 reimbursed by Aqua Source.

16 Now, those are the issues that I fought
17 with on the residence side of it. You know, I don't deal
18 with Aqua Source, I don't have it, and I'm thankful for
19 that because it's been nothing but a headache. That was
20 the biggest complaint I had from a lot of my residents.
21 I just think it's very unfair what they're having to go
22 through. I wouldn't drink their water. I wouldn't bathe
23 in their water. It's nasty looking. I've seen it
24 firsthand. We live at the lake. I'd go to the lake.
25 Sorry.

1 COMMISSIONER DAVIS: All right,
2 Ms. Pennington. And just for the record, you are the
3 president of the --

4 MS. PENNINGTON: No.

5 COMMISSIONER DAVIS: You were the
6 president.

7 MS. PENNINGTON: I was. I resigned.

8 COMMISSIONER DAVIS: So you were the
9 president of the White Branch Homeowners Association?

10 MS. PENNINGTON: Property owners
11 association, yes.

12 COMMISSIONER DAVIS: Okay. And when did
13 you have that title?

14 MS. PENNINGTON: I resigned in September of
15 '09.

16 COMMISSIONER DAVIS: Okay.

17 MS. PENNINGTON: Two years prior to that, I
18 resigned, and then Deborah Lessley is now the current
19 president.

20 COMMISSIONER DAVIS: All right. Ms. Baker?

21 MS. BAKER: I have no questions. I do
22 appreciate the comments.

23 MR. DEARMONT: No questions. Thank you.

24 COMMISSIONER DAVIS: Judge Stearley?

25 JUDGE STEARLEY: No questions.

1 COMMISSIONER DAVIS: Ms. Pennington, I'm
2 just going to go back. Do you have any -- I guess do you
3 have any knowledge that their lines are not up to code? I
4 mean, is there --

5 MS. PENNINGTON: I don't know what codes
6 the specs are. I can tell you I know firsthand that if
7 they are 12 inches deep in the ground, I'd be surprised.

8 AUDIENCE MEMBER: There's some that's six
9 inches.

10 MS. PENNINGTON: Well, yeah. I can speak
11 on 12 inches, you know. There was one particular road
12 that we just did road work on that it did get broke on,
13 and it was only down about eight inches on that particular
14 road. That road had not been touched as far as road work
15 for a very long time, and they were cleaning out the
16 ditches and they just -- that cost the association \$150,
17 and nobody offered to reimburse us.

18 In fact, Aqua Source, their worker was very
19 irate with me, had a lot of nasty things to say to me, and
20 I'm like, hey, wait, this is not my thing. I didn't do
21 it. You know, there's several ways to talk to people and
22 not be nasty.

23 COMMISSIONER DAVIS: Was this Jim?

24 MS. PENNINGTON: Yes. Jim is a very nice
25 guy, but my perception of it, he is put between Aqua

1 Source and the customer, and he hears it from both sides,
2 you know.

3 AUDIENCE MEMBER: He was having a bad day.

4 COMMISSIONER DAVIS: Okay. All right.

5 Anything else to add, Ms. Pennington?

6 MS. PENNINGTON: No.

7 COMMISSIONER DAVIS: All right. Thank you.

8 Thank you for coming.

9 MS. PENNINGTON: Thank you.

10 COMMISSIONER DAVIS: Okay. Mr. Pennington,
11 did you have anything you wanted to add?

12 MR. PENNINGTON: Yes.

13 COMMISSIONER DAVIS: Come on down. Please
14 state and spell your name for the record.

15 MR. PENNINGTON: Yes. Baron Vaughn
16 Pennington, Senior, B-a-r-o-n, V as in Victor, Pennington,
17 P-e-n-n-i-n-g-t-o-n, Sr.

18 COMMISSIONER DAVIS: Okay. And would you
19 raise your right hand.

20 (Witness sworn.)

21 BARON PENNINGTON testified as follows:

22 COMMISSIONER DAVIS: All right. Go ahead,
23 Mr. Pennington.

24 MR. PENNINGTON: I would just like to
25 follow up on what my wife had said, that I personally have

1 been on the repair calls that I know there wasn't any
2 notification to the people when there was a water break,
3 and the reasoning was because water was never stopped. As
4 long as the water flows through the line, bacteria cannot
5 get in the line, which that is wrong. It won't go up the
6 line, but everything below that can get bacteria.

7 That's all I needed to say, but I was on
8 that job site, and it was when it got broke when we was
9 grading the road over on Pets Road. It was last spring,
10 last --

11 COMMISSIONER DAVIS: March, April, May
12 2009, approximately?

13 MR. PENNINGTON: May-ish.

14 COMMISSIONER DAVIS: May-ish?

15 MR. PENNINGTON: Yeah. We can find out for
16 sure if needed to, because I think we even bought the
17 parts from the shop up there, if I recall.

18 COMMISSIONER DAVIS: All right. Ms. Baker,
19 any questions for Mr. Pennington?

20 MS. BAKER: No questions. Thank you.

21 COMMISSIONER DAVIS: Eric?

22 MR. DEARMONT: No questions. Thank you.

23 COMMISSIONER DAVIS: Judge Stearley?

24 JUDGE STEARLEY: No questions.

25 COMMISSIONER DAVIS: Okay. Mr. Pennington,

1 thank you.

2 MR. PENNINGTON: Thank you.

3 COMMISSIONER DAVIS: Thank you for coming.

4 MR. PENNINGTON: Thanks to all of you.

5 COMMISSIONER DAVIS: Okay. Next on my list
6 is Mr. Curtis Kiefer.

7 MR. KIEFER: I ain't got nothing else to
8 say, just the same thing everybody else has said. Quality
9 is terrible.

10 COMMISSIONER DAVIS: Okay. Thank you.
11 Next name on the list, Ms. Tonja Quirk.

12 MS. QUIRK: Hi.

13 COMMISSIONER DAVIS: Ms. Quirk, could you
14 please spell your name for the record.

15 MS. QUIRK: T-o-n-j-a, Q-u-i-r-k.

16 (Witness sworn.)

