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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Local Public Hearing
May 9, 2017
Sedalia, Missouri
Volume 2

In the Matter of the Application)
of Elm Hills Utility Operating)
Company Inc., and Missouri Utilities)
Company for Elm Hills to Acquire)File No.
Certain Water and Sewer Assets of)SM-2017-0150,
Missouri Utilities Company, For a)et al.
Certificate of Convenience and Necessity,)
and, in Connection Therewith, to)
Issue Indebtedness and Encumber Assets)

JUDGE KIM BURTON, Presiding
SENIOR REGULATORY LAW JUDGE

DANIEL Y. HALL, Chairman,
WILLIAM P. KENNEY,
MAIDA J. COLEMAN,
COMMISSIONERS

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A P P E A R A N C E S

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

2 JUDGE BURTON: Good evening, everyone.

3 Thank you for coming. Let's go ahead and go on the
4 record In the Matter of the Application of Elm
5 Hills Utility Operating Company, Incorporated, the
6 Missouri Utilities Company for Elm Hills to Acquire
7 Certain Water and Sewer Assets of Missouri
8 Utilities Company for a Certificate of Convenience
9 and Necessity and in Connection Therewith to Issue
10 Indebtedness and Encumber Assets, File No.
11 SM-2017-0150, et al.

12 Today is Wednesday, May 9th, 2017, and
13 you're in Sedalia, Missouri. Thank you, everyone,
14 for coming.

15 My name is Kim Burton, and I am a
16 Regulatory Law Judge with Missouri Public Service
17 Commission. There are five Commissioners, and we
18 have with us tonight three of those Commissioners.

19 And I will introduce you currently
20 Chairman Hall that's sitting to my left. We have
21 Commissioner Coleman at the far end and
22 Commissioner Kenney.

23 The two other Commissioners, Commissioner
24 Stoll and Commissioner Rupp, were not available to
25 come tonight, but they will have an opportunity to

1 hear your statements that are made when we have a
2 transcript made of this hearing. And this lady
3 here in the front is actually transcribing this
4 entire session.

5 Now, I have a list of individuals who have
6 indicated that they would like to testify today.
7 So I will call your name up to the front, swear you
8 in and let you provide your statements.

9 I would ask that you please remain
10 standing up here at the podium or the microphone in
11 case any of the parties have questions for you or
12 any of the Commissioners or myself have questions
13 for you.

14 Now, if your name has been submitted but
15 someone else provides statements and you feel that
16 they have adequately represented what your thoughts
17 are, you're fine to just state that you no longer
18 feel the need to testify.

19 Also, at the end of the list, if you would
20 like to add your statement and you haven't already
21 signed up, I will give you that opportunity as
22 well.

23 Now, at this time, I would like the
24 parties to enter their appearance for the record.
25 And we'll begin with Elm Hills Utility Operating

1 Company, Incorporated.

2 MR. COOPER: Yes, your Honor. Dean Cooper
3 from the law firm of Brydon, Swearingen & England,
4 P.C., P.O. Box 456, Jefferson City, Missouri,
5 65102, appearing on behalf of Elm Hills Utility
6 Operating Company, Inc.

7 JUDGE BURTON: Thank you. On behalf of
8 the Missouri Utilities Company? Okay. I see no
9 one present. On behalf of the Staff of the
10 Missouri Public Service Commission?

11 MS. PAYNE: Whitney Payne for the Staff of
12 the Missouri Public Service Commission. And I have
13 previously provided my information to the court
14 reporter.

15 JUDGE BURTON: Thank you. And on behalf
16 of the Office of the Public Counsel?

17 MR. SMITH: Ryan Smith, Senior Counsel for
18 the Office of Public Counsel. I have previously
19 provided my contact info, and we are ready to
20 proceed.

21 JUDGE BURTON: Thank you, Mr. Smith. At
22 this time, the Commission would like to hear from
23 Ms. Nancy Wakley. Would you please raise your
24 right hand?

25 NANCY WAKLEY,

1 being first duly sworn to testify the truth, the whole
2 truth, and nothing but the truth, testified as follows:

3 TESTIMONY OF NANCY WAKLEY

4 JUDGE BURTON: Would you please state and
5 spell your name for the record?

6 MS. WAKLEY: Nancy Wakley. It's
7 W-a-k-l-e-y.

8 JUDGE BURTON: Thank you.

9 MS. WAKLEY: 1208 Elm Hills Boulevard.
10 We've been in our home for 38 and a half years.
11 And we had a catastrophe last summer on June the
12 4th where the water -- the sewage backed up.

13 We have a -- you walk into the -- our
14 split level home. You go up seven, go down seven
15 steps. And I happened to go down the steps in the
16 afternoon on Saturday, the June the 4th, and I saw
17 water shimmering all down there in the hallway and
18 the laundry room. And I thought, What the heck is
19 that?

20 The sewer had backed up and was -- had
21 flooded most of the downstairs. It was under the
22 stairway, one of the bedrooms, the bathroom, the
23 laundry room and the family room.

24 So we called Roto Rooter right away, and
25 it was late in the afternoon. They came out and

1 they said -- because we've had root -- tree roots
2 before. Every year, we've had to have Roto Rooter
3 out. They said, No, this is not your line. Your
4 line is clear.

5 So I called Robert K. Meyer, who -- who
6 owns some of the condominiums, and he's on the --
7 where we pay our bills. I called him to get
8 permission to clear the line out front, up and down
9 the street on Elm Hills.

10 So the Roto Rooter went up and down, I
11 think it was, 100 or 300 feet up the line where he
12 found a grease -- a plug of grease. And he said
13 when they got that loose, it was just a whoosh of
14 water that came on down -- probably down to your
15 house.

16 Nevertheless, we did -- weren't quite sure
17 what this all was. So my daughter took a Shop Vac
18 and filled up three times, and we emptied it out
19 doors. This is on Sunday. Saturday evening.

20 Monday, we called our insurance company.
21 We only had \$5,000 coverage on water back-up. So
22 they called Stanley Steamer. Stanley Steamer came
23 out Monday morning. They brought ten industrial
24 fans, one air purifier, one dehumidifier, and they
25 ran those for five days 24/7 hours.

1 And on Friday, they came and picked up the
2 -- all the equipment. And then they had to take
3 out the linoleum out and all the carpet up. And
4 they had to build a cocoon downstairs in our
5 basement from the ceiling to the floor and --
6 because they had the EPA out because, see, they
7 found -- had to check for asbestos since our home
8 was built in 1973.

9 The EPA tested it, and there was 2 percent
10 asbestos in the paint, which isn't much as all.
11 But -- so then they had HazMat people come in, and
12 they had to cut up 12 inches all down the hallway
13 and in both the closets, cut the sheetrock out.

14 And it just went from one thing to
15 another. So we had to find our own builder to come
16 in and replace all the walls that had been cut out.
17 The Stanley Steamer took up the linoleum in the
18 bathroom and the carpet, built a cocoon.

19 And then I had to put -- and then I had to
20 -- in the laundry room, I had to take a zipper and
21 open it up and step through and zip it back up, go
22 in there and do the laundry and zip it back down
23 and go back upstairs.

24 So we were just -- took four months to get
25 all that repaired and new carpet down. And we

1 finished it up in September. We had made two
2 telephone calls to Gary to -- the attorney for Elms
3 Hills Water. He lives in Lincoln -- no.

