

1 STATE OF MISSOURI
2 PUBLIC SERVICE COMMISSION
3
4 TRANSCRIPT OF PROCEEDINGS

5 Public Hearing
6
7 October 17, 2007
8 6:00 p.m.

9 Platte City Middle School
10 900 Pirate Drive
11 Platte City, Missouri

Volume 1

12 In the Matter of Timber Creek Sewer Company,)
13 Inc.'s Tariff Designed to Increase Rates for)
Sewer Service.)

14 Case No. SR-2008-0080
15 Tariff No. YS-2008-0171

16 NANCY DIPPELL, Presiding,
17 Deputy Chief Regulatory Law Judge
18 TERRY JARRETT, Commissioner

19
20
21
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25

1 APPEARANCES:

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16 For the Missouri Public Service Commission:

17 Mr. Wayne Baker
18 Mr. Gregg Ochoa, Staff
19 Missouri Public Service Commission
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21 Jefferson City, Missouri 65102

22 For Hunt Midwest Real Estate:

23 Ms. Ora Reynolds
24 Hunt Midwest Real Estate Development
25 8300 N.E. Underground Drive
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1 P R O C E E D I N G S

2 JUDGE DIPPELL: Let's go ahead and go on
3 the record then. The Missouri Public Service
4 Commission has set this time for a local hearing
5 in Case Number SR-2008-0080 in which Timber Creek
6 Sewer Company seeks to implement a general rate
7 increase. The Missouri Public Service Commission
8 regulates the rates charged by investor-owned
9 utility companies in Missouri to ensure that those
10 rates are just and reasonable. The Commission
11 also regulates the quality of service and safety
12 of operations.

13 The Commission is made up of five
14 commissioners, one of whom is here with me
15 tonight, Commissioner Jarrett. And the Commission
16 also employs a staff of engineers, accountants,
17 attorneys, financial analysts and other experts in
18 the field of utility regulation. My name is Nancy
19 Dippell, I am a Regulatory Law Judge that has been
20 assigned to this case. It is my job to preside
21 over tonight's hearing.

22 As you know we are video conferencing
23 this from not only the Platte County Middle School
24 from where the witnesses are, but from here in the
25 Commission's offices in Jefferson City. In

1 addition to the video conference, we are also
2 broadcasting this over the web. So I just wanted
3 you all to be aware of that.

4 We have a court reporter there in Platte
5 City that is transcribing the hearing so that the
6 other commissioners can read all the comments and
7 review them. The sound and video you are hearing
8 is also being recorded here in Jefferson City.
9 Also here in Jefferson City tonight I have members
10 of the staff. I have Mr. Russo for the water and
11 sewer department, Mr. Hagemeyer, and I also have
12 the Staff Counsel Wayne Baker. And I believe I
13 saw that Ms. Christina Baker is there with you
14 all. She is with the Office of Public Counsel.
15 And of course Mr. Ochoa is our Public Information
16 Officer. I am assuming there are some Timber
17 Creek Sewer representatives there?

18 MR. FINNEGAN: Yes. I am Jeremiah
19 Finnegan. I am the counsel for the Timber Creek
20 Sewer Company. I would like to enter my
21 appearance. Jeremiah Finnegan, Finnegan, Conrad,
22 Peterson. 1209 Penn Tower Office Center, Kansas
23 City, Missouri, 64111. And here also are Derrick
24 Sherry and Willis Sherry, and Emma and Steve, the
25 operator. So we are here present.

1 And I would like to make just one brief
2 comment. Inasmuch as the -- and I will not try to
3 cross-examine the witnesses because I understand I
4 want them to make their statements. But because
5 the courts have ruled that hearsay, if not
6 objected to, becomes substantial and competent
7 evidence, there may be times where I am going to
8 have to object for hearsay. And I just want to
9 put that in advance and let everybody know that as
10 long as they say what they think, what they know,
11 and not what somebody else told them, I will not
12 object to it.

13 JUDGE DIPPELL: All right. Is there
14 anyone there from Hunt Midwest?

15 MS. REYNOLDS: Yes. Ora Reynolds, Vice
16 President and General Manager for Hunt Midwest
17 Real Estate Development. 8300 Northeast
18 Underground Drive, Kansas City, Missouri, 64161.

19 JUDGE DIPPELL: I'm sorry. Ma'am, were
20 you an attorney?

21 MS. REYNOLDS: No, I am not. I am an
22 employee. And we are not represented here today,
23 but we have hired counsel.

24 JUDGE DIPPELL: All right. Thank you.
25 Ms. Baker, would you like to go ahead and make

1 your entry of appearance.

2 MS. BAKER: Christina Baker, Office of
3 Public Counsel. P.O. Box 2230, Jefferson City,
4 Missouri, 65102. Appearing on behalf of the
5 Office of Public Counsel and the rate payers.

6 JUDGE DIPPELL: Thank you. Mr. Baker,
7 would you like to make your appearance?

8 MR. BAKER: Yes. Wayne Baker appearing
9 on behalf of the Missouri Public Service
10 Commission. P.O. Box 360, Jefferson City,
11 Missouri, 65102.

12 JUDGE DIPPELL: All right. I would also
13 like to thank the Platte County Middle School for
14 providing us their facility, especially doing so
15 on somewhat short notice. Just state that the
16 comments and statements that are made here tonight
17 are in no way associated with the school. This is
18 an official hearing of the Missouri Public Service
19 Commission and as such the statements and
20 testimony of witnesses will be recorded by the
21 court reporter and taken under oath or
22 affirmation.

23 The purpose of this hearing is to
24 receive your comments regarding the rate increase.
25 So the company is not presenting witnesses here

1 tonight and are not going to be answering
2 questions while we're on the record. We
3 appreciate the company being there and maybe if
4 you all have specific questions that didn't get
5 answered during the earlier session, hopefully
6 there will be some time that you all can get some
7 more of your questions answered after the hearing.
8 What I will do is, anybody that signed up we will
9 call your name and if you can come forward and sit
10 at the chair there and near the microphone. I
11 will swear you in and then ask you to spell your
12 name so we can get that into the record correctly.
13 After you testify, there may be some questions
14 from Commissioner Jarrett or from some of the
15 attorneys, so I will ask you to remain at the
16 table until I have excused you. Let's go ahead
17 then. We can bring our first witness.

18 Mr. Ochoa, how many witnesses do you
19 have signed up?

20 MR. OCHOA: Judge, I have six witnesses
21 that have signed up.

22 JUDGE DIPPELL: If anyone else wishes to
23 testify after that, you can either let Mr. Ochoa
24 know in the interim or I will ask when we finish
25 with these witnesses if there is anyone else who

1 would like to speak. Who is our first witness?

2 MR. OCHOA: Ora Reynolds.

3 JUDGE DIPPELL: Ms. Reynolds, could you
4 spell your name for the court reporter, please.

5 MS. REYNOLDS: My name is Ora Reynolds.
6 O-r-a, last name R-e-y-n-o-l-d-s.

7 JUDGE DIPPELL: Would you please raise
8 your right hand.

9 (The oath was administered.)