17 TONJA QUIRK testified as follows:

18 COMMISSIONER DAVIS: All right.

19 MS. QUIRK: I come with everybody else
20 that's here. Our water quality's awful. I live down on
21 the bottom, and I guess I get the butt end of everything
22 where I have dirt in my water. And your worker came out
23 last fall and dug up behind my house to put a flush line
24 in, and he left -- he left the yard looking like, excuse
25 my French, horse shit.

1 And I live in Kansas City, Missouri part of
2 the time, and yet I have to pay a full price water bill
3 down here with my water turned off when I only pay \$70
4 every two months in Kansas City. I don't -- I think your
5 prices are outrageous. And that's all I have to say.

6 COMMISSIONER DAVIS: Okay. Ms. Quirk, do
7 you realize that I don't run the water company?

8 MS. QUIRK: Yeah, I know. I know.

9 COMMISSIONER DAVIS: Just want to make
10 sure.

11 MS. QUIRK: I know.

12 COMMISSIONER DAVIS: Ms. Baker?

13 MS. BAKER: Have you had any billing
14 issues?

15 MS. QUIRK: No. I get the bill on time.

16 MS. BAKER: Have you contacted the customer
17 service?

18 MS. QUIRK: Yes.

19 MS. BAKER: How was that experience?

20 MS. QUIRK: Sometimes good and sometimes
21 bad. It took you quite a while to answer sometimes.

22 MS. BAKER: That's all the questions I
23 have.

24 MR. DEARMONT: Did you contact customer
25 service about the specific incident where your yard was

1 dug up?

2 MS. QUIRK: No.

3 MR. DEARMONT: You did not?

4 MS. QUIRK: I was in the process of going
5 back to the city for the winter.

6 MR. DEARMONT: Thank you.

7 COMMISSIONER DAVIS: Ms. Quirk, you say
8 it's hit or miss. Has it been better lately? Has it been
9 the same?

10 MS. QUIRK: A little better since they put
11 the flush thing on.

12 COMMISSIONER DAVIS: Okay. But in terms --

13 MS. QUIRK: I don't know yet this year
14 because I have my water turned off right now, but yet I'm
15 still paying their high priced bill.

16 COMMISSIONER DAVIS: And when you were
17 calling them, have you noticed any different treatment in
18 the calls lately as opposed to when you were calling
19 before?

20 MS. QUIRK: No.

21 COMMISSIONER DAVIS: The same?

22 MS. QUIRK: I've dealt with Jim, too, and I
23 get the same response as everybody else from him.

24 COMMISSIONER DAVIS: Okay. So --

25 MS. QUIRK: He can be nice and he can be an

1 ass. He can. That's just plain right now. I've had
2 dealings with him the last two years every summer.
3 Nothing about that. That was about my billing with him.

4 COMMISSIONER DAVIS: Okay. All right.
5 Thank you, Ms. Quirk.

6 All right. Next name on the list is Evelyn
7 Keerton.

8 MS. KEERTON: They've already said where
9 I'm coming from.

10 COMMISSIONER DAVIS: Okay.

11 MR. DAVIS: I'd just like to add something
12 to that. In Sedalia we have another piece of property,
13 and for water, sewer and trash it's \$30 a month. That's
14 Sedalia Water Company. How can they provide those three
15 services for that price and they want to charge 53 for
16 straight water?

17 THE REPORTER: Could that person please
18 identify themselves?

19 COMMISSIONER DAVIS: Sir, could I get you
20 to come up here and could I swear you in just so we have
21 that for the record? Could you just state your name for
22 the record, sir?

23 MR. DAVIS: Charles Davis.

24 COMMISSIONER DAVIS: Charles Davis?

25 MR. DAVIS: Yes.

1 COMMISSIONER DAVIS: Can you spell your
2 name for the record?

3 MR. DAVIS: C-h-a-r-l-e-s, D-a-v-i-s.

4 COMMISSIONER DAVIS: Okay.

5 (Witness sworn.)

6 CHARLES DAVIS testified as follows:

7 COMMISSIONER DAVIS: Okay. So everything
8 you just told me that hopefully we got on camera is true
9 and correct?

10 MR. DAVIS: That's correct.

11 COMMISSIONER DAVIS: All right. Thank you.

12 Ms. Baker, any questions for Mr. Davis?

13 MS. BAKER: You're a customer of

14 White Branch?

15 MR. DAVIS: No. Evelyn Keerton is.

16 MS. BAKER: That's all the questions I

17 have.

18 MR. DEARMONT: I have no questions.

19 MR. DAVIS: I'd just like to say one

20 additional thing, though.

21 COMMISSIONER DAVIS: Go ahead.

22 MR. DAVIS: In a free marketplace, if
23 you're losing revenue, what you do is that you better your
24 product, you increase your customer base, you cut your
25 cost or you raise your price, but when you raise your

1 price, you have to be aware that you might lose your
2 customer to another entity.

3 In this situation you have a monopoly, so
4 you don't have to worry about us going any place, so you
5 can provide poor quality and raise the price and we can't
6 do anything about it. That's irritating because you are a
7 monopoly in this market, and we don't have another source
8 to go to because, if we did, based on what people have
9 said here this evening, you'd see people switching. We
10 don't have that opportunity. That's all I have to say.

11 COMMISSIONER DAVIS: All right. Mr. Davis,
12 thank you.

13 MR. DAVIS: Thank you.

14 COMMISSIONER DAVIS: My father's name is
15 Charles Davis.

16 MR. DAVIS: That's a good name.

17 COMMISSIONER DAVIS: Ms. Norma Walker.

18 MS. WALKER: I'm Norma Walker, and I do
19 live in White -- or have a cabin in White Branch.

20 COMMISSIONER DAVIS: Ms. Walker, could you
21 spell your name for the record, please.

22 MS. WALKER: N-o-r-m-a, W-a-l-k-e-r.

23 COMMISSIONER DAVIS: Ms. Walker, could you
24 raise your right hand.

25 (Witness sworn.)