4 MAN IN AUDIENCE: Clinton.

5 MS. WAKLEY: Clinton. And he -- my
6 husband called him first and --

7 JUDGE BURTON: Ms. Wakley, I'm just going
8 to clarify real quick. I don't mean to interrupt.
9 But do you mean the attorney was the receiver for
10 Missouri Utilities Company, not Elm Hells?

11 MS. WAKLEY: Yes. We wanted to report
12 this to see if there was some insurance from the
13 State, some insurance. And he didn't return my
14 husband's call.

15 And I called him two or three weeks later
16 and left a message on his answering machine. And
17 he didn't even give us the courtesy of a telephone
18 call back to us.

19 So we ended up -- Stanley Steamers' bill
20 alone was \$5,000, which is what our insurance paid.
21 And then the carpet and the -- everything else, we
22 had to pay. So we paid over 5,000 out of our own
23 pocket on that date, June the 4th, 2016.

24 So it was quite a -- a catastrophe fee for
25 us. It was a mess. And that's all I have to

1 report.

2 JUDGE BURTON: Thank you, Ms. Wakley. Are
3 there any questions from Elm Hills?

4 MR. COOPER: No, your Honor.

5 JUDGE BURTON: Staff?

6 MS. PAYNE: No, your Honor.

7 JUDGE BURTON: Public Counsel?

8 MR. SMITH: No, your Honor.

9 JUDGE BURTON: Thank you, Ms. Wakley.

10 MS. WAKLEY: Thank you.

11 COMMISSIONER KENNEY: Thank you.

12 JUDGE BURTON: The Commission will next
13 hear from Roger Gates.

14 MR. GATES: You'll have to bear with me.
15 I have a little tremor anyway.

16 JUDGE BURTON: Quite all right. Please
17 raise your right hand.

18 MR. GATES: Pardon?

19 JUDGE BURTON: Could you please raise your
20 right hand?

21 ROGER GATES,
22 being first duly sworn to testify the truth, the whole
23 truth, and nothing but the truth, testified as follows:

24 TESTIMONY OF ROGER GATES

25 JUDGE BURTON: Would you please state and

1 spell your name for the record?

2 MR. GATES: Roger Wayne Gates, 1308 Elm
3 Hills Boulevard. Okay. I -- I -- I wrote some of
4 the this down because I can't remember anything.
5 But I said -- good evening to everyone. And this
6 is not a position I'd like to be in right now, but
7 that's besides the point.

8 First of all, I thank Elm Hills is falling
9 into very questionable hands. The No. 1 point is
10 the strange financing and all of Mr. Cox either
11 reported or verbal have been -- have not been
12 transparent or even in -- in his many State
13 filings. I messed that up. Did you understand
14 what I said there?

15 COMMISSIONER KENNEY: Yes.

16 COMMISSIONER COLEMAN: I think so.

17 MR. GATES: Okay. Transparency is the
18 biggest part. But first, I would like to give a
19 little history of the Elm Hills Subdivision. If
20 you don't want me to do that, I will go by it.

21 JUDGE BURTON: You can --

22 MR. GATES: All right. Elm Hills --
23 history of Elm Hills Subdivision. The subdivision
24 and water and sewer were built by Grinelle
25 Construction Company. I'm not -- I'm not sure when

1 because I did not see the plat as it was filed at
2 the Pettis County Courthouse. But at least 40
3 years ago.

4 Grinelle built a number of rural additions
5 of which I did much of the layout survey. But not
6 Elm Hills. All these subdivisions, water and
7 sewer, were made to be substantial.

8 At the time, in all cases, there was no
9 oversight from the County or the State. I bought
10 my duplex in with about 1980. Over the years, well
11 water was tested as good, but there was very little
12 maintenance done until 2005 when the well pump went
13 out and we lost all of our renters.

14 Mr. Cover did nothing. So the owners, we
15 paid to fix the well. We were never paid and that
16 is in state record. I didn't -- I didn't print
17 that out because I couldn't get it to print out.
18 But it is a state record that can be looked up in
19 the Commission records.

20 And very little maintenance from there on
21 for about ten years. That is why the water has
22 ongoing problems. There may be ten owners of which
23 about eight live here on a permanent basis. And
24 I'm not sure about that. I'm just guessing.

25 Most of them are my neighbors down the

1 street. The rest are rental units and are probably
2 at the rent price limit.

3 To get an idea of home values, they were
4 very -- there's a very nice home east of me that
5 listed at 148,000. A fair price. It would be more
6 in a different location. But not selling.

7 Right now, there is rust in the water, not
8 mine so much because I live up close to the well.
9 And I have a water softener that I put in as soon
10 as I bought the place, a very expensive water
11 softener, and it works very well. And my water is
12 pretty good.

13 The holding tank should be drained and
14 flushed. There should be some way to bypass the
15 holding tank to run well water into the water line.
16 And that is just my opinion.

17 I don't know if -- whether it even has a
18 drain on the tank or not. But I have been in the
19 well house a number of times to flip the breaker to
20 keep the water running. And this was after the
21 well went out and the electrical box and everything
22 was very poor, and the door was wide open.

23 Mr. Cox thanked the Commission for closing
24 day for everyone to test itself. But that date was
25 in January 2017, but Mr. Cox did not send his

1 letter of plan -- of his plan until the next month
2 of February 17th. I'm not sure of the dates
3 exactly. I didn't look at them. But it's close to
4 a month.

5 After the closing, there is something,
6 about a 60-day waiting period on any application to
7 the Commission. Mr. Cox asked for a waiver on that
8 60-day period to close on the deal. Now, that's my
9 opinion.

10 Since Cox has no credit, his only security
11 is the utility system, which is not worth much.
12 But his real security is his okay from the Missouri
13 Public Service to run the operation and to -- by
14 operation to run it and to charge the rates.

15 So I think the creditors -- if he's going
16 to the same creditors as the -- they're out of
17 California, and I don't have the name down right
18 now. Fresh Start, LL -- LCC -- LLC.

19 And I'm sure that he wants to get these
20 people paid, and I don't know whether they're --
21 they're loaning him the money all in one deal or in
22 parts like a bank would normally do -- loan
23 construction company. Because they don't want to
24 be paying for the whole thing at one time.

25 Cox is going to charge \$75 off the get-go,

1 which I said a while ago, without any guarantee of
2 the limit of repairs. Also, he is -- indicates
3 that his occupation at 75 is only -- and, guys, and
4 I only wish I could get 14 percent of my money,
5 which looks like we will be paying at Hillcrest
6 Subdivision.

7 I have followed very closely, and I know
8 the money was around 14 percent. If I'm wrong
9 about that, could you all correct me on that? I
10 know it's a --

11 JUDGE BURTON: I'm sorry. The Commission
12 isn't allowed to -- to answer questions. We're
13 here for the taking of testimony.

14 But if you would like to talk to
15 representatives from Staff, the companies or the
16 Public Counsel, they will be available to answer
17 any questions about this or other prior cases after
18 the conclusion of this hearing.

19 MR. GATES: I'm very sorry.

20 JUDGE BURTON: No. You're fine.

21 MR. GATES: I can't hear very well at all.

22 JUDGE BURTON: If you have questions about
23 the Hillcrest case that you would like some
24 clarification at the conclusion of this hearing,
25 you will have an opportunity to ask representatives

1 from Staff, Public Counsel and the companies to
2 clarify, verify information.

3 MR. GATES: Well, thank you. I hope that
4 some of this is a clarification. And you may not
5 want me to read this.

6 But anyway, Cox and his wife went into
7 bankruptcy, and it's 104 pages long. And it's in
8 the Eastern District Court, Bankruptcy Court. Some
9 of the highpoints, a corporation called Trum --
10 Trumpet Builders and Land Services, total assets of
11 -- of the Coxes is \$46,819.