10 JUDGE DIPPELL: Ms. Reynolds, as you
11 previously stated, you work for the company; is
12 that correct?

13 MS. REYNOLDS: Correct.

14 JUDGE DIPPELL: That you are not an
15 attorney?

16 MS. REYNOLDS: I am not an attorney. We
17 are represented by Mark Connelly and he is not
18 here today.

19 JUDGE DIPPELL: I understand that. And
20 as such, I am not going to be able to allow you to
21 testify on behalf of the company. If you have a
22 public comment from your own personal knowledge,
23 that is fine. But as a corporation has to be
24 represented by an attorney and you all are an
25 intervenor in this case, I am afraid I can't let

1 you make just a public comment on behalf of the
2 company.

3 MS. REYNOLDS: Our attorney told us we
4 could do this. And I can -- I guess I can do it
5 on behalf of my knowledge and not on behalf of the
6 company. Is that what you are telling me?

7 JUDGE DIPPELL: That's what I am telling
8 you.

9 MS. REYNOLDS: Okay. All right. Let me
10 go ahead. My name is Ora Reynolds and I obviously
11 work for Hunt Midwest. I would like to take a
12 minute to thank the Commission for allowing our
13 firm to intervene. I would like to keep my
14 comments fairly brief this evening with the
15 understanding there are going to be other
16 opportunities to express our position on the
17 tariffs. I can give you a little bit of company
18 background. We are a Kansas City-based real
19 estate company involved in residential, commercial
20 --

21 MR. FINNEGAN: I am going to object to
22 this. You have already ruled that she cannot
23 testify on behalf of the company. If you are here
24 as an individual.

25 MS. REYNOLDS: We can skip the company

1 portion of this and talk about the agreement I
2 entered into, again that was on behalf of the
3 company.

4 JUDGE DIPPELL: If this is going to be
5 facts, ma'am, that your company is going to be
6 presenting in its case in opposition to the rate
7 increase, then it needs to be done so in an
8 evidentiary hearing. This hearing tonight is
9 really for public comments about the rate
10 increase. And as I said, your company is an
11 intervenor.

12 MS. REYNOLDS: So we are not a part of
13 that public process?

14 JUDGE DIPPELL: Well, at this point you
15 have become a part of the case itself.

16 MS. REYNOLDS: All right. I understand.
17 Thank you.

18 JUDGE DIPPELL: I'm sorry if there was a
19 misunderstanding. Mr. Ochoa, who else is there?

20 MR. OCHOA: The next witness is Nancy
21 Wakefield.

22 JUDGE DIPPELL: Ma'am, could you spell
23 your name for the court reporter, please.

24 MS. WAKEFIELD: Nancy Wakefield.
25 N-a-n-c-y, W-a-k-e-f-i-e-l-d.

1 JUDGE DIPPELL: Please raise your right
2 hand.

3 (The oath was administered.)

4 JUDGE DIPPELL: Thank you. Go ahead
5 with your comments.

6 MS. WAKEFIELD: Okay. I am Nancy
7 Wakefield, President of Timber Park Homeowner's
8 Association and I am here tonight representing my
9 neighbors in Timber Park. And first of all, I
10 have a petition to give to the commissioners, or
11 to leave, from the homeowners of Timber Park.
12 This is an informal petition that was passed
13 around asking people to support us in this
14 endeavor. Everyone that was approached was eager
15 to sign and had questions. There are 192 homes in
16 Timber Park. Adjusting for the homes that are
17 rented or vacant because they are for sale or
18 recently sold, we have 185 homes that could have
19 had homeowners sign up. We had 149 homes -- or
20 homeowners from 149 homes that signed this
21 petition. And I want to thank all of those who
22 took the time to pass it around. I will read the
23 petition.

24 "The Timber Creek Sewer Company has
25 proposed to the Missouri Public Service Commission

1 Request Number QS-2007-0008" -- I know that has
2 been changed now -- "to increase sewer rates to
3 \$35.67 per month, an increase of 32 percent over
4 the current rates. This comes on top of a 63
5 percent increase in July of 2004. The company's
6 increase operations expenses come primarily from
7 sewer construction in the surrounding areas, not
8 Timber Park. We the undersigned find this
9 proposed increase of 116 percent in three years to
10 be wildly excessive and therefore urge the
11 Missouri Public Service commission to reject it.
12 If that is not done, then we ask that Timber Park
13 subdivision, the original site of the sewer plant
14 and sewer lines, to be grandfathered in at the
15 current sewer rates as most of the sewage goes
16 through our neighborhood to reach the new sewer
17 plant. We are requesting to be grandfathered in
18 at the current sewer rate and I hope to explain
19 why in this statement."

20 Number 1. Around 1995 the Timber Creek
21 Sewer Company built a sewer plant in our
22 subdivision, Timber Park. It was located in the
23 western part of our subdivision several hundred
24 feet from proposed building lots. The new homes
25 were built in 1995 in our subdivision.

1 Number 2. In 1998 our homeowners
2 association provided a petition signed by most of
3 the homeowners at that time to the Public Service
4 Commission to continue to have Timber Creek Sewer
5 Company provide our sewer services and not allow
6 Platte County Regional Sewer District to take over
7 the sewer services in our subdivision. Timber
8 Creek remained as a sewer service provider. I do
9 not know if our petitions helped or not, but it
10 shows that our homeowners have always been
11 concerned about the sewer services in our
12 subdivision. At that time we supported Timber
13 Creek because we thought they wanted to provide
14 the most reasonable sewer rates.

15 Number 3. A number of other homes,
16 subdivisions and businesses have been connected to
17 the sewer lines in our subdivision since 1995.
18 First, the Lakes of Oakmont subdivision was added.
19 This is an aboveground pipeline near our park
20 area. Second, our park area was torn up for one
21 whole summer as the line to Timber Park Meadows
22 subdivision was added. Third, the corner at 134th
23 Street and Running Horse was torn up as Oak Creek
24 subdivision was added. Fourth, 136th Street was
25 torn up when Summit Way subdivision was added.

1 And finally -- and I have pictures of this that I
2 can also submit -- "the lawns, sidewalk and
3 driveway of two homes on Northwest 135th Court
4 were torn up to connect the new subdivision, the
5 townhouses of Platte Valley. The homeowners were
6 told that it saved Timber Creek Sewer Company and
7 the townhouses of Platte Valley \$120,000 by
8 allowing them to take the sewer line through their
9 yards. Hopefully this is the last time our
10 subdivision will be torn up to add connections.

11 Number 4. Timber Creek Sewer Company
12 authorized J & J Septic Company to dump raw sewage
13 in a manhole at one of the entrances of our
14 subdivision.

15 MR. FINNEGAN: Objection, this is
16 hearsay, Your Honor.

17 MS. WAKEFIELD: I talked to the people.

18 MR. FINNEGAN: I'm sorry, but you are
19 not the people.

20 JUDGE DIPPELL: Mr. Finnegan, I am going
21 to note your objection. I am not going to rule on
22 it right now. I am going to let the witness go
23 ahead and finish her testimony. I suspect you
24 will have some objections to her petition and her
25 pictures as well. When we get all of this on

5 MR. FINNEGAN: Thank you, Your Honor. I
6 just want you to know that I have to do that to
7 protect --

17 MR. FINNEGAN: At a later date, that is
18 fine. Yes. As long as I am not waiving my right.

21 MR. FINNEGAN: As long as I am not
22 waiving my right. Basically it is a continuing
23 objection. And I can object to the transcripts.
24 Thank you.

