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STATE OF MISSOURI

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PUBLIC SERVICE COMMISSION

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TRANSCRIPT OF PROCEEDINGS

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Prehearing Conference

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June 17, 2010

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Jefferson City, Missouri

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Volume 3

11

In the Matter of the )

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Application of Mid Mo )

Sanitation, LLC, For A ) File No. SR-2010-0095

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Small Company Rate )

Increase. )

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KENNARD JONES, Presiding  
SENIOR REGULATORY LAW JUDGE.

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REPORTED BY:

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Pamela Fick, RMR, RPR, CCR# 447:

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Midwest Litigation Services

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

2 JUDGE JONES: Okay. Let's go ahead and  
3 go on the record. This is Case No. SR-2010-0095.  
4 This is the matter of the Application of Mid Missouri  
5 Sanitation, LLC, for a Small Company Rate Increase.  
6 My name is Kennard Jones. I'm the regulatory law  
7 judge assigned to this matter.

8 At this time, let's take entries of  
9 appearances, beginning with Mid Missouri Sanitation.

10 MR. COOPER: Dean L. Cooper from the law  
11 firm of Brydon, Swearingen & England, PC, P.O. Box  
12 456, Jefferson City, Missouri 65101 -- or 102 -- I'm  
13 sorry -- on behalf of Mid Missouri Sanitation, LLC.

14 JUDGE JONES: The Office of Public  
15 Counsel?

16 MS. BAKER: Thank you. Christina Baker,  
17 P.O. Box 2230, Jefferson City, Missouri 65102,  
18 appearing on behalf of the Office of the Public  
19 Counsel and the ratepayers.

20 JUDGE JONES: And Staff of the  
21 Commission?

22 MR. RITCHIE: Thank you, Judge.  
23 Representing the Staff, Sam Ritchie, P.O. Box 360,  
24 Jefferson City, Missouri 65102.

25 JUDGE JONES: Did you want to introduce

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1     yourself?

2                   MS. LEWIS:  Rachel Lewis, same address  
3     as Mr. Ritchie.

4                   JUDGE JONES:  Okay.  First thing we  
5     need to talk about is the operation of law date is  
6     August 11th.  Now, I don't know how much thought you  
7     all have given to this, but that operation of law  
8     date is created by Commission rule which could  
9     probably be waived, I think.  Under statute we  
10    probably have a little more time.  It would probably  
11    be 11 months from the time the tariff was actually  
12    filed.

13                   So if we run into a time problem, that  
14    may become an issue.  That's my interpretation of the  
15    rules in the statute.  I don't know how much you've  
16    thought about that or if you have any input to share  
17    today.

18                   Also, we have a hearing.  Public Counsel  
19    has listed several issues.  I'm assuming that any  
20    hearing we have will be limited to those issues?

21                   MR. COOPER:  Well, we may have  
22    additional issues.

23                   JUDGE JONES:  Additional issues?  Okay.

24                   MR. RITCHIE:  I think rate case expense  
25    would become an issue.

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1 JUDGE JONES: You mean with regard to  
2 Mr. Cooper's participation?

3 MR. COOPER: Yes, your Honor.

4 JUDGE JONES: Well, I'll go ahead and  
5 skip to that. Now, I wanted to bring that up. Staff  
6 and the Company's position is identical; is that  
7 correct?

8 MR. RITCHIE: Yes.

9 MR. COOPER: So far, yes, sir.

10 JUDGE JONES: Okay. If that doesn't  
11 change, then it wouldn't be necessary for -- not  
12 unless you felt the need to participate, because I  
13 feel like the savings that OPC is seeking out through  
14 these issues could be offset by the rate case expense  
15 so it defeats the purpose.

16 Ms. Baker, you look like you want to say  
17 something in that regard.

18 MS. BAKER: No, I'm fine.

19 JUDGE JONES: Are you all following me  
20 on that, though? So there's no point in duplicating  
21 efforts is what I'm saying.

22 MR. COOPER: Well, I understand -- I  
23 guess I understand your point of view. On the other  
24 hand, I think that the Company has the right to have  
25 counsel if it wants to have counsel.

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1 JUDGE JONES: True.

2 MR. COOPER: I don't know that it can  
3 assume that Staff counsel is engaged to represent the  
4 Company. I think the Staff counsel has a different  
5 client in the world. Just the fact that their  
6 positions temporarily may be aligned doesn't mean  
7 that in the end they're both working towards the same  
8 goal.

9 So I don't know that just the fact that  
10 currently their positions are the same means that the  
11 Company doesn't need or should not have the  
12 opportunity to have counsel on its behalf at a  
13 hearing on the issues.

14 JUDGE JONES: Okay. That's something  
15 you guys can work out between you, then, because I  
16 certainly wouldn't -- I don't know that I could  
17 direct that you not play a role. It's ridiculous to  
18 do that, but it is something to consider from a  
19 practical standpoint, and that's all I have to say on  
20 that.