12 The total liability of the bankruptcy is
13 \$2,368,149.22. Penalties and interest to the IRS
14 and Missouri Labor Department totals \$38,402. The
15 largest back-pay owed that I found without going to
16 every one of them, \$192,000.

17 His present monthly income is \$4,100, and
18 monthly expenses are fifty-seven nineteen leaving
19 16 -- \$1,619 over his income. Penalties and -- I
20 understand that penalties and false statements can
21 bring a fine up to \$500,000 or five years or both.
22 And this was filed September -- February 7th, 2014.
23 And these are all here -- I didn't print them all.

24 COMMISSIONER KENNEY: Mr. Gates?

25 MR. GATES: Yes.

1 COMMISSIONER KENNEY: Would you like to
2 put those in the record so you don't have to -- and
3 we are familiar with some of those but you can put
4 in the them in the record so we can all view those
5 if you want?

6 MR. GATES: I thought that's what we were
7 doing.

8 COMMISSIONER KENNEY: Well, if you wanted
9 to present it, instead of trying to highlight --

10 MR. GATES: I would have to print the
11 whole thing out.

12 COMMISSIONER KENNEY: No. I mean, if you
13 already have them printed. Or you can reference
14 what you have and we can put that in.

15 MR. GATES: I'm not going to give -- who
16 wants it?

17 JUDGE BURTON: Why don't you present it to
18 the court reporter, this lady here, and she will
19 put an exhibit sticker on it.

20 MR. GATES: Okay. I'm going to give the
21 pages and this. But I'm going to keep this page
22 that I've written on that I'm embarrassed.

23 Missouri, State Grant, Incorporated, to Central
24 States Resources, Incorporated. But --

25 JUDGE BURTON: Mr. Gates, if you would

1 like, you can offer all of the documents that you
2 are reviewing for the record.

3 MAN IN AUDIENCE: Yes.

4 MAN IN AUDIENCE: Yes.

5 MR. GATES: Okay.

6 JUDGE BURTON: Why don't you provide a
7 copy that you would like to have the Commission
8 consider as part of the record to the court
9 reporter to at least have her mark.

10 MR. GATES: Are you talking to me?

11 JUDGE BURTON: Yes, Mr. Gates.

12 MR. GATES: What do you want me to do?

13 I've already got these over here.

14 JUDGE BURTON: Take whatever documents you
15 would like to --

16 MR. GATES: As I go through them I'll do
17 that.

18 JUDGE BURTON: Okay. You can just present
19 it to her to have her put those exhibit stickers,
20 and we'll see if there are any objections.

21 MR. GATES: Okay.

22 WOMAN IN AUDIENCE: Thank you.

23 MR. GATES: This was -- this application
24 for the Corporation of Central State Resources,
25 Incorporated, was not filed by Mr. Cox, but by a

1 Thomas Manz, M-a-n-z, Rose Hill, California. But
2 Offices, Inc., St. Louis, Missouri, also.

3 This was done January 27th, 2014, which is
4 very close to the date at which the declared
5 bankruptcy. If I can get these apart. I'm shaky.

6 JUDGE BURTON: Mr. Gates, why don't we
7 have you take this opportunity to review the
8 documents that you would like the Commission to
9 consider and provide that to the court reporter.

10 And we'll go ahead and go on to have the
11 next person testify, and we can come back to you to
12 present those.

13 MR. GATES: However you want to do it.

14 JUDGE BURTON: That way we can make sure
15 and hear from everyone here who is here.

16 MR. GATES: I would like all this stuff on
17 the record then.

18 MS. PAYNE: Do you want the Commission to
19 look at those documents? Or do you want -- do you
20 have more that you need to tell them?

21 MR. GATES: Well, I -- I -- I can go
22 through all of this stuff. And it's where he's
23 applied for corporations, for Elm Hills
24 Corporation, and he could not do that unless he was
25 already President of the Central State Water

1 Resources.

2 And, also, first -- first -- what do they
3 call that? First round.

4 JUDGE BURTON: Ms. Payne, if you would be
5 so kind if you could take some exhibit sticker from
6 the court reporter --

7 MS. PAYNE: Absolutely.

8 JUDGE BURTON: Mark the exhibits. And
9 we'll provide an opportunity for Counsel to review
10 those documents for any objections.

11 And then, Mr. Gates, we will return at the
12 conclusion of everyone else's testimony to you.
13 The next person the Commission will hear from is
14 Juanita Herring.

15 JUANITA HERRING,
16 being first duly sworn to testify the truth, the whole
17 truth, and nothing but the truth, testified as follows:

18 TESTIMONY OF JUANITA HERRING

19 JUDGE BURTON: Okay. Would you please
20 state your name and spell it for the record? And
21 just please step a little bit closer to the
22 microphone.

23 MS. HERRING: Okay. Juanita Herring,
24 H-e-r-r-i-n-g. I agree with most of what everyone
25 has said. And we both had the same problems at one

1 time or another other. I'm sure of that.

2 We've had our basement flooded. And every
3 time the -- the sewage lines get tree limbs in
4 them, they always back up in our commode that we
5 have in our basement.

6 But my main concern is the cost. I live
7 by myself. My husband's in the VA home. And I --
8 I think the cost is pretty high. And why should I
9 pay the same as everyone else is?

10 You know, I know there's a lot of people
11 that are by themselves. But I know I don't use
12 much water. And, of course, if you don't use the
13 water, you don't use the sewage. But that's my
14 concern is the cost.

15 JUDGE BURTON: Thank you, Ms. Herring.

16 COMMISSIONER COLEMAN: Ms. Herring, where
17 did you -- did you mention where you live?

18 MS. HERRING: Oh, 1215-D.

19 COMMISSIONER COLEMAN: In what --

20 MS. HERRING: Elm Hills.

21 COMMISSIONER COLEMAN: Elm Hills. Okay.

22 MS. HERRING: Yeah. I live right on

23 the --

24 COMMISSIONER COLEMAN: Okay. And did you
25 have any response when you had the issues with your

1 water backing up? Did the company at that time
2 work with you on that issue?

3 MS. HERRING: Oh, yeah. Larry Casteel
4 worked for the company. He is the one that checked
5 the water up at the pump house.

6 And every time, he gave my husband his --
7 his telephone number, his card. And he was good
8 about coming out. And every time that we would --
9 would have a back-up for some reason, it stopped at
10 our four-plex.

11 And Larry would come, and he would have
12 someone come down and clean -- clean it up. And it
13 was usually across the street where the trees had
14 grown into the sewer line.

15 COMMISSIONER COLEMAN: Okay. Thank you,
16 Ms. Herring.

17 MS. HERRING: That's all -- that's all I
18 have. I'm just -- I don't feel that I should have
19 to pay \$75 when I'm not using -- well, I'm gone
20 every other day and sometimes more than that. And
21 so I know I'm not using much water. And that's --
22 that's my biggest concern. I'm sure I'm not alone,
23 but -- that's my concern.