1 right. Thank you. Go ahead, ma'am.

2 MS. WAKEFIELD: I will point out that I
3 talked to J & J Septic Company. This is what they
4 told me. When we protested, the septic company
5 drove all the way through our subdivision to our
6 old sewer plant and dumped it there. This went on
7 for about one year before it stopped. We wondered
8 why the truck could not have been driven to the
9 main plant on Highway N. Why was it allowed to
10 dump raw sewage in our subdivision?

11 Number 5. Sewer odors have been a
12 serious problem in our subdivision. They first
13 appeared around the sewer plant area. I received
14 many calls from homeowners who lived near the
15 plant stating that the odors were constant. The
16 odors decreased once the sewer plant was relocated
17 to its current address on N. Highway in Platte
18 County, yet I continue to receive complaints about
19 sewer odors, mostly coming from the outside. I
20 have a list of 15 people who have complained. It
21 is interesting that the odors appear to be on the
22 west side of our subdivision and I think that
23 is -- that most of the sewage from the other
24 subdivisions also flows through that same side of
25 the subdivision.

1 Timber Creek said they had spent
2 hundreds of man hours checking this out. In fact,
3 the company threatened a lawsuit concerning this
4 matter. They did not have a telephone number on
5 their billing statements, yet they asked us to
6 notify them as soon as possible when a sewer odor
7 was detected. So we put telephone numbers on our
8 Timber Park website. Our own lawyer reviewed the
9 posting and found no problem. They sent a lawyer
10 to ask us to remove the telephone numbers or they
11 would sue us. We agreed to do so if they would be
12 available to receive the phone calls for a 24-hour
13 period and if they would try to find out what was
14 happening with the sewer odors. The irony of the
15 situation was not lost on us. They were
16 threatening to sue us, their customers, because
17 they could not solve the problem with the sewer
18 odors.

19 Number 6. Recently, three sewer lines
20 have had to be replaced in the curb area or at the
21 curb area. The sewer lines are not in the front
22 yards or coming from the houses." And this
23 question was just answered. I am asking if they
24 could consider using a camera to check on the
25 sewer lines. And I am suggesting that they start

1 checking the sewer lines that carry the sewage
2 from outside -- from subdivisions outside of ours.
3 "What should be done with the soil that has been
4 contaminated due to these sewer leaks? Is it
5 toxic? Can it be harmful to our neighbors? Is
6 this the cause of the sewer odors? Before Timber
7 Creek Sewer Company receives a rate hike, I think
8 they need to work with our subdivision to make
9 certain that the lines are intact and try to find
10 the sewer odors.

11 To summarize, we are asking to be
12 grandfathered in at the current rate of \$26.97 for
13 the following reasons. One, sewage from other
14 homes, subdivisions and businesses go through our
15 neighborhood every day and our sewer lines. Two,
16 our neighborhood is the one that is continually
17 torn up when new lines are connected to our sewer
18 lines. Three, we are still smelling sewer odors
19 after all these years. Four, sewer lines are
20 being replaced because they are broken. We were
21 concerned about the soil that is around these
22 broken sewer lines. Five, we have had a long
23 history with Timber Creek Sewer Company, often to
24 the benefit of the sewer company and to the
25 expense of our homeowners in the neighborhood.

1 Do you want me to leave these petitions
2 and these pictures?

3 JUDGE DIPPELL: Yes. I would like to
4 mark those -- I would like to mark the petition as
5 Public Hearing Exhibit Number 1. And I will mark
6 your pictures as Exhibit Number 2. If you would
7 give those to the court reporter, then they will
8 be attached to the transcript.

9 Ma'am, I have a few questions for you.
10 First of all, is your signature on the petition?

11 MS. WAKEFIELD: Yes.

12 JUDGE DIPPELL: From what time frame
13 were the odor issues that you are discussing?

14 MS. WAKEFIELD: They have been constant
15 since the beginning of the -- well, as far as I
16 know, I moved there in 1997 and I know that they
17 were there in 1997.

18 JUDGE DIPPELL: Are you personally aware
19 of a sewer leak or are you just implying that from
20 the odors?

21 MS. WAKEFIELD: I am just wondering if
22 because they have found broken sewer pipes, if
23 this could possibly be the cause of the sewer
24 odors. That's all I am asking.

25 JUDGE DIPPELL: You have not personally

1 seen a sewer leak?

2 MS. WAKEFIELD: No.

3 JUDGE DIPPELL: Okay. Commissioner
4 Jarrett, did you have any questions?

5 COMMISSIONER JARRETT: Judge, I do not
6 have any questions. Ms. Wakefield, thank you for
7 your testimony. It has been very helpful.

8 Thanks.

9 MS. WAKEFIELD: Thank you.

10 JUDGE DIPPELL: Let me see if anyone
11 else has any questions. Mr. Finnegan, did you
12 have questions at this time?

13 MR. FINNEGAN: I have no questions at
14 this time.

15 JUDGE DIPPELL: Ms. Baker?

16 MS. BAKER: I have a couple of
17 questions. You said that you are here
18 representing the Timber Park Homeowners
19 Association?

20 MS. WAKEFIELD: That's right.

21 MS. BAKER: Do you hold an office?

22 MS. WAKEFIELD: I am the president.

23 MS. BAKER: How many homeowners are
24 members of the homeowners association?

25 MS. WAKEFIELD: 19 -- we have 192 lots.

1 And they are -- when they buy, they are a member
2 of the homeowners association.

3 MS. BAKER: You are a resident there in
4 Timber Park?

5 MS. WAKEFIELD: Yes.

6 MS. BAKER: Have you had any service
7 problems?

8 MS. WAKEFIELD: You mean -- no. I have
9 not. We have smelled sewer odors a couple of
10 times in our home too.

11 MS. BAKER: Have they been recent?

12 MS. WAKEFIELD: No, I don't think so.

13 MS. BAKER: Does it come and go?

14 MS. WAKEFIELD: Come and go.

15 MS. BAKER: Is there a certain time of
16 year?

17 MS. WAKEFIELD: No.

18 MS. BAKER: That's all the questions I
19 have. I appreciate you coming.

20 JUDGE DIPPELL: Thank you. Mr. Baker,
21 do you have anything?

22 MR. BAKER: No.

23 JUDGE DIPPELL: Thank you. You may be
24 excused. Thank you very much. Who is our next
25 witness, Mr. Ochoa?

1 MR. OCHOA: Eric Murray.

2 JUDGE DIPPELL: Sir, could you spell
3 your name for the court reporter, please.

4 MR. MURRAY: My name is Eric, E-r-i-c,
5 Murray, M-u-r-r-a-y. I am a resident of Timber
6 Park.

7 JUDGE DIPPELL: Would you please raise
8 your right hand.

9 (The oath was administered.)