1 NORMA WALKER testified as follows:

2 COMMISSIONER DAVIS: All right. Please go
3 ahead and testify.

4 MS. WALKER: And I'm like the rest of them
5 here. I'm a part-timer. We come down on weekends, and
6 then through the summer we're down. The water quality,
7 we've had our cabin since '72, and that water has always
8 been a mess. You can't drink it. You can't boil it. If
9 you peel taters and put in a pot and put this water on
10 it -- I wished I'd have fixed you-all some coffee and
11 brought it.

12 COMMISSIONER DAVIS: We did get a jar of
13 water last week from other parties.

14 MS. WALKER: That's not the same. If I'd
15 have been down here, you'd have got a pot of coffee and I
16 would have asked you to drink it. It's terrible. Our
17 shower heads, you have to have new shower heads every so
18 often because it's full of that grit that's coming out the
19 water line.

20 And they say, well, you're not down here
21 all the time, you don't use it. That makes no difference.
22 That makes no difference. It's just not good water. And
23 they said we don't have an option. We do have an option.
24 We can put in wells, and that is what some of us are going
25 to do. We're not going to put up with this on and on and

1 on.

2 And we should be metered to use the
3 water -- to pay for the water that we -- nobody has a
4 problem paying for the water that they use. But it's not
5 going to be long, if you raise our water rates, then our
6 sewer rates are going to go up again. So we're going to
7 be paying \$100, more or less, for water and sewer in what
8 is supposed to be a retirement community.

9 AUDIENCE MEMBER: Outrageous.

10 MS. WALKER: It is outrageous. And I'm on
11 Social Security, and they're not going to give us a cost
12 of living. You're wanting more money to do what should
13 have been doing -- I'm saying -- I'm saying to you because
14 you're part of the Commission. But you're wanting more
15 money for something that should have already been done.
16 That water should have been cleaned up. Them lines should
17 have been replaced. There's no excuse, none, for what's
18 going on out there.

19 And this Jim, you call him, you might as
20 well spit in your hand because he is caught -- it's really
21 not his fault. He's caught between the devil and the deep
22 blue sea. We're asking him to do things that the
23 Commission or Aqua or whoever is not letting him do it
24 because too much money. We don't have money for that.
25 Well, I -- that's not right.

1 And if you're going to raise us to \$42 a
2 month as part-time users, there's going to be several of
3 us that do something else. We're tired of it. It's too
4 much. I live in Lee's Summit, Missouri. I pay \$30. I've
5 got washer and dryer. I've got a dishwasher. We take
6 showers every day, for \$30 a month, and you're wanting 42?

7 AUDIENCE MEMBER: Part-time.

8 MS. WALKER: Part-time. Yeah, part-time.
9 Now, tell me how that's fair. I would rather pay for a
10 meter to be set in there and pay for what I use. That is
11 the fair thing to do, but they don't want to do that
12 because they can't get enough money out of us, and that's
13 not right. Not right. So I think I talked to you today.

14 MS. BAKER: You have.

15 MS. WALKER: Uh-huh. I asked her about
16 putting in a well, and she said call the health department
17 and Natural Resources. I haven't got ahold of them yet.
18 But that's my next option because I'm -- I'm not going to
19 pay this kind of -- because I know that it's going to come
20 to, just like the last one, we had a raise in water, we'll
21 have a raise in sewer.

22 And those of us on Social Security can't
23 afford that. Can't do it. And I don't want to ask
24 anybody else to pay for what I use. I'll be glad to pay
25 for what I use, but I'm not willing to overpay. I'm done.

1 AUDIENCE MEMBER: Even with meters, the
2 price has to be fair.

3 MS. WALKER: Right. Right.

4 (Inaudible.)

5 THE REPORTER: I'm sorry. I can't hear
6 who's speaking.

7 MS. WALKER: I priced that today, and
8 they're \$100.

9 JUDGE STEARLEY: Excuse me. Commissioner
10 Davis?

11 COMMISSIONER DAVIS: We need one witness to
12 testify at a time.

13 JUDGE STEARLEY: We can only have one
14 witness testify for our court reporter to get these
15 comments down.

16 COMMISSIONER DAVIS: Okay. All right.
17 Ms. Walker, are you through or do you have anything you
18 wanted to add?

19 MS. WALKER: Well, I was going to tell you
20 that public -- we have Public Water No. 6 up there, and we
21 have, for a thousand gallons it's \$16. I use 2,800
22 gallons, and I've got the ticket right here, and I pay
23 \$30. That's ridiculous. So that's it.

24 COMMISSIONER DAVIS: Okay. Ms. Baker, do
25 you have any questions for Ms. Walker?

1 MS. BAKER: Have you had any billing
2 issues?

3 MS. WALKER: I don't give a darn about them
4 billing issues. No, I don't.

5 MS. BAKER: At some of the other local
6 public hearings, there have been billing issues. That's
7 why I ask.

8 MS. WALKER: We have clear water issues.

9 COMMISSIONER DAVIS: There have been --
10 Aqua owns several small properties around the state. It
11 has been alleged in other locations that there have been
12 billing problems.

13 MS. BAKER: That's why I ask. Thank you.

14 COMMISSIONER DAVIS: Got to defend
15 Ms. Baker on that one.

16 MS. WALKER: I don't think she needs
17 defending. She can probably do it very well.

18 MR. DEARMONT: Just a few questions for
19 you. How long have you lived in White Branch?

20 MS. WALKER: Since '72. We have had the
21 cabin since '72.

22 MR. DEARMONT: Have you always had water
23 quality issues?

24 MS. WALKER: Yes, and they don't ever
25 change. I mean, you can call anybody and everybody and

1 holler and complain and have the health department come
2 out and they'll tell you, they'll take a little sample of
3 it and they'll tell you, well, it's respectable.