24 COMMISSIONER KENNEY: Thank you, ma'am.

25 COMMISSIONER COLEMAN: Thank you.

1 JUDGE BURTON: Any questions from Elm
2 Hills or Public Counsel?

3 MR. COOPER: Thank you.

4 MR. SMITH: Thank you.

5 JUDGE BURTON: The Commission will next
6 hear from Scott Cramer.

7 MR. CRAMER: How are you?

8 JUDGE BURTON: Very good. Could you
9 please your right hand?

10 SCOTT CRAMER,
11 being first duly sworn to testify the truth, the whole
12 truth, and nothing but the truth, testified as follows:

13 TESTIMONY OF SCOTT CRAMER

14 MR. CRAMER: I swear to tell the whole
15 truth and nothing but the truth so help me God.

16 JUDGE BURTON: Thank you, Mr. Cramer. Can
17 you state and spell your name for the record?

18 MR. CRAMER: My name is Scott Cramer,
19 C-r-a-m-e-r is my last name. I'm the one that has
20 the sink hole out in my yard where the sewer system
21 is exposed.

22 And the owner that owns it now is trying
23 get something done about it. But the utility
24 company has no money to fix it, and it's getting
25 bigger and bigger.

1 We've got -- where I'm at used to be a dry
2 creek that runs through there. And all that raging
3 water that comes from up the hill and through that
4 divider between the Temp Stop -- it's called Temp
5 Stop. It's a -- it's a gas station.

6 There's a ditch that goes between them.
7 Well, that rushing water comes through there and
8 it's going down through them pipes. And it's
9 creating a lot more problems because stuff is going
10 down in them.

11 But the bigger issue is -- is the expense
12 of all of this that's going to come to the park
13 itself because it's just one system going through
14 to everybody.

15 And a lot of people can't, I would say,
16 afford to have this big increase. And because of
17 the negligence of the prior people that owned the
18 utilities, which have been two that I know, they
19 let the pump go down.

20 We sat two weeks with no water. Nobody
21 ever came out to get us water. The owners Kent and
22 Pat Halbern who owned it had to literally take
23 \$10,000 out of their own account and pay for a new
24 pump and to each one of these people's houses to
25 try to collect some money to pay for it. And they

1 never did get any money back from that.

2 And they were trying to take it off of
3 their bill. And the guy, I guess, was making big
4 issues of it there. But for us to have to take a
5 big expense like this and not knowing what all you
6 need to do first to get it fixed, a high expense
7 like that needs to be determined differently and
8 rate increases later on if needed is what I'm
9 asking. Because there's no determination
10 to say how much this is actually going to cost
11 because nobody actually knows the damage that's
12 really in these systems and the lines.

13 You know, I was there when they replaced
14 the water pipes because they were running backhoes
15 through there running the lines through. This was
16 like '88, '89. I think the Millers owned it.

17 And we've never really had that much issue
18 with rust and dirt and different things in the
19 system because the guy wouldn't flush the system.
20 Ken literally had to go up there and flush it on a
21 regular basis.

22 JUDGE BURTON: Who is this?

23 MR. CRAMER: Ken, the owner. And they
24 were the prior owners -- I've been through four
25 owners now. I'm the oldest one out there. I've

1 been out there at least 34 years, and this is the
2 worst I've seen it.

3 You can't drink the water because it hurts
4 my kidneys when I drink it. And I have to -- I
5 have to ask whether somebody's ever tested that
6 water, or do they do a regular testing? I don't
7 think anybody's ever done it.

8 And like I said, most people are drinking
9 this, and they don't know what harm is coming to
10 them. But the issue of the rate, of not knowing
11 what to charge puts us all on the spot because that
12 main line runs through the park and then runs
13 further down to Don's Towing.

14 I mean, there's no way to meter it. All
15 of us over there -- if I'm single person, in my
16 trailer, I'm going to have to pay the same as
17 somebody that has nine people in their trailer.
18 And it's not fair.

19 Do you see what I'm saying? There's no
20 way that anybody can determine usage per person.
21 And that could be an issue, too.

22 COMMISSIONER KENNEY: Mr. Cramer, you've
23 lived there for 34 years?

24 MR. CRAMER: Huh?

25 COMMISSIONER KENNEY: You've lived there

1 34 years?

2 MR. CRAMER: I've lived in the city for a
3 long time until --

4 COMMISSIONER KENNEY: How long in this
5 district?

6 MR. CRAMER: About 19 years.

7 COMMISSIONER KENNEY: Nineteen years. And
8 how many owners?

9 MR. CRAMER: Huh?

10 COMMISSIONER KENNEY: How many owners have
11 there been in that system? You said four different
12 owners or -- since you've lived there?

13 MR. CRAMER: Oh, you mean in -- in the --
14 in the county that I've been out there. I've been
15 out there 34 years. 34 years.

16 COMMISSIONER KENNEY: But on the same
17 system, the water and sewer and -- you've been on
18 that -- you've been on the current system for 19
19 years?

20 MR. CRAMER: Yeah.

21 COMMISSIONER KENNEY: Okay. How many --
22 how many rate increases have you had? Any? What
23 do you pay a month now?

24 MR. CRAMER: Huh?

25 COMMISSIONER KENNEY: What do you pay a

1 month? I'm sorry.

2 MR. CRAMER: We don't -- it's all included
3 in the water bill.

4 COMMISSIONER KENNEY: So it's all
5 included?

6 MR. CRAMER: Yeah. So the water will have
7 to go up.

8 COMMISSIONER KENNEY: Okay.

9 MR. CRAMER: And there's going to be an
10 excessive rate up because we don't know how much
11 it's going to cost us.

12 COMMISSIONER KENNEY: So you don't know
13 what increase has been associated with your
14 utilities?

15 MR. CRAMER: No.

16 COMMISSIONER KENNEY: Got you. I
17 understand. Thank you.

18 MR. CRAMER: It's going to be different.

19 COMMISSIONER KENNEY: No. I appreciate
20 it. Thank you. That makes sense. Appreciate the
21 clarity.

22 MR. CRAMER: Okay. Thank you.

23 MR. CRAMER: Anything else?

24 MS. PAYNE: Mr. Cramer, I do have one
25 question. Can you clarify? You said there had

1 been multiple owners. Was it owners of the trailer
2 park that you live in or owners of the water and
3 sewer system?

4 MR. CRAMER: Owners of the trailer park,
5 there have been four. Two people that I know that
6 ran the utility.

7 MS. PAYNE: Okay.

8 MR. CRAMER: One guy who let the --

9 JUDGE BURTON: Mr. Cramer, could you
10 please testify into the microphone?

11 MR. CRAMER: Kept an excessive amount of
12 money for himself and was not repairing anything,
13 which left the owners of the park because they have
14 an obligation to us people that they had to dig out
15 of their own pocket to pay for the pump.

16 MS. PAYNE: And that was the Millers?

17 MR. CRAMER: That was the Millers. And,
18 like I said, they had to go around and try to get
19 money from everybody to try to help contribute to
20 pay for it.

21 And that's where the negligence started.
22 And it's just -- it just seems like it's just built
23 up. That's like nobody knew that this whole system
24 was in that bad of shape.

25 But we all have had bad -- bad water come

1 through. Everybody in the lower end of the trailer
2 park has replaced their hot water tanks within a
3 month of each other. So that's how much calcium
4 and build-up and everything is going in, the red
5 sediment that's going in there, and we're drinking
6 it.

7 When did somebody ever test that? Was
8 there anything on record showing that these people
9 were testing it on a regular basis? Nobody. So we
10 are in jeopardy of being sick from water that may
11 have been contaminated.

12 It's just like the sewer system. There's
13 water in that deep hole, the pipes down here the
14 sewer. And I've got water leaking up above that's
15 leaking.

16 And with all that flushing around, nobody
17 knows where that's going, whether it's affecting
18 the sewers down further like on the Boulevard.
19 Nobody knows because we can't determine where all
20 that's going to.