10 JUDGE DIPPELL: Go ahead with your
11 comments.

12 MR. MURRAY: I am a single father with
13 three kids. And I try to control my expenses and
14 with this rate increase, it is just, my average
15 water bill for the last nine months is \$26.05. I
16 pay the sewer company \$26.97 a month. So I am
17 already paying dollar for dollar water to sewer.
18 If they increase this rate to the \$34.74, my
19 average would be \$8.69 more to flush my toilet
20 than to turn on the water. We have had the sewer
21 odors a continuing problem. It hasn't been so bad
22 this year, but the last two years were pretty
23 horrible. I had it in my own shower. There was
24 nothing I could do about it except buy a lot of
25 air freshener. That's all I really wanted to

1 comment on.

2 JUDGE DIPPELL: All right. Thank you
3 very much. Commissioner Jarrett, do you have
4 questions?

5 COMMISSIONER JARRETT: No questions.
6 Thank you, Mr. Murray.

7 JUDGE DIPPELL: Mr. Finnegan?

8 MR. FINNEGAN: No questions.

9 JUDGE DIPPELL: Wait just a moment, Mr.
10 Murray.

11 MS. BAKER: I do have a question. You
12 said that you have been experiencing some sewer
13 odors?

14 MR. MURRAY: Yes. Like I said, this
15 year hasn't been so bad, but the last few years it
16 was pretty bad in my bathroom.

17 MS. BAKER: Did you notice if those were
18 at a certain time of year or certain time of day?

19 MR. MURRAY: No. It was just, like I
20 said, I shower every day. I know it is not the
21 drain trap. I made sure all my traps had water in
22 them. And it is at no particular time of day. I
23 can't remember a particular time of year. Like I
24 said, this year has been better. I still have air
25 fresheners in the bathroom because you never know

1 when it is going to come back.

2 MS. BAKER: Do you have any other
3 service issues that you have had with your sewer
4 service?

5 MR. MURRAY: Water goes down the drain.

6 MS. BAKER: Thank you very much.

7 JUDGE DIPPELL: Mr. Baker?

8 MR. BAKER: No questions.

9 JUDGE DIPPELL: Thank you, Mr. Murray.
10 Who is the next witness, Mr. Ochoa?

11 MR. OCHOA: Cecil Murray.

12 JUDGE DIPPELL: Sir, could you spell
13 your name for the court reporter, please.

14 MR. MURRAY: Cecil Murray. C-e-c-i-l
15 M-u-r-r-a-y.

16 JUDGE DIPPELL: Raise your right hand.

17 (The oath was administered.)

18 JUDGE DIPPELL: Go ahead with your
19 comments.

20 MR. MURRAY: First I am going to address
21 the sewer odor, since my house seems to be the one
22 that is attracted to it. Since about 2000 -- late
23 2003, 2004 to about April of this year, the sewer
24 odors are atrocious in my house. My house faces
25 north and it has an alcove where to the front door

1 and that's where the sewer gas would pocket. For
2 the first year or so, Jeff Yocum would come by and
3 we would check the neighborhood over trying to
4 find out where the sewer smell was coming from.
5 Since it was intermittent it was very difficult to
6 find. Anyway, as time went on I felt like I
7 wasn't getting anywhere with the sewer company, so
8 I started calling the Public Service Commission.
9 I talked to Mr. Mark Humbell there. I called the
10 Missouri Department of Natural Resources, had them
11 come out. I tried everything in the world I could
12 to find an answer to this problem that I had.

13 It wasn't until I believe in 2005 I had
14 my brother-in-law come for a visit. And he
15 smelled the odors and he told me that smelt like
16 the problem that he had in Springfield, Missouri.
17 And that was from Strafford. The City of
18 Strafford had outgrown their lagoon and they were
19 holding the septic or the sewage in the lagoon and
20 it was pumping to the city utilities' main line.
21 And when they pump, that produced the odor that
22 was coming out through some houses.

23 Well, when he told me that, for the
24 first seven years I lived there I don't recall of
25 any sewer odors at all, but after they started

1 Summit Way we started having sewer odors. And
2 that is because they have that pump station, the
3 lift station there I believe. Although I am not
4 an engineer by any imagination, but it is the only
5 explanation for their odors. It is being
6 selected, it is held, and it is pumped through a
7 solid pipe for approximately a half a mile. It
8 sits there in between pumps and then when it is
9 pumped through the gravity flow, it comes right
10 back through our neighborhood. And I have got
11 some names too of people that have smelled the
12 sewer odor over the time.

13 Like I said, I smelled it all the way up
14 until this year. And here I am going to have to
15 give Derrick Sherry a very good compliment,
16 because he called me and talked to me about the
17 problem and he purchased some charcoal filters to
18 put on my roof to stop the odor. Which it has.
19 It is a shame it took four years to get somebody
20 to do this. Now, how long them charcoal filters
21 is going to last, I don't know. I have been told
22 they last from six months to five years. So my
23 question now is, what is going to happen after
24 those charcoal filters wear out. Will I get the
25 sewer odor back? Apparently the odor is coming

1 from Summit Way. And of course it would have been
2 nice if they could have went straight south out of
3 there instead of having to pump it over through
4 our neighborhood.

5 That's to the sewer odor problem. Now,
6 to the cost of living. Everybody is worried about
7 costs. Well, last year my wife and I both
8 retired. We got a 3.3 percent raise in our
9 pensions. That amounts to \$225.77 a month. And
10 out of that increase, water has -- our water has
11 went from point 0048 in 1966 to point 0056 per
12 gallon today. Or as of January. That's the
13 figure I use. That is a point 008 cent increase
14 in 11 years. Which is not bad. Electric rates
15 are going up at about a three to five percent a
16 year for three years to build a power plant that
17 is not in existence yet, but we are paying to the
18 electric companies so they can pocket this money
19 and build a new electric plant for future
20 electricity.

21 And I think most people will agree that
22 sewer and electric companies both are similar
23 because they have a large outlay at the beginning.
24 But those sewer pipe is going to lay in that
25 ground for the next 40 years. So why do they have

1 to have all their money back the first two or
2 three years is my question.

3 Anyway. Natural gas, my natural gas has
4 gone up \$30.91 a month. This is over a six-year
5 period of time. Which isn't too bad yet either,
6 but it is still going up. And of course gasoline.
7 Everybody is well aware of what gasoline costs
8 today. It has gone up about a dollar a gallon
9 over what it was a year ago. That costs
10 everybody, including people that is retired. Food
11 has gone up three to five percent. We just got
12 hit this year with a new property evaluations that
13 is supposed to be -- they were supposed to have
14 been doing it every other year I understand for
15 the last 10 years, but they didn't do it. So I
16 took a \$47,000 increase in my house. I don't know
17 what it is going to cost me. I will find that out
18 in December.

19 The point of all this is -- my house and
20 car insurance has gone up 10 percent this year.
21 So to keep it in perspective to my income, I have
22 lowered my coverage. I raised my deductible just
23 so I can maintain my style of living. The point
24 of all this is, when is enough going to be enough?
25 When I have to sell my house to go to someplace

1 else where I can buy in cheaper that doesn't have
2 all this high cost of living? I don't really have
3 much, that \$225 a month left when you add all
4 these increases left and that's just a few of
5 them. That's not all of them. That isn't even
6 mentioning anything about medical.