4 MR. DEARMONT: So would you say that the
5 water that you get today is worse than ever, better than
6 it once was or about average?

7 MS. WALKER: Well, it just depends because
8 there's some broken lines and we get dirt, we get gravel.
9 If you drive up and down our roads, which none of you have
10 done -- we ought to put you on a bus and take you out
11 there -- you can see there's leaks where water runs down
12 those roads all the time. That's got to be -- if it's not
13 an underground spring, it's got to be broken pipes.

14 I mean, you're asking us to -- you're
15 asking us to do things that's not right because you're not
16 doing your part. If you did your part, none of us would
17 be here tonight.

18 MR. DEARMONT: I have no further questions.

19 COMMISSIONER DAVIS: Ms. Walker, just --
20 you're pretty sure it's not an artesian well? Just had to
21 ask.

22 All right. Now, have you personally had
23 the problems with dirt and gravel in your water?

24 MS. WALKER: Yes. Like I told you, the
25 head on our shower, we have to get a new shower head

1 every, I'd say every three months because it gets -- it
2 gets full of that dirt and gravel.

3 COMMISSIONER DAVIS: All right. Everybody,
4 just one at a time. We'll stay here as long as you want
5 to stay.

6 MS. WALKER: Well, the thing of it is you
7 don't listen. When we come to these meetings, you don't
8 listen to us and nothing gets done. And we don't like it
9 when people don't come via video camera. We can't holler
10 at them.

11 COMMISSIONER DAVIS: I understand. That's
12 why I'm here.

13 MS. WALKER: I'll write our name down. You
14 can bet I'll be calling you if I have any more problems.

15 COMMISSIONER DAVIS: 573-751-3233.

16 MS. WALKER: I think I called that today.

17 COMMISSIONER DAVIS. I can't discuss the
18 case with you until after it's over, but if you've got
19 a --

20 MS. WALKER: I got on the computer today
21 and I seen where this had been brought before something,
22 the Commissioners, this case, water, by those numbers that
23 he gave a while ago, and it -- it was on there, but we're
24 not getting anything done.

25 AUDIENCE MEMBER: That number was a pool

1 hall number.

2 (Laughter.)

3 COMMISSIONER DAVIS: All right.

4 Ms. Walker, do you have anything else?

5 MS. WALKER: No. I'm done.

6 COMMISSIONER DAVIS: All right. Thank you.

7 AUDIENCE MEMBER: Does anyone here know the
8 case number?

9 MR. OCHOA: It's on that sheet.

10 JUDGE STEARLEY: The particular file number
11 for this matter is WR-2010-0025.

12 COMMISSIONER DAVIS: I'm going to repeat
13 that. The case number is WR-2010-0085, Judge, is that
14 correct?

15 JUDGE STEARLEY: 25.

16 COMMISSIONER DAVIS: 25. I'm sorry. 0025.
17 WR-2010-0025.

18 All right. Next witness is Nena Betzner.

19 Ms. Betzner, could you please spell your name for the
20 record.

21 MS. BETZNER: N-e-n-a, B-e-t-z-n-e-r.

22 COMMISSIONER DAVIS: Would you please raise
23 your right hand.

24 (Witness sworn.)

25 NENA BETZNER testified as follows:

1 COMMISSIONER DAVIS: All right. Please go
2 ahead.

3 MS. BETZNER: I'm a part-timer, and I come
4 down -- I just recently bought my place back in 2008,
5 August of 2008, and I agree that the water bill is way too
6 high. I bring bottled water down in cases. I don't drink
7 the water. I don't use the water to cook. I'm a big
8 coffee drinker. I do not use the water for coffee. The
9 only thing we do is bathe in the water really.

10 And I live in the city. I don't live far
11 from Norma Walker. And for 4,800 gallons of water, I pay
12 44.02. That's a family of three. We bathe every day. I
13 do probably at least five loads of laundry, if not more, a
14 week. I have a dishwasher that I run continuously. And
15 this is \$44 for a month's bill up there.

16 I am in Water District 15, and I called and
17 did a little bit of research on my own, and from zero to a
18 thousand gallons they charge, their minimum is \$12.50
19 a month. I can have my water -- if I am not in my
20 residence, I can have them come out for \$25, they will
21 shut my meter off at the street and charge me the \$25.
22 Then when I come back, they will come back out, charge me
23 another \$25 to turn it back on, and I get billed for no
24 water.

25 And I would like to do that here at White

1 Branch for myself because I think \$50 for these -- the
2 times that I'm not here compared to the \$43 that I'm going
3 to pay per month when I don't even use the water is
4 ridiculous. I mean, it's just outrageous. I mean, you're
5 talking \$43 and I'm not even here using the water, and I
6 only come down in the summertime maybe every other
7 weekend, maybe every weekend if I'm lucky, but I haven't
8 been able to do that. So there is no way I am going to
9 use \$43 a month. I'm just not.

10 And yes, I've had problems with your
11 customer service and your billing. When I first called to
12 get my service turned on, I can't tell you how many times
13 I called them to tell Aqua Water that, yes, you are my
14 water company. I had to call Lessley. Lessley had to
15 call the previous owner to verify that he did have Aqua
16 Water. I gave them my address. They still could not find
17 me.

18 Then I finally get it rectified, or at
19 least I think I get it rectified. I bought the place in
20 August. Do you know, I never got a bill until October.
21 So yes, I've had problems with the billing department, and
22 yes, I've had problems getting through to the billing
23 department. It doesn't seem like they are educated. When
24 I give them an address and they ask me -- continually ask
25 me, we are not your water department, ma'am, you know, you

1 must have a different address, what do you do?

2 And that's pretty much all I have to say,
3 and I agree with these people, you know, it is nasty
4 water. That's why I bring my own bottled water. I don't
5 even let my dog drink the water if you want to know the
6 truth. I give him bottled water when he's down here.