21 JUDGE BURTON: Thank you, Mr. Cramer.

22 MR. CRAMER: Okay. Anything else?

23 COMMISSIONER KENNEY: Thank you.

24 COMMISSIONER COLEMAN: Thank you.

25 MR. CRAMER: Okay. Thank you.

1 JUDGE BURTON: Next, the Commission will
2 hear from Larry O'Neil.

3 LARRY O'NEIL,
4 being first duly sworn to testify the truth, the whole
5 truth, and nothing but the truth, testified as follows:

6 TESTIMONY OF LARRY O'NEIL

7 JUDGE BURTON: Would you please state and
8 spell your name for the record?

9 MR. O'NEIL: Larry O'Neil, and it's
10 O--N-e-i-l.

11 JUDGE BURTON: Okay. Thank you.

12 MR. O'NEIL: At 1204 Elm Hills Boulevard.
13 We have lived there since 1982, which if my math is
14 right, the reason I'm here is -- and just to kind
15 of give my opinion of the previous two gentlemen
16 here, the -- we have problems with the water prior
17 to the pump problems.

18 And, yes, I'm sure a lot of people here
19 and others did pay for that, part of it. We were
20 assessed by -- I don't know if it was to pay a
21 certain amount, and I could go back and find a
22 check, probably.

23 So I agree that there was not any
24 systematic way of collecting that, seeing who paid
25 or who didn't. So -- but since then, you know, it

1 has gotten worse.

2 I have not had any sewer problems, but
3 lots of water problems, in my opinion. The issue
4 has been brought up about hat water been tested.

5 I don't believe it's been tested on a
6 regular basis. But I asked Larry -- what's his
7 last name.

8 MAN IN AUDIENCE: Casteel.

9 MR. O'NEIL: Casteel?

10 MAN IN AUDIENCE: Castle.

11 MR. O'NEIL: Because I've had so much
12 rust. And he took a sample of it and sent it to
13 the DNR. And it came back with -- I may have a
14 copy of that somewhere. But it had a lot of iron
15 in it.

16 And my -- my question yet is where is all
17 this stuff coming from? People say it's in the
18 pressure tank. Do we know that? I don't know. Is
19 it coming from the lines? Are they galvanized
20 lines? Are they plastic lines? I don't know.

21 But I just know that early on, we had so
22 much sediment in our water and we had a water
23 softener. We did not have a whole house filter.
24 And it ruined that water softener very quickly. It
25 probably lasted two years.

1 And Ronnie Grinelle came out there and
2 said, The water out here, you've got to put it in a
3 whole house filter in front of everything and then
4 put in your water softener.

5 So we did that. And the water softener is
6 still going. But a tremendous amount of reddish
7 brown water. At times, that filter will be almost
8 plugged in two weeks time.

9 If I would go out and open the spigot in
10 front of the house, the faucet, hydrant, whatever
11 you want to call it, sometimes it would run for at
12 least 30, 45 seconds, and it would be running water
13 that looked like root beer.

14 And so that's when I called Larry and
15 said, Can you get out here? Oh, you know, he
16 blamed the well. And the idea of the tank thing, I
17 never heard of until tonight.

18 So I think that's a major issue where is
19 this stuff coming from? I didn't bring my card. I
20 -- I write down when I change that filter. But
21 here's the biggest mystery.

22 I changed it like a month ago because a
23 lot of it was smelling so bad. I crawled under the
24 house, and there was grayish back, the whole filter
25 was. I've still got it in my garage.

1 Before, it was reddish brown every single
2 time. Now it's blackish and gray color and just
3 really, really smells like sewer. I thought, What
4 just happened? I don't know.

5 And since I put the new filter in, it's
6 perfectly clean. So how could there be such a big
7 change? I don't understand that at all. So those
8 are concerns I had there.

9 Others, what the first gentleman said the
10 financial stability, Mr. Cox, I would agree. I
11 have read through a lot of these same -- same
12 things that he has printed out and has there. I
13 would have those same concerns.

14 And along with that, that -- I want data.
15 I'm a data driven person. And when someone comes
16 and says, like, you know, to all of us, It's going
17 to cost you \$75 bucks now plus something instead of
18 18.85 or 24 -- yes. The rate at one was a little
19 bit down. We've had at least one increase. I know
20 it's cheap. Obviously, that is.

21 But I've checked with friends of mine in
22 town, and this is considerably higher than they
23 charge in the city limits. So I think the
24 Commission has a burden in looking at that amount
25 to research other communities. How much do they

1 pay?

2 You know, we're not talking about garbage
3 here. So that, I think, needs to be looked at. If
4 you live on Elm Hills Boulevard like we do, you
5 have too many cars going down there to that end up
6 in our yards.

7 And the last one we had actually hit -- I
8 think it went through Joe's yard, and then it went
9 up into our yard and crashed into a manhole cover
10 that's there.

11 And I believe that's when the sewer -- it
12 broke up all the concrete around it. So I called
13 Larry, and he said, Well, nothing's going to
14 happen. We don't have any money.

15 So then I called the guy -- let's see.
16 What's his name? In Clinton.

17 WOMAN IN AUDIENCE: Gary Cover.

18 MR. O'NEIL: Gary Cover. And he never
19 even returned my call. So the same as others have
20 had with him. It's like whistling in the wind.

21 So I believe those are the things that are
22 pertinent to my experiences there. Yes. Something
23 does needs to be done. But whether this is the
24 direction to go, you people will decide that. So
25 thank you.

1 COMMISSIONER COLEMAN: Thank you,
2 Mr. O'Neil.

3 COMMISSIONER KENNEY: Thank you.

4 CHAIRMAN HALL: Thank you.

5 JUDGE BURTON: Any questions? Thank you,
6 Mr. O'Neil. The next name, I apologize if I say
7 that incorrectly. Joe Eppes?

8 MR. EPPES: That's me.

9 JUDGE BURTON: Please raise your right
10 hand.

11 JOE EPPES,
12 being first duly sworn to testify the truth, the whole
13 truth, and nothing but the truth, testified as follows:

14 TESTIMONY OF JOE EPPES

15 JUDGE BURTON: Would you please state and
16 spell your name for the record?

17 MR. EPPES: Joe Eppes, E-p-p-e-s.

18 JUDGE BURTON: Thank you.

19 MR. EPPES: I'm at 1202 Elm Hills
20 Boulevard. And I have -- I actually called in to
21 talk to Mr. Smith and gave him a statement and,
22 also, to -- to you all. Do I need to give that
23 statement again?

24 JUDGE BURTON: You can provide a statement
25 here if you have an additional statement.

1 MR. EPPES: Through that channel, is that
2 the same statement as what we're doing here?

3 JUDGE BURTON: Yes.

4 MR. EPPES: Okay. My only comments are
5 the monthly rate is -- I live by myself, of course.
6 And I was thinking going from \$18 to 75 is a little
7 exorbitant.

8 And you've all got -- we've got a lot of
9 problems at Elm Hills. But I don't know what the
10 answer is. I just hope that we can arrive at just
11 and reasonable rates for everybody.

12 I don't think the -- I don't like the
13 single flat rate. So, and I agree with what
14 everybody else has said. So --

15 JUDGE BURTON: Okay. Thank you.

16 MR. EPPES: As far as sewer back-ups I've
17 probably had as many as anybody. You know, it's
18 all water under the bridge. But, you know, I've
19 had -- one of them was \$14,000. One of them was
20 10,000. One of them was 9,000. And that was just
21 what -- what the insurance company paid. That
22 wasn't actual losses.