21 As you all probably know, the testimony  
22 is gonna be live. There's no time for prepared  
23 testimony. Probably be unnecessary. You might also  
24 want to think about a Stipulation of Facts, and if  
25 additional issues arise, then I'm gonna issue

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1 something today that sets out when things need to be  
2 filed, depending on what date we choose for a  
3 hearing.

4 But anything prefiled would be filed on  
5 the same date; for instance, a Stipulation of Facts.  
6 And if no other issues arise, we already have a list  
7 of issues. Position statements, perhaps you all  
8 might be able to file them on that day.

9 Let's see. There was testimony from a  
10 few witnesses at the local public hearing, and I was  
11 told then that -- I can't remember the witness's  
12 name; the transcript hasn't been filed yet -- but I  
13 was told he would be trying to submit something.

14 Has anyone heard anything about that?  
15 Ms. Baker?

16 MS. BAKER: No, I have not.

17 MR. RITCHIE: Staff hasn't either.

18 JUDGE JONES: Okay. Well, I'm certainly  
19 not gonna compel a witness at a local public hearing  
20 to file anything. If he doesn't want to file  
21 anything, then I guess he won't. And also that  
22 information can be brought through the parties here.  
23 Once the transcript is filed, you can go back and see  
24 whatever it is he had to say. And to what extent you  
25 all want to have that considered, that's up to you.

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1 How many witnesses will Staff have, do you know?

2 MR. RITCHIE: I don't think any more  
3 than two.

4 JUDGE JONES: Okay. And the Company?

5 MR. COOPER: One.

6 JUDGE JONES: One. And OPC?

7 MS. BAKER: One.

8 JUDGE JONES: Okay. So that's a half  
9 day's hearing; no more than a day's hearing  
10 certainly. Okay. The dates that I have -- we have a  
11 pretty full calendar. The ideal date would be  
12 July 9th. That is a Friday. That would give us  
13 time. Does that look bad for the Company?

14 MR. COOPER: That's bad for me, yeah.

15 JUDGE JONES: Okay. The only other  
16 dates I have are the 19th or the 20th of July, and  
17 that's pushing our -- pushing right up against our  
18 deadline.

19 MR. COOPER: I think either one of those  
20 would be fine.

21 JUDGE JONES: Okay. We just have to  
22 have an expedited transcript. And if you-all wanted  
23 to file in lieu of briefs, because I don't think  
24 these issues are so complicated that you'll need to  
25 brief them. The position statement will serve that



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1 purpose. Is that fair to everyone?

2 I mean, given the time constraints. If  
3 briefs are filed, they'll have to be prehearing  
4 briefs. We're not gonna have time for a full  
5 briefing schedule after the hearing.

6 MS. BAKER: But we would have closing  
7 statements?

8 JUDGE JONES: Oh, certainly. And from  
9 today, how much time do you think you-all need in  
10 order to file a Stipulation of Facts and position  
11 statements? A couple weeks, three weeks? Two days?

12 MR. COOPER: More than a few days. At  
13 least a couple weeks, I think.

14 JUDGE JONES: Okay. And to go back to  
15 what I started talking about, does anyone have any  
16 thoughts on this operation of law date? Does anyone  
17 have an interest in hurrying up and getting this  
18 settled? Because legally, I do think the time can be  
19 pushed out.

20 I think the 11-month time period from  
21 the date it was filed is according to our rule and  
22 our statute, but I'm sure the Commissioners would  
23 probably want to stick to the rule if they can. If  
24 they can't, then it's better to do a right job than  
25 to do a fast job, I assume.

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1                   MR. COOPER: It seems like, Judge, if  
2 you eliminate the briefs and we do get it tried on  
3 July 19th, I know that's pressing things still before  
4 August 11th, but it shouldn't be a terribly complex  
5 deliberation as well.

6                   So I guess what I'm suggesting is, is  
7 that why don't we leave it at August 11 for the time  
8 being, and if ultimately we get to the 1st of August  
9 and it can't happen -- I mean, I don't think there's  
10 anything that would keep the -- I suspect at that  
11 point, the Commission could act and come up with a  
12 different date at that point.

13                  JUDGE JONES: Okay. Does everyone else  
14 feel the same way?

15                  MR. RITCHIE: We're agreeable with that.

16                  MS. BAKER: That's fine.

17                  JUDGE JONES: I assume you-all are gonna  
18 stay here and discuss this after I leave, right?  
19 Have you-all talked before this date and since OPC's  
20 filing?

21                  MS. BAKER: Not since our filing, no,  
22 but we've talked about these issues beforehand.

23                  JUDGE JONES: Okay. Another issue I'm  
24 not -- another specific issue that Commissioner  
25 Jarrett, in particular, wanted to talk about is

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1 quarterly billing, just something to be discussed.

2 I'm not sure what everybody's position is on that,

3 but it seems to tie in to salary in some way.

4 Is there anything else you-all need to

5 discuss before I let you go?

6 (NO RESPONSE.)

7 JUDGE JONES: All right. Well, I'll

8 issue something to set out the prehearing filing, and

9 I will set the 19th as a day for the hearing. Okay.

10 You-all have a good afternoon.

11 (WHEREUPON, the prehearing conference

12 was concluded.)

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