7 Well, and I'm not blaming you, Jim. I
8 don't think you're at fault, but I do think that something
9 needs to be done, and I would like to see the water
10 metered, and I don't think it would cost us that much to
11 have the meters put on the water, on our homes. And I
12 know Norma said it's about \$150. It's a little bit more
13 than that. Probably about 2, 250 is what we're looking at
14 for the materials.

15 AUDIENCE MEMBER: Plus installation.

16 MS. BETZNER: Yeah, but -- and I don't know
17 if mine, at my residence, if you could put the meter set
18 inside because I already have, like, a meter pit there.
19 So I don't know if the meter set would, you know, fit
20 inside that or not or if it's too small, but possibly I
21 could get by with just having the meter put, you know,
22 inside that, the pit that I already have.

23 And I'm a neighbor of Renee over here, and
24 yes, they did come out and she's telling the truth as far
25 as they did tear up the yard in the back when they came

1 out to do whatever their repair was.

2 AUDIENCE MEMBER: Her husband's a plumber.

3 MS. BETZNER: I don't want you to know
4 that, though.

5 COMMISSIONER DAVIS: All right. Ms. Baker?

6 MS. BAKER: I appreciate you coming.

7 MR. DEARMONT: Just to clarify some dates
8 with you. You moved into your home in August of 2008?

9 MS. BETZNER: I want to say. I've only
10 owned it for a year.

11 MR. DEARMONT: And then you stated that you
12 did not receive any bills until approximately October?

13 MS. BETZNER: October, the first bill.

14 MR. DEARMONT: Thank you.

15 COMMISSIONER DAVIS: All right. Thank you,
16 Mrs. Betzner.

17 Ms. Patty Brosnahan.

18 MS. BROSNAHAN: I've lived in White Branch
19 for --

20 COMMISSIONER DAVIS: I'm sorry,
21 Ms. Brosnahan. I need you to spell your name and I've got
22 to swear you in.

23 MS. BROSNAHAN: My name is -- I guess you
24 need full name -- Patricia, P-a-t-r-i-c-i-a, Brosnahan,
25 B-r-o-s-n-a-h-a-n.

1 COMMISSIONER DAVIS: And can you raise your
2 right hand.

3 (Witness sworn.)

4 PATRICIA BROSNAHAN testified as follows:

5 COMMISSIONER DAVIS: Please go ahead.

6 MS. BROSNAHAN: All right. I don't believe
7 the company deserves a rate increase. The water, the
8 quality is not that great. It has -- I feel like it
9 improved when they put the new well in. I've been here
10 for about 18 years. So I still don't think it's great.
11 And I'm not all the way down the bottom of the hill,
12 though. I don't get all the crud at the end, which I'm
13 sure they do because I know when we get a bad leak or a
14 break up above, we get crud and we're halfway down the
15 hill.

16 So whenever they do have a break or
17 anything anywhere, you get -- I know they -- I was there
18 when we had a leak on our property. We said, don't you
19 have to tell people to turn the water off? They said, no,
20 no, no, it doesn't affect the water in the line at all.
21 So I know that they do say that.

22 But we had a leak that we complained about
23 for a good month before we got somebody to come out and
24 fix the leak, you know. I mean, we kept on saying, can
25 somebody come out, can somebody come out to help us out

1 here, show us where the leak is, whatever. But, I mean, I
2 know that they had to have lost a lot of water just
3 letting that go like that.

4 The other day, last week when we had all
5 that snow and ice on the ground, the water company was
6 down at the end of my drive, and I stopped to ask what was
7 up. They said there's a leak and I'm looking for the
8 leak. There's always a leak. But even in the snow and
9 ice they knew they had a leak there somewhere. It wasn't
10 on my property that time. It was somebody else's. But
11 they don't ever have all the leaks fixed. It's an ongoing
12 thing.

13 I don't believe that we should have to pay
14 because you-all are letting water pour down on the ground.
15 I don't think that's our responsibility. I mean, they're
16 your lines. The leaks in the water system are constant.
17 They're never all fixed. It does tear up the roads.

18 I've had to replace like four water heaters
19 since I've lived there. They've all -- I like electric.
20 I put in all electric. Of course, the holes gets clogged
21 up with crud in the bottom. I've gone through three
22 dishwashers, two washing machines, water faucets, shower
23 head, all of them. You can look at them. They've got
24 that white crud. When the water starts getting slow, I
25 just replace the whole dang thing. You try to -- I've

1 tried almost every kind of chemical you can get through
2 those things to clean them out. You know, it's a lot of
3 crud that comes through there.

4 So I -- I have property in Texas, and I
5 have a house down there that I'm hardly ever at. I'm
6 full-time at White Branch. But when I'm down at my
7 property down there, I pay about \$50 a month down there in
8 the middle of the city. That includes my garbage, it
9 includes my water, and it includes my sewer. And I can
10 have -- I have a humongous garbage can that the city's
11 providing in that \$53 that you can fill it up as much as
12 you want.

13 I cannot believe the prices that you're
14 going to be asking for here. We have another property in
15 Teal Bend. They pay \$90 a year for their water and their
16 road. That's their property, part of their property
17 maintenance.

18 AUDIENCE MEMBER: That's another community
19 around Warsaw.

20 MS. BROSNAHAN: I'm sorry. Yeah. So
21 there's no reason that we should have to pay that much.
22 There's none at all. There -- I see where you guys would
23 have a problem. I mean, when you're letting water pour
24 out on the ground and nobody's paying for that water, yes,
25 but why should we have to pay for it? This is you guy's

1 you like to introduce your guest, the little lady you
2 brought with you?

3 MS. BROSNAHAN: That's my granddaughter
4 Megan.

5 COMMISSIONER DAVIS: Megan, do you want to
6 wave to the TV camera?

7 All right. Ms. Brosnahan was the last
8 witness on our list. Now, is there anyone else who has
9 not testified who would like to testify? Okay. One at a
10 time, we'll take the gentleman right there in the brown
11 shirt and overalls.