23 JUDGE BURTON: So those were costs for --
24 for back-ups?

25 MR. EPPES: Yeah. Where the -- raw sewage

1 came back up through the drain of my basement.

2 COMMISSIONER KENNEY: Since you've been
3 the homeowner? How many years have you owned it?

4 MR. EPPES: 25.

5 COMMISSIONER KENNEY: So you've had three
6 -- I'm sorry. Did I hear you say you've had three
7 back-ups?

8 MR. EPPES: I've had more than that.
9 Three.

10 COMMISSIONER KENNEY: The one with the
11 insurance company?

12 MR. EPPES: Three major ones.

13 COMMISSIONER KENNEY: Okay.

14 MR. EPPES: One of them, the insurance
15 company that Gary Cover had covered about 20,000 of
16 it. The second time it happened, they canceled it
17 and said there wasn't coverage there.

18 And the third one was my own insurance
19 company covered 10,000 of it because that was
20 maximum of the policy.

21 COMMISSIONER KENNEY: I think, like
22 everybody else, something needs to be done. It's
23 just a matter of at what expense.

24 MR. EPPES: Certainly. We've, you know,
25 got problems.

1 COMMISSIONER KENNEY: Thank you.

2 Appreciate it, Mr. Eppes.

3 JUDGE BURTON: Any questions from Counsel?

4 Okay. The Commission will next hear from Sylvester
5 Vantori, Jr.

6 WOMAN IN AUDIENCE: He left.

7 JUDGE BURTON: Okay. The Commission will
8 next hear from Winfield Taylor.

9 MR. TAYLOR: Hello.

10 JUDGE BURTON: Please raise your right
11 hand.

12 WINFIELD TAYLOR,
13 being first duly sworn to testify the truth, the whole
14 truth, and nothing but the truth, testified as follows:

15 TESTIMONY OF WINFIELD TAYLOR

16 JUDGE BURTON: Would you please --

17 MR. TAYLOR: And I affirm.

18 JUDGE BURTON: -- state your name for the
19 record?

20 MR. TAYLOR: Winfield Taylor,
21 W-i-n-f-i-e-l-d, Taylor, T-a-y-l-o-r. And I live
22 at 6005 Chestnut Drive, Sedalia, Missouri.

23 Now, I've got several things here I would
24 like to mention. And a lot of them are
25 encapsulated into this document. This is something

1 which I submitted and I believe it's relevant now
2 because we have the -- essentially the same owner,
3 the one who was recorded and also wanting to take
4 over at Elm Hills.

5 So back in 2014, before we had a public
6 meeting on that take-over, it became aware -- we
7 became aware in that area that Mr. Cox wanted to
8 take over the area, and we -- I have various
9 things, so I'm going to try to be composed about
10 this. But it's --

11 JUDGE BURTON: Let me just ask you
12 briefly, are you currently a customer of Missouri
13 Utilities Company?

14 MR. TAYLOR: No, I am not. I'm a customer
15 of Raccoon Creek.

16 JUDGE BURTON: Okay.

17 MR. COOPER: I would object to the
18 testimony on that basis if he's not a customer of
19 Missouri Utilities Company.

20 MR. TAYLOR: I am in Pettis County, and I
21 believe that this concerns all residents of Pettis
22 County. I don't know if that is a correct reply,
23 but that's the way I feel. Maybe I'm wrong.

24 JUDGE BURTON: We're involved with the
25 service from Missouri Utilities, so I'm going to

1 sustain that objection.

2 MR. TAYLOR: Okay.

3 JUDGE BURTON: You have an opportunity, if
4 you'd like, to talk to the Public Counsel or
5 provide public statements that aren't in the
6 official record for the Commission's consideration
7 on the web site.

8 MR. TAYLOR: Okay.

9 JUDGE BURTON: That's the electronic
10 filing information system.

11 MR. TAYLOR: Okay. I believe that I have
12 some documents which might be germane to the
13 general strategy of Mr. Cox, namely, his Twitter
14 account, which was opened through December of 2014,
15 and I'd like to submit that.

16 MR. COOPER: We would object to the --
17 the -- certainly, he can talk to Mr. Smith, and Mr.
18 Smith -- and if Mr. Smith thinks it's relevant as
19 this case moves forward --

20 JUDGE BURTON: Why don't you provide a
21 copy of that -- or I'll let you talk briefly with
22 Mr. Smith, who is the Counsel for the public.

23 MR. TAYLOR: Okay. I appreciate that.
24 Thank you.

25 JUDGE BURTON: Mr. Taylor, the Commission

1 will allow you to discuss any statements you have
2 that just pertain to Mr. Cox --

3 MR. TAYLOR: Okay.

4 JUDGE BURTON: -- if you would like to
5 discuss those issues, but we would ask that you try
6 to minimize the discussion referencing on your
7 concerns with Mr. Cox or the ownership for Elm
8 Hills Utility Operating Company.

9 MR. TAYLOR: Okay. I will.

10 MR. EPPES: I'm sorry. Where does he
11 live?

12 MR. TAYLOR: Chestnut Drive, 6005 Chestnut
13 Drive.

14 MR. EPPES: Is that in Raccoon Creek?

15 MR. TAYLOR: Yes.

16 MR. EPPES: Okay. So that's the utility
17 that --

18 JUDGE BURTON: Sir. I could would ask
19 that you refrain from any statements right now.

20 MR. EPPES: Okay. I'm just trying to get
21 it straight.

22 MR. TAYLOR: Okay. So please stop me if I
23 stray. I don't quite know exactly what -- what
24 might be considered germane, but I would like to
25 try.

1 In this -- the concern I have is will this
2 be a stable financial arrangement for Missouri?
3 And if you look through these, it talks about a
4 strategy using triple loan rehypothication, which
5 as best I understand it, though I can't -- I'm not
6 an expert, is frowned upon by the world bank.

7 It goes on further, and he makes a
8 specific comment. Woke up late, forgot dirt in
9 house. Gary, 8 a.m. high pressure call with New
10 York City guys trying to relate. And that
11 shouldn't be there, I don't believe. Deregulated
12 power to hoop business.

13 So when I -- when I hear that, I think
14 Enron. So we have deregulated power being met at
15 the market. If the basis of this strategy relates
16 similarly to Enron in its foundation, then that
17 ultimately won't be good for Missouri.

18 And that's the gist of it. I can't -- I
19 would love to go through more, but I believe that's
20 what's germane. There's there is a lot here. And
21 I really don't know where to go from there. But I
22 appreciate your time and listening to me.

23 JUDGE BURTON: Okay. Thank you. Any
24 questions from the Commission?

25 COMMISSIONER COLEMAN: Mr. Taylor, did you

1 say that that information you have is from
2 Mr. Cox's Twitter report -- Twitter account?

3 MR. TAYLOR: Yes, it is.

4 COMMISSIONER COLEMAN: Okay. So you --
5 you gleaned from that some items. Are you
6 interested in submitting that information online?

7 MR. TAYLOR: I -- I submitted it as a
8 public comment.

9 COMMISSIONER COLEMAN: Okay.

10 MR. TAYLOR: Back in 2014 on December 1st
11 of this, which contains the full reading of most of
12 the comments that are made. This is in reference
13 to the SM-2015-0014 case.