7 But the question that I have about the
8 Public Service Commission, when I called and
9 complained or I guess called and complained,
10 issued my objection to the raise, I was told I was
11 the first caller. Another caller, a neighbor of
12 mine called and then he called me the next day and
13 he said he called and he said, "I thought you said
14 you called them." I said, "I did." They told him
15 that he was the first caller. So apparently we
16 are getting some lies out of the Public Service
17 Commission.

18 And also the letter I have got here from
19 the Public Service Commission didn't even mention
20 about the 5:30 question and answer session.

21 Then I have some questions that, how
22 much has the chemical cost gone up and how much
23 has labor cost gone up in the last three years?
24 Since they have already had one 66 percent
25 increase three years ago, how much of this is cost

1 that has gone up so much that they need a 33
2 percent raise now? I would love for Uncle Sam to
3 give me a 33 percent raise. And I know that they
4 brought in another layer of management. Is
5 management costing more than the other? Is this
6 where the labor cost is coming in, is the new
7 management? That's all I have.

8 JUDGE DIPPELL: Thank you, Mr. Murray.
9 I have just a couple questions for you. You
10 mentioned Jeff Yocum. Is that an employee of the
11 company?

12 MR. MURRAY: Yes. I think he -- I don't
13 know if he was a worker or pretty much run the
14 company for a while.

15 JUDGE DIPPELL: Then when did you have
16 the charcoal filters installed?

17 MR. MURRAY: It was April the 2nd, I
18 believe. No, April the 6th. No, it was April the
19 2nd, because April the 6th I got the notice on the
20 new increase on rates. I don't know if there is a
21 correlation there or not. I am giving Eric the
22 benefit of the doubt. I think he is honest and
23 sincere.

24 JUDGE DIPPELL: Thank you. Commissioner
25 Jarrett, did you have any questions?

1 COMMISSIONER JARRETT: Yes, I had a
2 couple of questions. Thank you. Good evening,
3 Mr. Murray.

4 MR. MURRAY: Good evening.

5 COMMISSIONER JARRETT: Are you related
6 to the previous witness, Eric Murray?

7 MR. MURRAY: Yes, he is my son. He
8 lives seven houses up the street.

9 COMMISSIONER JARRETT: Okay. You had
10 mentioned something by the name of Summit Way, a
11 pump station?

12 MR. MURRAY: Yes, they have a lift
13 station there.

14 COMMISSIONER JARRETT: Can you tell me a
15 little bit more, about why you think that caused
16 the odors by adding some more capacity?

17 MR. MURRAY: Well, I think the odor is
18 caused because it is a collection station. It
19 collects everything coming out of Summit Way into
20 a lift station, then it is pumped through a solid
21 pipe. It has to go up over a hill, it has to go
22 over two hills actually before it gets into
23 gravity flow. But it is pumped east and then it
24 is pumped back north and then it goes back east to
25 the main trunk line which comes right down through

1 Timber Park Drive.

2 And especially, we are talking, the
3 subject we are talking about, it smells. I don't
4 care how. It smells, period. And if it sits
5 awhile, it smells even more. I believe in my
6 whole heart that once that pump station pumps, it
7 is pumping all that sewage up to a certain point,
8 then it gravity flows. Okay. From the lift
9 station to that point where it breaks to gravity
10 flow, it sits there until the next pumping cycle.
11 So it is fermenting or whatever it does. It is
12 creating odor. When it starts pumping it is
13 pushing that odor right down through our
14 neighbors. And unfortunately my house sits where
15 the sewer line goes south and then turns and goes
16 east right in front of my house. And for some
17 reason or another it vents right there real
18 strong. Like I said, I have got some names of
19 people that will testify that they have smelled
20 the odor. It has been really bad up until, like I
21 said, April.

22 COMMISSIONER JARRETT: Okay. And you
23 also said that you had called and complained to
24 the Public Service Commission and whoever you
25 talked to said that you were the first caller. Do

1 you know who you talked to, the name of the
2 person?

3 MR. MURRAY: No, I didn't get their
4 name. Whoever was taking the calls. Actually I
5 think I got a different person than the other --
6 than my neighbor got. I think. I wouldn't swear
7 to it. But anyway, he said that when he called
8 they told him he was the first and they gave the
9 number. My number was 001 and his was like 003,
10 so.

11 COMMISSIONER JARRETT: Okay.

12 JUDGE DIPPELL: If I may interrupt
13 there. I did want to mention, Mr. Murray, we have
14 had at least 60 some odd complaints before this
15 case number switched from an informal case to a
16 formal case and then we have had a few comments
17 submitted in our system since then. And I don't
18 know what the timing of all of that was. I did
19 want to let you know that the Public Service
20 Commission has numerous complaints or comments at
21 least from the public on file already.

22 MR. MURRAY: I figured that. That's the
23 reason why we are having the hearing today.
24 Tonight.

25 COMMISSIONER JARRETT: That's all the

1 questions I have. Thank you, Mr. Murray.

2 JUDGE DIPPELL: Mr. Finnegan, anything?

3 MR. FINNEGAN: No questions.

4 JUDGE DIPPELL: Ms. Baker?

5 MS. BAKER: I do have a couple of
6 questions. How close is your home to where the
7 Summit Way lift station is? How far would you
8 say?

9 MR. MURRAY: By the crow flies, it is
10 about a half a mile. By the sewer line, I would
11 say it is probably three-quarters of a mile, a
12 mile. Something like that. But the thing is
13 right now, once that lift station dumps, there is
14 only about 14 houses before it gets to me. I know
15 there are two manholes, I don't know how many
16 more, between them and me that it can vent out of.

17 MS. BAKER: You have manholes by your
18 house?

19 MR. MURRAY: Yes, I have one right by my
20 house. It doesn't come out the manhole, it comes
21 out the vents in my house.

22 MS. BAKER: So after the charcoal filter
23 was installed, you noticed an improvement inside
24 of the house?

25 MR. MURRAY: I never had it inside my

1 house. It has always been outside.

2 MS. BAKER: So you noticed an
3 improvement outside the house?

4 MR. MURRAY: Yes. It has been so awful
5 outside, you couldn't even sit outside. My
6 grandkids couldn't even play outside because it
7 smelled so bad.

8 MS. BAKER: As I have asked before, did
9 you notice any times whenever the odors were
10 stronger, during certain times of the year?

11 MR. MURRAY: During my complaining and
12 everything, I have been told to extend the vents
13 on my house. I have been told to, various things
14 to do. I have even documented the times that I
15 smelled it, the wind direction, the time and
16 temperature. This is what I was asked to do and
17 nobody come and looked at it. Until Mark Humbell,
18 he finally did come by one time and asked to look
19 at it. Outside of that, nobody else seemed
20 interested in my time of documentation.

21 MS. BAKER: Is that something that you
22 would like to submit with your comments today?

23 MR. MURRAY: I don't have copies of it.
24 I don't want to get rid of all of my originals.

25 MS. BAKER: Do you have any other

1 service --

2 MR. MURRAY: But all this was before --
3 and my brother-in-law explained what he thought
4 the problem was. In correlation between what
5 happened at his house in Springfield and what I am
6 experiencing up here. So it has got to be coming
7 from somewhere north of me. The only thing north
8 is all those apartments and houses up north and we
9 had the odor before they were hooked on. The only
10 thing north of us that was hooked on at the time
11 that we started having that odor was Summit Wood
12 lift station.