12 MR. DOWNEY: Okay. Lawrence Downey.

13 COMMISSIONER DAVIS: Mr. Downey, can you
14 please spell your name.

15 MR. DOWNEY: L-a-w-r-e-n-c-e, D-o-w-n-e-y.
16 I swear, all that there.

17 COMMISSIONER DAVIS: Okay.

18 MR. DOWNEY: I'm on my own well down there.
19 Thank God I'm on my own well. I don't have all the
20 problems these people got. I know all my neighbors and
21 all that have all these problems. I have to listen to
22 them. I figured up their increase, \$636 a year for water.
23 You know what? I can sure enough buy a pump well for a
24 whole lot less than that.

25 I don't see where they deserve their

1 increase, what they're getting for water down there. I
2 just don't see it. The quality, the water leaks on the
3 roads and stuff down there, I just don't understand the
4 economics of them asking for a water increase of what
5 they're asking for. That's all.

6 COMMISSIONER DAVIS: Okay. Thank you,
7 Mr. Downey. Questions from Ms. Baker?

8 MS. BAKER: No questions. Thank you.

9 COMMISSIONER DAVIS: Eric?

10 MR. DEARMONT: No questions.

11 COMMISSIONER DAVIS: Judge Stearley?

12 JUDGE STEARLEY: No questions.

13 COMMISSIONER DAVIS: Thank you, Mr. Downey.

14 Sir, you had your hand up. Would you come forward.

15 CARL SWOPE testified as follows:

16 MR. SWOPE: My name is Carl Swope, C-a-r-l,
17 S-w-o-p-e, and yeah, I'll tell the truth also.

18 COMMISSIONER DAVIS: Okay. Go ahead,

19 Mr. Swope.

20 MR. SWOPE: I've been a resident off and
21 on, a part-timer 'til I was working, but 30 years I've
22 been down there, and the water and the system has been
23 almost the same all the way through. It has gotten better
24 since they put the tower in, but the water quality isn't
25 any better. I mean, just better pressure.

1 I would ask a couple questions. Is anybody
2 from that water company on the Commission?

3 COMMISSIONER DAVIS: No.

4 MR. SWOPE: I heard at one time they were.
5 I don't know whether that's true or not, but that's what I
6 heard. But that's not true?

7 COMMISSIONER DAVIS: To the best of my
8 knowledge, it's not true. The Commissioners are
9 statutorily prohibited from having any ownership interest
10 in a utility.

11 MR. SWOPE: They can't even work for them?

12 COMMISSIONER DAVIS: Correct.

13 MR. SWOPE: I've worked with -- I also was
14 the president of White Branch for a number of years, and I
15 worked with the Jim they're talking about, and Jim's a
16 good guy. Does what he can. But I'm of the opinion I
17 think probably the reason there's even water leaks is to
18 keep the lines from freezing. It's a lot of waste, but I
19 don't know how they can -- how they can keep the water
20 running as shallow as it is in some places. And the water
21 quality is bad. And that's about all I've got to say.

22 AUDIENCE MEMBER: Running water don't
23 freeze.

24 MR. SWOPE: Exactly. And I know when I was
25 president, I worked with Jim a lot. We had a lot of water

1 leaks, and he would come out and work on them as he could
2 or as time allowed.

3 COMMISSIONER DAVIS: Thank you, Mr. Swope.
4 Ms. Baker?

5 MS. BAKER: Have you had any billing
6 issues?

7 MR. SWOPE: No. Right on time.

8 MS. BAKER: Customer service?

9 MR. SWOPE: Yeah.

10 MS. BAKER: Have they been responsive?

11 MR. SWOPE: I haven't talked to them for a
12 long time. It's -- it was better than it used to be, yes.

13 MS. BAKER: Thank you. No further
14 questions.

15 MR. DEARMONT: I have no questions. Thank
16 you.

17 COMMISSIONER DAVIS: Judge Stearley?

18 JUDGE STEARLEY: No questions.

19 COMMISSIONER DAVIS: Thank you, Mr. Swope.
20 In the camouflage hat, come on down.

21 MR. YOUNG: David Young.

22 COMMISSIONER DAVIS: Can you spell your
23 name, sir?

24 MR. YOUNG: D-a-v-i-d, Y-o-u-n-g.

25 COMMISSIONER DAVIS: Okay. Mr. Young,

1 would you raise your right hand.

2 (Witness sworn.)

3 DAVID YOUNG testified as follows:

4 COMMISSIONER DAVIS: All right. Please go
5 ahead.

6 MR. YOUNG: The water quality down there is
7 bad. I have to say that for sure. You can make a pot of
8 coffee and it looks like transmission fluid on water is
9 exactly what it looks like. I've been down there since
10 about six months, going on seven.

11 And as far as putting the meter down there,
12 it wouldn't be trouble to put a meter in there. You've
13 got a shutoff valve to each house. All you need's an
14 inlet and outlet. I've done this kind of work before, and
15 it shouldn't cost that much to put a meter in. I don't
16 know how much the meters are, but labor-wise it shouldn't
17 cost that much.

18 I've been a mechanic, I've been a plumber,
19 I've been a press operator, a lot of things, but now I'm
20 on Social Security, not by choice. I still think this is
21 way too much money for us to have to pay. I don't think I
22 ever paid more than \$25 for a water bill in my life except
23 when the water lines broke under our house one time and
24 that was it. This is outrageous, \$50 a month for water.
25 We're not buying oil from the Arabs. It's just water.

1 That's all I've got to say.

2 COMMISSIONER DAVIS: Thank you, Mr. Young.
3 Questions, Ms. Baker?

4 MS. BAKER: Billing issues?

5 MR. YOUNG: Yes, I have had a billing
6 issue.

7 MS. BAKER: Tell us about it.

8 MR. YOUNG: The second month I was there, I
9 didn't get a bill. I called in and I was told, well, I
10 should have paid the bill whether I got it or not. I
11 didn't know there was one steady amount all the time. And
12 I was told I should have sent the money in whether I got a
13 bill or not.