14 COMMISSIONER COLEMAN: Okay.

15 MR. TAYLOR: And it's lengthy. But it is
16 present.

17 COMMISSIONER COLEMAN: Okay. Thank you.

18 MR. TAYLOR: Thank you.

19 JUDGE BURTON: Any questions from Counsel?

20 COMMISSIONER KENNEY: Thank you.

21 CHAIRMAN HALL: Thank you.

22 MR. TAYLOR: Thank you very much.

23 COMMISSIONER COLEMAN: Thank you.

24 JUDGE BURTON: Now, that concludes the
25 individuals who have signed up previously saying

1 that they would like to testify.

2 Before we return to Mr. Gates and his
3 documents, are there any other individuals who
4 would like to offer testimony for the record for
5 the Commission's consideration?

6 Okay. Seeing none, I would ask that,
7 Mr. Gates, if you could please return?

8 FURTHER TESTIONY OF ROGER GATES

9 MR. GATES: Well, I've pretty well
10 finished.

11 JUDGE BURTON: Okay.

12 MS. PAYNE: Your Honor, if you want, I
13 have made a list of the exhibits, and I'm going to
14 offer them. But I think Mr. Cooper might have a
15 suggestion for those.

16 MR. COOPER: Well, I guess we're going to
17 request, if we could, two days to state our
18 position on these particular documents.

19 I understand Ms. Payne is going to offer
20 them also. But we would like until Thursday end of
21 day to --

22 JUDGE BURTON: Submit written --

23 MR. COOPER: -- to submit either a
24 written objection or non-objection to those -- to
25 those documents.

1 JUDGE BURTON: Okay. At this time, I
2 would ask, Ms. Payne, if you can identify the
3 exhibits for consideration.

4 Ms. PAYNE: Okay. The first exhibit,
5 Exhibit 1, is a copy of the Bankruptcy Petition
6 submitted by Mr. Cox and his wife that was
7 referenced in Mr. Gates' testimony.

8 Exhibit 2 is a Certificate of
9 Incorporation with the Secretary of State of
10 Central State States Water Resources.

11 Exhibit No. 3 is a notice from the
12 Securities & Exchange Commission for First Round.
13 Exhibit 4 is the initial brief of the Staff of
14 Missouri Public Service Commission submitted in the
15 Hillcrest case, WR-2016-0064.

16 The fifth exhibit is the Western
17 District's opinion in the appeal of the Hillcrest
18 case. And Exhibit No. 6 is the application of Elm
19 Hills Utility Operating Company in this current
20 matter before the Commission.

21 JUDGE BURTON: All right. Thank you.
22 And, Ms. Payne, will you be retaining a copy of
23 those exhibits? Or would you prefer that -- that I
24 take them? Because I know we're going to need to
25 make copies for the Public Counsel and for the

1 evidence.

2 MS. PAYNE: If you are okay handling that
3 matter, I consent with turning that responsibility
4 over to you. I've presently given them to the
5 court reporter for the record.

6 JUDGE BURTON: We'll let the record
7 reflect that I will be taking and receiving those
8 exhibits at the conclusion.

9 CHAIRMAN HALL: Mr. Cooper, are you
10 planning on -- are you going to object to each of
11 those? Because, certainly, you can appeal those if
12 you're not going to object to them. I can't
13 imagine. Or are you?

14 MR. COOPER: I don't know yet.
15 Substantively, I mean, for example, the Staff's
16 brief from a separate case, I -- I don't know that
17 it's evidence, so I don't know that it should be
18 admitted as evidence.

19 Having said that, I don't know that
20 there's any harm. It's a publicly filed document.
21 But if we're going to put it into evidence, maybe
22 we ought to put the company's responsive briefs
23 from that case into evidence much as well. That's
24 just an example.

25 CHAIRMAN HALL: Are you admitting it

1 for --

2 JUDGE BURTON: It would be -- if there are
3 no objections, it would be admitted as an exhibit
4 for the official record.

5 MR. COOPER: So I guess that's what --
6 Chairman, that's what I'm struggling with a little
7 bit. But I don't know where we're going to land
8 ultimately.

9 CHAIRMAN HALL: Okay.

10 MS. PAYNE: Your Honor, there may be
11 notations on those exhibits as well. If it would
12 be possible to scan them and provide them to
13 Counsel in this case, that might assist, also, with
14 this matter.

15 JUDGE BURTON: That will be fine.
16 Tomorrow, I'll make a photocopy, and those will be
17 scanned in for all the parties.

18 MS. PAYNE: Thank you.

19 JUDGE BURTON: So that we can all review
20 them.

21 MS. PAYNE: Thank you.

22 JUDGE BURTON: And then let's all agree,
23 Mr. Cooper, today is the 9th, that any objections
24 will be filed by the end of business on Thursday,
25 May 11th, 2017.

1 MR. COOPER: Thank you.

2 JUDGE BURTON: Was there anyone else who
3 would like to offer statements to the Commission
4 while we are still on the record? Okay. Seeing no
5 hands --

6 MR. GATES: Me.

7 JUDGE BURTON: Okay. Thank you,
8 Mr. Gates. If you've heard that, did you have
9 anything in addition to the exhibits that you'd
10 like to state in conclusion?

11 MR. GATES: Well, I'm still sworn in, I
12 guess?

13 JUDGE BURTON: Yes, you are.

14 MR. GATES: Mr. Cox's application to buy
15 the Missouri Public Utilities, he said that Elm
16 Hills Utilities Corporation is free and clear,
17 those are my words. And I imagine they would be
18 for him corporation, for the corporation.

19 And, also, he says that Missouri Utilities
20 Company is also free and clear, which I don't agree
21 with because I think there are some fines from the
22 Missouri Department of Clean Water, whatever it's
23 called. I can't think of what it's called.

24 And I called them and talked to them. And
25 they said they had Mr. Cox in mind and that he had

1 not been presenting samples on a regular basis.

2 Also, I found out that Mr. Cox has a letter
3 set up a web site on the Internet saying that he is
4 the owner of Elm Hills Utility Company, Inc. And
5 if you wanted to get a hold of him, he gave a
6 number and an address in St. Ann, Missouri. I
7 think it is St. Ann.

8 So I really don't think I have much more.
9 Except if -- for \$75 more, I -- I've got two kids
10 in my duplex, and I pay the water and sewer, which
11 is no big deal. 40 bucks. And -- and I charge
12 \$650 a month.

13 If I go to that, I can't tell them, You're
14 going to get \$75 bill for water and sewer. There's
15 no way. They can't afford it. And they're not
16 going to afford it. They're going to leave.

17 So if I pay mine and theirs together,
18 that's going to be \$150. So you take 150 from 650,
19 and I'm down to 500 from what I asked for four or
20 five years ago.

21 I'm not going to go broke. But those are
22 the things that I think about quite a bit. And I
23 am retired. I'm 76. And it's a two-story duplex,
24 which I'm not going to be able to hit the stairs
25 forever. And I would like to sell it.

1 But I think if people understand that
2 there's going to be a \$75 charge plus gas and
3 electricity and everybody -- TV and Internet and
4 telephone -- so by the time all those things add
5 up, they probably would say, I think I'd rather
6 live in the city.

7 So that's all I've got to say about that.
8 The rest of it, I think I've pretty well said. So
9 I thank you very much.

10 COMMISSIONER KENNEY: Thank you, sir.

11 COMMISSIONER COLEMAN: Thank you,
12 Mr. Gates.

13 JUDGE BURTON: All right. Yes, ma'am.

14 MS. MONTEER: Hi.

15 JUDGE BURTON: Hi.

16 VANESSA MONTEER,
17 being first duly sworn to testify the truth, the whole
18 truth, and nothing but the truth, testified as follows:

19 TESTIMONY OF VANESSA MONTEER

20 JUDGE BURTON: Would you please state and
21 spell your name for the record?

22 MS. MONTEER: Vanessa Monteer,

23 V-a-n-e-s-s-a M-o-n-t-e-e-r.

24 JUDGE BURTON: Okay. Thank you.

25 MS. MONTEER: And I don't live in Sedalia.

1 We're actually -- I work for AAA Property
2 Management. We manage the mobile home park there
3 on Elm Hills Boulevard, which is 1405 Elm Hills
4 Boulevard.