13 MS. BAKER: I have no further questions.
14 Thank you for coming.

15 JUDGE DIPPELL: Mr. Baker, anything?

16 MR. BAKER: No, Your Honor.

17 JUDGE DIPPELL: Thank you, Mr. Murray.
18 I appreciate you coming to testify. Who is next
19 on the list, Mr. Ochoa?

20 MR. OCHOA: Casey Callow.

21 MR. CALLOW: My name is Casey Callow,
22 C-a-s-e-y C-a-l-l-o-w, and I live in the Summit
23 Way subdivision in Platte City.

24 JUDGE DIPPELL: Could you raise your
25 right hand.

1 (The oath was administered.)

2 JUDGE DIPPELL: Thank you. Go ahead
3 with your comments.

4 MR. CALLOW: What I am here tonight to
5 talk about is the rate increase involving the
6 grinder pumps. As a homeowner, where I have
7 selected to build and live, I am subjected to
8 having a grinder pump beside my house to transfer
9 our sewage up to a pump station so they can pump
10 it to their facility. I am being asked not only
11 to pay an additional \$7.77 as a rate increase, but
12 \$5 in addition to that to rent a grinder pump.
13 Which equates to \$12.77 or roughly a 45 percent
14 monthly increase. I feel that the proportion that
15 I am asked to, that I am being asked to pay is
16 totally unfair. The grinder pump \$5 fee, from
17 what I have been told, is to maintain the grinder
18 pump. So if I should never have problems with my
19 grinder pump, the maintenance would be in vain.
20 If I do have a problem with my grinder pump and
21 the sewer company comes out and works on the pump
22 and deems it is my responsibility, I will be
23 charged an additional service fee to fix the pump.
24 So I guess, just in summary, I am totally against
25 paying \$5 for a pump that I did not select, for a

1 pump that I am not allowed to maintain, and
2 proportionally the rate increase is targeting
3 homeowners like myself unfairly.

4 JUDGE DIPPELL: Thank you, Mr. Callow.
5 Commissioner Jarrett, do you have any questions?

6 COMMISSIONER JARRETT: No questions.
7 Thank you, Mr. Callow.

8 JUDGE DIPPELL: Mr. Finnegan, any
9 questions?

10 MR. FINNEGAN: No questions.

11 JUDGE DIPPELL: Ms. Baker?

12 MS. BAKER: No questions. Thank you for
13 coming.

14 JUDGE DIPPELL: Mr. Baker?

15 MR. BAKER: No questions.

16 JUDGE DIPPELL: Thank you very much, Mr.
17 Callow, for testifying. We appreciate your time.
18 Who is our next witness?

19 MR. OCHOA: Your Honor, that was the
20 last name on the sign-up sheet. Is there anyone
21 else that wishes to testify? We have one
22 individual.

23 JUDGE DIPPELL: All right. Could you
24 please spell your name for the court reporter,
25 please.

1 MR. WINTER: Dean, D-e-a-n, Winter,
2 W-i-n-t-e-r.

3 (The oath was administered.)

4 MR. WINTER: I just wanted to go on
5 record that I too have been having lots of
6 problems with sewer gas. Mine all comes into the
7 main shower in the main bathroom. That's the only
8 place I have sewer gas. But I have spent quite a
9 bit of money with certified plumbers to come look
10 at the situation. And everything is hooked
11 upright, but yet the smell is there and they
12 cannot figure out why. I don't have it all of the
13 time. Maybe it will go two weeks, three weeks,
14 but when we walk in the house we can smell it.
15 And we can go right to the bathroom and there is
16 water in the trap and the odor in the bathroom
17 would knock you over. So I usually white vinegar
18 and soda, and that takes care of it for a little
19 while. I just wanted that to go on record.
20 That's all I have.

21 JUDGE DIPPELL: Thank you, sir. How
22 long have you lived in your home?

23 MR. WINTER: I have lived there nine
24 years.

25 JUDGE DIPPELL: And have you had this

1 problem the whole time?

2 MR. WINTER: No, I have not. It
3 probably started about two years ago.

4 JUDGE DIPPELL: Which subdivision do you
5 live in?

6 MR. WINTER: I live in Timber Park.

7 JUDGE DIPPELL: Commissioner Jarrett,
8 did you have questions?

9 COMMISSIONER JARRETT: Yes, sir. Good
10 evening, Mr. Winter. Did you ever complain to the
11 company about the odors?

12 MR. WINTER: No, sir, I have not.

13 COMMISSIONER JARRETT: That's the only
14 question I had. Thank you, sir.

15 JUDGE DIPPELL: Mr. Finnegan?

16 MR. FINNEGAN: No questions.

17 JUDGE DIPPELL: Ms. Baker?

18 MS. BAKER: Again the same questions.
19 Have you noticed there being any time of day that
20 it would be stronger or any time of the year?

21 MR. WINTER: No. It seems like it is in
22 the evenings, early evening, you know, in the
23 afternoon. I have never noticed it -- we take a
24 shower every morning. So I never notice it in the
25 mornings at all. But a lot of times when we're

1 gone and we come back in the house, it will hit
2 you at the back door. And it will be in the
3 bathroom is where it is, in the main shower.

4 MS. BAKER: How far does the smell
5 permeate throughout the house? Is it just in the
6 bathroom?

7 MR. WINTER: It is not all throughout
8 the house. Living there you can tell when you
9 walk in that there is a different odor. Of course
10 the closer you get to the main bathroom the
11 stronger the odor.

12 MS. BAKER: Thank you. Thank you for
13 coming.

14 JUDGE DIPPELL: Any questions? Mr.
15 Winter, could you come back for just a minute.
16 Mr. Baker has a question for you.

17 MR. BAKER: Did you ever contact the
18 staff of the Commission about the odor?

19 MR. WINTER: No, I have not. I have
20 written some letters on the increase of the sewer
21 rates, but I have not on the odors.

22 MR. BAKER: Okay. That's all I have.

23 JUDGE DIPPELL: Thank you, sir. You may
24 be excused. Is there anyone else who wishes to
25 testify?

1 MR. OCHOA: Yes, Your Honor. Bob
2 Omundson.

3 MR. OMUNDSON: My name is Bob Omundson,
4 O-m-u-n-d-s-o-n.

5 JUDGE DIPPELL: Could you please raise
6 your right hand, sir.

7 (The oath was administered.)

8 MR. OMUNDSON: I just have a couple of
9 comments. One was, as a -- that I thought I would
10 say something about as a result of the attorney
11 objecting to something that Nancy Wakefield had
12 said about the dumping. That J & J Truck dumping
13 something into our sewer system. I saw the truck.
14 And it was dumped, it was being dumped at the
15 second entrance away from Running Horse. And I
16 don't know how many times they dumped there or
17 whatever, but I did see it dump one time. That is
18 not hearsay information. I saw it personally.
19 The other thing I have a question about is, if I
20 understood what they were saying correctly
21 tonight, when we had about 600 customers, our bill
22 was \$16 a month or so and change and that was
23 okay. We got to about 2600 customers -- or 1200
24 customers, it got to about \$26 a month. And now
25 as we continue to grow or the sewer company

1 continues to grow, our bill is supposed to go to
2 \$34 a month. Why does Timber Park have to finance
3 that growth? Wouldn't it be better if we just
4 stayed small and not grow? Every time the sewer
5 company or every time there is a new development
6 and the sewer company grows, and we have to
7 increase our rates, shouldn't the growth finance
8 that rate increase?