14 MS. BAKER: Did you get a late fee?

15 MR. YOUNG: I don't remember. I've still
16 got the bills at the house.

17 MS. BAKER: Did you ever get a bill for
18 that month?

19 MR. YOUNG: Yeah. As a matter of fact, I
20 got ahold of Better Business Bureau, I think it was, to
21 get in contact with you, and they said they found
22 everything to their satisfaction, but at the time it
23 wasn't to mine.

24 MS. BAKER: You said that you have been a
25 customer for six months now?

1 MR. YOUNG: Yes, ma'am.

2 MS. BAKER: Have you been getting regular
3 bills?

4 MR. YOUNG: Yes, ma'am.

5 MS. BAKER: Have you contacted the customer
6 service at the time the bills were --

7 MR. YOUNG: Yes, that's where I called.

8 MS. BAKER: Did you have good experience
9 with customer service?

10 MR. YOUNG: No, I didn't.

11 MS. BAKER: That's the only question I
12 have.

13 MR. DEARMONT: I have none. Thank you.

14 COMMISSIONER DAVIS: Judge Stearley?

15 JUDGE STEARLEY: No questions.

16 COMMISSIONER DAVIS: Thank you. Thank you,
17 Mr. Young. Okay. Let me go back to my list here.

18 Ms. Pennington, did you have something you want to come
19 back and add for the record?

20 MS. PENNINGTON: Yes.

21 COMMISSIONER DAVIS: Is there anybody else
22 that hasn't testified that wants to testify?

23 (No response.)

24 COMMISSIONER DAVIS: Okay. Come on down,
25 Ms. Pennington. I just -- if somebody's been waiting, I

1 didn't want to --

2 MS. PENNINGTON: That's okay. There was
3 this one other incident that I wanted to bring up. I'm
4 not sure if it matters or not, but right after I came into
5 the presidency of it, there was -- it was probably --

6 COMMISSIONER DAVIS: September '07?

7 MS. PENNINGTON: Yeah, approximately.
8 Maybe October probably it happened. There was a house
9 that had had busted water line. Okay. The people had
10 already shut up, locked up for the winter. They were
11 gone. No way to contact them. I finally got ahold of the
12 water company, and Jim -- it was a Sunday. And Jim's
13 defense, he is a good guy. He does what he can.

14 My point of this is there's been an ongoing
15 issue with Jim and the previous water man that ran the
16 district. Okay. He supposedly installed all the lines
17 when it started from the beginning. He put it all
18 throughout the system. He has some maps. He knows where
19 every water line is in that place. Jim does not. And my
20 feeling of it is, if your water guy that's working on
21 these lines does not know where they're at, that
22 particular instance, that day we were out there, my
23 husband and I and two others, for over eight hours trying
24 to dig for these water lines. Their own water man didn't
25 know where they were at to be able to shut them off.

1 Instead of raising your rates, why don't
2 you train your people properly to be able to operate the
3 system? He couldn't even tell us where to do it. We
4 spent all day long, you know. And in the process there
5 were other residents, there's leaks, they can't use their
6 water because it's going out on the ground.

7 So I don't know where the water lines run.
8 He doesn't know. He can't properly fix them if he don't
9 know. Maybe somebody needs to produce the maps or get
10 ahold of the previous. You know, he won't help us out in
11 any way, shape or form. He's got an issue with Aqua
12 Source obviously. I see why.

13 But, you know, I just wanted to let you
14 know, that instance did come up. How can you fix the
15 problem if you can't even find the lines?

16 COMMISSIONER DAVIS: Thank you,
17 Ms. Pennington. Ms. Baker?

18 MS. BAKER: No questions.

19 COMMISSIONER DAVIS: Eric?

20 MR. DEARMONT: I have none. Thank you.

21 COMMISSIONER DAVIS: Judge Stearley?

22 JUDGE STEARLEY: No questions.

23 COMMISSIONER DAVIS: All right.

24 Ms. Pennington, thank you.

25 All right. Anyone else who wishes to

1 testify? Ma'am, come on down.

2 MS. GILBERT: My name's Elizabeth Gilbert,
3 E-l-i-z-a-b-e-t-h, G-i-l-b-e-r-t.

4 (Witness sworn.)

5 COMMISSIONER DAVIS: Go ahead.

6 ELIZABETH GILBERT testified as follows:

7 MS. GILBERT: Okay. My parents owned the
8 house that I have now, my mom and step-dad, and I got it
9 from them. About three years ago I called the water
10 company and told them that I had a leak. He comes out and
11 he tells me -- I don't know who he was -- tells me that he
12 can't fix the leak because he'd have to shut everybody's
13 water off until it gets real bad, then he would fix it
14 then. That's --

15 COMMISSIONER DAVIS: That's it?

16 MR. GILBERT: Uh-huh.

17 COMMISSIONER DAVIS: All right. You say
18 that was 2007?

19 MS. GILBERT: Somewhere in that range.

20 COMMISSIONER DAVIS: All right. Thank you,
21 Ms. Gilbert. Questions from Ms. Baker?

22 MS. BAKER: No further questions. Thank
23 you.

24 COMMISSIONER DAVIS: Eric?

25 MR. DEARMONT: Has this leak been fixed to

1 date?

2 MS. GILBERT: I think so. I mean, I'm not
3 living in the house right now, and -- but I think they
4 finally fixed it. Off and on it leaks, and then we go by
5 there and we'll see it's leaking and then we'll call and
6 let them know. Takes quite a while.

7 COMMISSIONER DAVIS: Okay.

8 MR. DEARMONT: No further questions.

9 COMMISSIONER DAVIS: Judge Stearley?

10 JUDGE STEARLEY: I do have a couple.
11 Ms. Gilbert, you say you're no longer living in that house
12 now?

13 MS. GILBERT: No.

14 JUDGE STEARLEY: Okay. Are you still a
15 customer of Aqua Missouri?

16 MS. GILBERT: Yes. We still pay the bill
17 over there.

18 JUDGE STEARLEY: Is the house --

19 MS. GILBERT: We're in the process of
20 fixing it up to sell it.

21 JUDGE STEARLEY: Is the service quality
22 you're getting in your current home, is that similar to
23 what the other witnesses have described?