5 And I am going to speak for the tenants.
6 A lot of the tenants in the mobile home park, along
7 with some of the tenants in the surrounding area,
8 they're all on a fixed income.

9 Therefore, I believe meters should be put
10 in at each of the residents' homes and each of them
11 charged individually for the water and sewer that
12 is used instead of being charged, you know, a flat
13 rate only because they're on fixed incomes.

14 JUDGE BURTON: How many residents are
15 there in that mobile home park?

16 MS. MONTEER: There are 28 mobile homes
17 that are rented currently.

18 JUDGE BURTON: And what is the capacity?

19 MS. MONTEER: There was 52 lot spaces.

20 MAN IN AUDIENCE: 50.

21 MS. MONTEER: 50 lots.

22 JUDGE BURTON: Thank you. Any questions?

23 CHAIRMAN HALL: So do the -- do -- do the
24 mobile home tenants write a check to -- currently
25 to the utility, or do they -- or how are their

1 utilities paid?

2 MS. MONTEER: It's paid through the lot
3 rent. It's included. Their water trash and sewer
4 is included.

5 CHAIRMAN HALL: And so is that -- is that
6 itemized monthly? They -- they can see what
7 they're paying for?

8 WOMAN IN AUDIENCE: The owner actually
9 pays for the water -- he's got -- the one meter is

10 JUDGE BURTON: I'm sorry, ma'am. We need
11 to --

12 WOMAN IN AUDIENCE: I'm sorry.

13 MS. MONTEER: The owner pays for the
14 water. There is one meter that feeds the whole
15 trailer park.

16 JUDGE BURTON: And this is the Millers?

17 MS. MONTEER: No, no. That is for Walter
18 Clark.

19 CHAIRMAN HALL: And so the -- the -- a lot
20 of them -- or the individuals who are renting the
21 lots, are they paying -- they're paying sewer
22 charges?

23 MS. MONTEER: It's included in the lot
24 fee.

25 CHAIRMAN HALL: Okay. Thank you. Thank

1 you.

2 COMMISSIONER KENNEY: Excuse me. You were
3 saying it's not, right? They just pay a flat fee?

4 MS. MONTEER: Yeah. They just pay a --

5 COMMISSIONER KENNEY: And the owner pays
6 based on the number of lots that are in use?

7 MS. MONTEER: Right. Right.

8 COMMISSIONER KENNEY: And so if the owner
9 has 50 lots in use, he pays for 50 units?

10 MS. MONTEER: Right.

11 COMMISSIONER KENNEY: If he has 40 in use,
12 he pays for 40 units?

13 MS. MONTEER: Right.

14 COMMISSIONER KENNEY: And then he pays
15 that -- but might charge a flat fee of 400, generic
16 number, \$400 a space and that's all the renter
17 pays?

18 MS. MONTEER: Right.

19 COMMISSIONER KENNEY: Okay. So if there
20 were -- if the owner pays an extra 50, he or she
21 may or may not add that to the rent, correct?

22 MS. MONTEER: It -- it will still be a
23 lump sum. It's a flat rent. Yeah.

24 COMMISSIONER KENNEY: Okay. Thank you.

25 COMMISSIONER COLEMAN: One moment. So

1 just for clarification, are you saying that the
2 owner pays for the water?

3 MS. MONTEER: Yes.

4 COMMISSIONER COLEMAN: And that does not
5 come out of the flat rate of rent?

6 MS. MONTEER: No.

7 COMMISSIONER COLEMAN: It does not?

8 MS. MONTEER: Well, it -- he collects the
9 rent, and, you know, he uses that to help pay
10 for --

11 COMMISSIONER COLEMAN: Right. So he's not
12 paying it himself. It's coming out of the rents?

13 MS. MONTEER: Yes.

14 COMMISSIONER COLEMAN: Okay. Thank you.

15 JUDGE BURTON: Okay. Thank you.

16 MS. MONTEER: Thank you.

17 FURTHER TESTIMONY OF SCOTT CRAMER

18 MR. CRAMER: I beg your pardon. The issue
19 with the lot rents, because they determine how many
20 trailers that are being used.

21 JUDGE BURTON: Why don't you walk up to
22 the microphone?

23 MR. CRAMER: Yeah. They determine how
24 many trailers are in use there that -- and they
25 just charge them for what -- this utility company

1 was charging them for the -- the months being used.

2 That's why I say it's hard to determine
3 what to set our rate because we have no control
4 over it. It's a whole lot different than somebody
5 on the Boulevard that you can put a meter on.

6 But it's different when you're in a park
7 that has one meter. And that flow of water still
8 continues out of back of the trailer park to where
9 that one trailer park was that blew away from the
10 tornado and Don's Towing and all those others.

11 So there's no determination of how to set
12 the rate for us because trailers aren't being --
13 using the water, they never had to pay for those
14 spots. They determined how it was to be pro-rated
15 if you want to say.

16 JUDGE BURTON: Thank you, Mr. Cramer.

17 MR. CRAMER: That's why I said when the
18 man asked for what money he needs, it's what it is
19 now, that he asks for an upgrade later on instead
20 of just saying, I need this.

21 Because nobody knows the determination of
22 how much damage or what's going to happen. And
23 like she said, there are people that cannot afford
24 a big jump in their -- their lot rents because
25 they're barely getting it to them now.

1 And it is -- it is different because you
2 you're working with two different sets of classes
3 of people, you know, from the Boulevard to here to
4 wherever else that the water goes to.

5 You know, you've got some going to the
6 businesses. You've got some going here. And they
7 can afford to do that.

8 But it's -- you've got families that are
9 sitting in a situation where they're just barely
10 making it. It -- it makes a big increase for them.
11 And that's why I ask that you determine the cost as
12 he needs it.

13 JUDGE BURTON: Okay. Thank you,
14 Mr. Cramer.

15 MR. CRAMER: Thank you.

16 JUDGE BURTON: Are there any other
17 statements that people might provide while we're on
18 the record?

19 All right. Seeing no hands, we will be
20 concluding today's hearing. And I would like to
21 remind everyone that no official decision has been
22 made by the Commission and no hearing has been set
23 in this matter as of yet.

24 But if anyone would like to follow this
25 case or to provide additional statements, you can

1 do so with the Missouri Public Service Commission's
2 web site.

3 And we also will be having representatives
4 from Staff, the companies and Public Counsel
5 available after we're off the record to answer any
6 additional questions that you may have.

7 CHAIRMAN HALL: Just very briefly, I want
8 to say thank you for coming out and providing this
9 testimony.

10 I know that for some of you this is not an
11 easy task to -- to come in a setting like this and
12 provide public testimony like this. But it's --
13 it's a really important process. We really
14 appreciate it. Thank you.

15 COMMISSIONER KENNEY: Thank you.

16 JUDGE BURTON: Thank you.

17 COMMISSIONER COLEMAN: Thank you very
18 much.

19 JUDGE BURTON: We are now off the record.
20 And I hope everybody has a very nice evening.

21 (The proceedings were concluded at 8:00 p.m. on
22 May 9, 2017.)

23

24

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