9 JUDGE DIPPELL: I can't answer your
10 question, but I will leave that to the experts.

11 MR. OMUNDSON: As far as a statement.

12 JUDGE DIPPELL: I understand. I
13 understand. Did you have any questions for Mr.
14 Omundson, Commissioner Jarrett?

15 COMMISSIONER JARRETT: No questions,
16 Judge. Thank you.

17 JUDGE DIPPELL: Mr. Finnegan, did you
18 have any questions?

19 MR. FINNEGAN: Just a couple of
20 questions. Where did you say this --

21 MR. OMUNDSON: At the second entrance.
22 In other words, coming from Running Horse and
23 136th Street, not the first entrance there but at
24 the second entrance. And that was shortly after
25 Summit Way was just getting underway.

1 MR. FINNEGAN: Do you know how long ago
2 that was?

3 MR. OMUNDSON: Summit Way was two years
4 ago. About two years ago. It is right by -- it
5 is a common area there. It is like a park type
6 area right there, over behind your place.

7 UNIDENTIFIED SPEAKER: Do you want me to
8 testify? I can also eyewitness the fact that --

9 JUDGE DIPPELL: Let me interrupt. Mr.
10 Finnegan, I am having trouble hearing you. And if
11 I could suggest to the audience to not speak so we
12 can just get one witness at a time on the
13 reporter's transcript. Mr. Finnegan, could you
14 speak up and ask your question again.

15 MR. FINNEGAN: Yes. Have you seen it
16 since then?

17 MR. OMUNDSON: I only actually saw it
18 one time myself. Others apparently have seen it.
19 And subsequently when Nancy said that somebody --

20 MR. FINNEGAN: I am sorry, I am going to
21 have to object to that.

22 MR. OMUNDSON: They are dumping
23 someplace else, but I saw it once.

24 MR. FINNEGAN: One other question. Are
25 you aware that Mr. Sherry, the general manager,

1 anything?

2 MR. BAKER: No questions, Your Honor.

3 JUDGE DIPPELL: Thank you, sir. You may
4 be excused. Thank you for testifying.

5 MR. OCHOA: Your Honor, we have one
6 other witness. Before I call that witness, Mr.
7 Murray who testified earlier has said that he was
8 going to supply you with that information that Ms.
9 Baker had asked. So I told him that he would send
10 that to the Commission. The next witness is Mr.
11 Hansen.

12 MR. HANSEN: Oscar, O-s-c-a-r, Hansen,
13 H-a-n-s-e-n.

14 JUDGE DIPPELL: Please raise your right
15 hand, sir.

16 (The oath was administered.)

17 JUDGE DIPPELL: Go ahead with your
18 comments.

19 MR. HANSEN: I just wanted to go on
20 record in saying that in walking the trail about a
21 year ago, at the head of the trail, as it goes out
22 of Timber Park, there is a sewer dump there. And
23 I have seen the sewer truck there dumping twice
24 and had actually called to find out why that truck
25 was dumping in our neighborhood. So that is not

1 hearsay. That is an actual sight for me twice
2 that I saw the truck dumping.

3 JUDGE DIPPELL: Okay. Did you have any
4 other comments?

5 MR. HANSEN: That's all I have. Thanks.

6 JUDGE DIPPELL: Commissioner Jarrett?

7 COMMISSIONER JARRETT: No questions.

8 Thank you, Mr. Hansen.

9 JUDGE DIPPELL: Mr. Finnegan?

10 MR. FINNEGAN: Just a couple of
11 questions. Where was this dumping taking place?

12 MR. HANSEN: It was taking place down
13 where the old pump house used to be.

14 MR. FINNEGAN: When was the last time
15 you saw it?

16 MR. HANSEN: The last time I saw it was
17 last summer when we were walking on the trail. My
18 wife and I.

19 MR. FINNEGAN: Do you know what company
20 it was that was dumping it?

21 MR. HANSEN: No, I do not.

22 MR. FINNEGAN: You didn't see the truck?

23 MR. HANSEN: I walked right by the
24 truck. The smell was so bad we got away as fast
25 as we could.

1 MR. FINNEGAN: That was last summer?

2 MR. HANSEN: Yes.

3 MR. FINNEGAN: That's all the questions.

4 JUDGE DIPPELL: Ms. Baker?

5 MS. BAKER: Which subdivision are you
6 in?

7 MR. HANSEN: Timber Park.

8 MS. BAKER: How long have you been
9 there?

10 MR. HANSEN: Six years.

11 MS. BAKER: Have you had any service
12 issues or any odor issues there in your --

13 MR. HANSEN: No, just odors from that
14 truck dumping. We walk the entire neighborhood
15 and we have smelled odors in that neighborhood in
16 different places.

17 MS. BAKER: By that, is there a walking
18 area that --

19 MR. HANSEN: When we smelled it, it was
20 in the lower areas. It was later in the evening
21 when the air was a little heavier.

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

24 JUDGE DIPPELL: Mr. Baker?

25 MR. BAKER: Did you call anybody about

1 the dumping that you saw?

2 MR. HANSEN: I had talked to -- at that
3 point in time I called Derrick. Derrick Sherry.
4 And he said he would let somebody know.

5 MR. BAKER: Thank you very much.

6 JUDGE DIPPELL: Thanks, Mr. Hansen.
7 Thank you for testifying.

8 MR. HANSEN: Thank you.

9 JUDGE DIPPELL: Is there anyone else?

10 MR. OCHOA: Is there anyone else who
11 wishes to testify? We have one other witness,
12 Your Honor.

13 MR. WOLFE: My name is Robert Wolfe,
14 R-o-b-e-r-t W-o-l-f-e.

15 JUDGE DIPPELL: Would you raise your
16 right hand, sir.

17 (The oath was administered.)

18 JUDGE DIPPELL: Go ahead with your
19 comments.

20 MR. WOLFE: I wanted to make a comment.
21 I am not here for any complaints. I live in
22 Summit Way and I have no issues personally in my
23 family. But before I write checks to the sewer
24 company, I want to make sure I said everything I
25 could. This is more so -- I have no problem with

1 any of the fees. I understand that it costs to
2 have equipment and things like that goes up. It
3 doesn't affect me. I don't believe that I have a
4 grinder pump. I guess I will find out if this
5 goes through. But the actual sewer bill. Having
6 worked in distribution for the last 12 years, and
7 this is a distribution business to a degree, the
8 more customers that you have typically the cost
9 per -- to distribute that product goes down.