24 MS. GILBERT: In my other home, I live -- I
25 don't live in White Branch. The house I've got in White

1 Branch.

2 JUDGE STEARLEY: I see. So you're there
3 part-time in White Branch?

4 MS. GILBERT: Right now we're in the
5 process of fixing it up to sell it. We did live in it
6 until two years ago.

7 JUDGE STEARLEY: All right. I just wanted
8 to clarify that. Thank you very much.

9 COMMISSIONER DAVIS: Thank you, ma'am. Is
10 there anyone else who has -- come on back, Mr. Lessley.
11 It's Lessley, right?

12 MR. LESSLEY: Yes.

13 COMMISSIONER DAVIS: Just to remind you,
14 you are still under oath.

15 MR. LESSLEY: Very good. Judge Stearley
16 will be the one that hears this case and is the ultimate
17 decision-maker on whether Aqua Source gets the rate
18 increase or not, or would that be the Commission's duty?

19 JUDGE STEARLEY: No. Mr. Lessley, the way
20 the process -- the way the process works is I would
21 preside over the hearing. The five Commissioners
22 essentially serve as the jury. They are a very highly
23 technically educated jury as opposed to a lay jury. So I
24 would take care of all the procedural issues, evidentiary
25 rulings. The five Commissioners ultimately make the

1 decision in the case.

2 MR. LESSLEY: I see. Well, I'm sure that
3 based upon the testimony that's been made tonight we could
4 all easily understand that a rate increase is definitely
5 not justified unless Aqua Source is getting ready to go
6 bankrupt or they can't absolutely operate on the revenues
7 that they're bringing in.

8 And if that's the case, maybe some of the
9 other issues that were brought up about liening on
10 properties that don't pay their bill or allowing the
11 customers to shut their water off when they leave in the
12 winter, things like that, if they're that desperate for
13 money, then maybe those little things need to be looked
14 into a little bit further.

15 These all I have to say.

16 COMMISSIONER DAVIS: Questions for
17 Mr. Lessley?

18 MS. BAKER: No, thank you.

19 MR. DEARMONT: No, thank you.

20 COMMISSIONER DAVIS: Judge Stearley?

21 JUDGE STEARLEY: No further questions.

22 COMMISSIONER DAVIS: All right. Anyone
23 else who wishes to testify?

24 MS. BROSNAHAN: May I ask a question?

25 COMMISSIONER DAVIS: You may. I may not be

1 able to answer.

2 MS. BROSNAHAN: When are they proposing
3 possibly, if this goes through, raising the rates?

4 JUDGE STEARLEY: Commissioner Davis?

5 MS. BAKER: The operation of law date is in
6 June.

7 JUDGE STEARLEY: Commissioner Davis, we
8 don't know who's speaking for the court reporter.

9 COMMISSIONER DAVIS: I'm sorry. Let the
10 record reflect that that is Ms. Brosnahan who previously
11 testified, immediately to my right.

12 JUDGE STEARLEY: Thank you, Commissioner.

13 COMMISSIONER DAVIS: All right. Any
14 further testimony? Going once. Going twice. Okay.
15 Seeing none. I'm going to just ask, Tina, do you --
16 anybody that's here for Aqua want to respond to anything?
17 You don't have counsel here. You don't have to.

18 AUDIENCE MEMBER: Is someone here for Aqua?

19 (Inaudible speaker)

20 THE REPORTER: I can't hear what she's
21 saying.

22 JUDGE STEARLEY: Commissioner Davis, we
23 need the witness -- we need the person to identify
24 themselves by name, and we're having difficulty hearing
25 them for our court reporter.

1 COMMISSIONER DAVIS: I don't think
2 they're -- they're not going to testify, your Honor.

3 JUDGE STEARLEY: All right. Very well.

4 COMMISSIONER DAVIS: All right. Judge, we
5 don't have any further witnesses here.

6 JUDGE STEARLEY: If that's the case, I will
7 go ahead and bring our hearing to adjournment. Before I
8 do, however, I do wish to thank our host in Warsaw. The
9 video conferencing tonight has allowed me to attend and
10 hear all the testimony. And perhaps more importantly
11 tonight, we were unable to get a court reporter present in
12 Warsaw, and it allowed our court reporter to be here to
13 record all this testimony to make it a part of the record
14 in this matter.

15 We certainly do appreciate all the
16 testimony from the witnesses, and I appreciate all of them
17 attending. And Commissioner Davis, I appreciate you
18 helping out with the procedure tonight. I know we have a
19 kind of time gap or a lag with the video conferencing. So
20 thank you for your assistance as well.

21 COMMISSIONER DAVIS: All right. I just
22 want to add that we did get everything tonight on video.
23 It will be archived on our website. You can look at this
24 video. You can look at the videos from some of the other
25 Aqua hearings from different areas if you choose to do so.

1 So I think that is important as well, because I'm
2 certainly going to go back and encourage all my colleagues
3 to watch tonight's video. So thank you for your
4 participation.

5 JUDGE STEARLEY: All right. Thank you.

6 COMMISSIONER DAVIS: Judge, that's it from
7 here.

8 JUDGE STEARLEY: All right. We stand
9 adjourned.

10 WHEREUPON, the public hearing was
11 concluded.

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C E R T I F I C A T E

STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

I, Kellene K. Feddersen, Certified

Shorthand Reporter with the firm of Midwest Litigation Services, do hereby certify that I was personally present at the proceedings had in the above-entitled cause at the time and place set forth in the caption sheet thereof; that I then and there took down in Stenotype the proceedings had; and that the foregoing is a full, true and correct transcript of such Stenotype notes so made at such time and place.

Given at my office in the City of Jefferson, County of Cole, State of Missouri.

Kellene K. Feddersen, RPR, CSR, CCR