10 Now, I know this is different than a
11 retail or wholesale business. My feeling is that
12 at 33 -- I guess it has been knocked down a bit.
13 But the percent increase in what is before you now
14 is excessive. And I think that projecting, most
15 of the fees are based upon things that are going
16 to be built. So to say that -- it was brought up
17 in questions and answers earlier that you cannot
18 project what is going to happen, only what is
19 going to be effected. It is a for profit
20 business, that was established earlier in the
21 question and answer. In order for them to become
22 more profitable, they have to increase their fees
23 and their rates.

24 But I guess my point is, you get into
25 business, in any kind of business, and you figure

1 in your expenses and the growth of expense and you
2 figure in your -- based on a comment that was made
3 earlier, you figure in a salary for the person
4 that is a general manager and then you spread that
5 about. And you develop that in your business plan
6 at the beginning. I understand an increase, but I
7 do believe that 30 plus percent is excessive. My
8 family is against it. That's it on my comments.

9 JUDGE DIPPELL: Thank you. Commissioner
10 Jarrett, did you have a question?

11 COMMISSIONER JARRETT: Yes, Mr. Wolfe.
12 You state that you are in distribution. What
13 exactly line of work are you in?

14 MR. WOLFE: I distribute food service
15 products in my day job and I own a business that
16 distributes on-line products.

17 COMMISSIONER JARRETT: You say you live
18 in Summit Way?

19 MR. WOLFE: I do.

20 COMMISSIONER JARRETT: How long have you
21 lived there?

22 MR. WOLFE: We moved in May of '04. Go
23 ahead, I am sorry.

24 COMMISSIONER JARRETT: I'm sorry. I was
25 just going to ask. Any --

1 MR. WOLFE: I heard your question. Can
2 you hear me? I have absolutely no complaints.
3 That's why I wanted to make that very clear. I
4 have had no problems. We are behind I believe one
5 of the -- we live next to one of the pump stations
6 that is right on 136th Street. Occasional odor
7 issues. The alarm goes off from time to time.
8 But I don't expect everything to run perfect.
9 Once again I don't have the problems the people in
10 Timber Park have. Because I can't go to the gas
11 station and complain to them about the cost
12 increases and this is a public forum for that.
13 That's why I am here.

14 COMMISSIONER JARRETT: Very well. Thank
15 you, Mr. Wolfe. Appreciate it.

16 JUDGE DIPPELL: Mr. Finnegan, do you
17 have any questions?

18 MR. FINNEGAN: No questions.

19 JUDGE DIPPELL: Ms. Baker?

20 MS. BAKER: No questions. I do
21 appreciate you coming.

22 JUDGE DIPPELL: Mr. Baker?

23 MR. BAKER: No questions.

24 MR. WOLFE: Thank you very much.

25 JUDGE DIPPELL: Thank you, Mr. Wolfe.

1 Thank you for testifying. Is there anyone else?

2 MR. OCHOA: Is there anyone else who
3 would like to testify? We have one other one,
4 Your Honor.

5 JUDGE DIPPELL: Please spell your name
6 for the court reporter.

7 MR. STROM: Gary Strom, G-a-r-y
8 S-t-r-o-m.

9 JUDGE DIPPELL: Please raise your right
10 hand.

11 (The oath was administered.)

12 JUDGE DIPPELL: Go ahead with your
13 comments.

14 MR. STROM: My comment would be the rate
15 increase for the product I am getting. My water
16 use has actually went down because we went and got
17 our efficiency washer. It seemed to drop our
18 water level. We have efficiency toilets, dropped
19 our water level. And so actually my water usage
20 has went down, but yet my sewer rate is increasing
21 so many percent. I just don't think it is right.
22 That's all the comment I have.

23 JUDGE DIPPELL: Thank you. Commissioner
24 Jarrett, any questions?

25 COMMISSIONER JARRETT: Where do you

1 live, Mr. Strom?

2 MR. STROM: I live at Timber Park.

3 COMMISSIONER JARRETT: Do you have any
4 service problems that you experienced over the
5 years?

6 MR. STROM: No.

7 COMMISSIONER JARRETT: How long have you
8 lived there?

9 MR. STROM: Six years.

10 COMMISSIONER JARRETT: Thank you, sir.
11 Appreciate it.

12 JUDGE DIPPELL: Mr. Finnegan?

13 MR. FINNEGAN: Just one question. Who
14 supplies water service?

15 MR. STROM: I think it is Number 4.

16 MR. FINNEGAN: Public Water Supply
17 District Number 4?

18 MR. STROM: Yes. I didn't bring my
19 water bills, but I can show you or I could bring
20 water bills showing my usage is down.

21 MR. FINNEGAN: I just wanted to know who
22 supplied your water. It is not a public utility,
23 it is a water district. Thank you.

24 MR. STROM: Yes.

25 JUDGE DIPPELL: Ms. Baker, do you have

1 any questions?

2 MS. BAKER: I have no questions. Thank
3 you for coming today.

4 JUDGE DIPPELL: Mr. Baker?

5 MR. BAKER: No questions.

6 JUDGE DIPPELL: Thank you, Mr. Strom.

7 MR. OCHOA: Is there anyone else who
8 wishes to testify at this time? I don't have
9 anybody, Your Honor.

10 JUDGE DIPPELL: Okay. I want to again
11 thank everyone for coming out. It is very
12 important that the public participates in these
13 kind of things and we appreciate you taking the
14 time to do so. Commissioner Jarrett, did you have
15 any closing remarks?

16 COMMISSIONER JARRETT: I would just like
17 to echo the Judge's comments. I appreciate you
18 testifying. Your comments are important and the
19 Commission will give them serious consideration as
20 we move forward in this case. So your comments
21 and your participation are greatly appreciated and
22 useful for us. Thank you.

23 JUDGE DIPPELL: Mr. Finnegan, when I
24 receive the transcripts -- I have forgotten
25 exactly, I have them expedited, but I have

1 forgotten exactly which day they are due back.
2 Would two days from the return of the transcript
3 be sufficient for you to submit your objections in
4 writing?

5 MR. FINNEGAN: I believe that would be
6 fine.

7 JUDGE DIPPELL: All right. Let's do
8 that then. Thank you all again for your
9 attendance. I believe that concludes the hearing.
10 We can go off the record.

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3 Witness Name Page

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5 Ora Reynolds 8

6 Nancy Wakefield 11

7 Eric Murray 22

8 Cecil Murray 24

9 Casey Callow 36

10 Dean Winter 39

11 Bob Omundson 42

12 Oscar Hansen 46

13 Robert Wolfe 49

14 Gary Strom 53

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16 E X H I B I T S

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18 Exhibit 1, Petition by Timber Creek

19 Homeowner's Association..... 19

20 Exhibit 2, Photos by Timber Creek

21 Homeowner's Association..... 19

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1 C E R T I F I C A T E

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3 I, JAMES A. LEACOCK, Certified Court Reporter,
4 do hereby certify that I appeared at the time and place
5 hereinbefore set forth; I took down in shorthand the
6 entire proceedings had at said time and place, and the
7 foregoing 57 pages constitute a true, correct and
8 complete transcript of my said shorthand notes.

9 Certified to this 19th day of October, 2007.

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James A. Leacock, CCR.

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Certified Court Reporter No. 662 (G)

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Notary Public, State of Missouri

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