

PUBLIC HEARING 10/29/2012

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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Local Public Hearing

October 29, 2012

Poplar Bluff, Missouri

Volume 1

In the Matter of Request for)
Increase In Annual Sewer Operating)File No. SR-2012-0263
Revenues By R.D. Sewer Company,)
L.L.C.)

In The Matter of The Rate Increase)
For Lakeland Heights Water Company,)File No. WR-2012-0266
Inc.)

In The Matter of the Rate Increase)
Of Oakbrier Water Company)File No. WR-2012-0267

RONALD D. PRIDGIN, Presiding,
SENIOR REGULATORY LAW JUDGE.

ANDY ZELLERS, Chairman's Personal Adviser

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APPEARANCES :

JOHN BORGMEYER
Attorney at Law
P. O. Box 360
Jefferson City, Missouri. 65102.
FOR: Public Service Commission

CHRISTINA BAKER, Public Counsel
Office of the Public Counsel
P.O. Box 2230
200 Madison Street, Suite 650
Jefferson City, MO 65102
FOR: Office of the Public Counsel
and the Public.

AMANDA McMELLEN
Utility Regulatory Auditor
200 Madison St., Ste. 440
Jefferson City, Missouri, 65102

DEBORAH A. BERNSEN, CIA
Utility Management Analyst III
Engineering and Management Services Dept.
200 Madison St., Ste. 700
P. O. Box 360
Jefferson City, MO 65102

Reported by:
Buffy D. Topper, RPR, CRR, CCR
Midwest Litigation Services
3095 Lexington Ave, Suite 300
Cape Girardeau, MO 63701
573-200-7900
573-200-7905 fax

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

2 (WHEREUPON, the public hearing began at 6:00
3 p.m.)

4 JUDGE PRIDGIN: All right. Good evening.
5 We're on the record in the local public hearings, Number
6 SR-2012-0263, WR-2012-0266 and WR-2012-0267. I'm Ron
7 Pridgin. I'm a regulatory law judge for the Commission.
8 And with me this evening I have Andy Zellers. He is the
9 chairman's personal adviser. Could I get entries of
10 appearance from counsel, please.

11 MR. BORGMEYER: Representing the Public
12 Service Commission, my name is John Borgmeyer, P. O. Box
13 360, Jefferson City, Missouri 65102.

14 JUDGE PRIDGIN: Mr. Borgmeyer, thank you. On
15 behalf of the Office of Public Counsel, please.

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

19 JUDGE PRIDGIN: Ms. Baker, thank you. Anyone
20 else wishing to enter an appearance? All right. Because
21 we have such a small crowd and because I believe the
22 customers have been talking with folks from the staff and
23 public counsel. Let me just kind of cut to the chase and
24 ask if there's anyone here who wishes to testify and have
25 the court reporter record your remarks for the

1 commissioners. Yes, sir. All right. I'll make this as
2 informal as possible, just to let you know. I'll just ask
3 you your name, and I'll ask you to raise your right hand
4 and be sworn. And I'll ask you, I guess, what company
5 you're a customer of, why you're here this evening and
6 then ask if you have any remarks you'd like to give for the
7 commission. Do you have any questions?

8 MR. BATSON: No.

9 JUDGE PRIDGIN: Could I get you to give me
10 your name and spell it for the court reporter, please?

11 MR. BATSON: My name is James Batson. Spell
12 it?

13 JUDGE PRIDGIN: Yes, sir. Please.

14 MR. BATSON: B-A-T-S-O-N.

15 JUDGE PRIDGIN: All right. Mr. Batson, if
16 you'll raise your right hand to be sworn, please.

17 JAMES BATSON, called as a witness herein, having
18 been first duly sworn on oath, testified as follows:

19 BY JUDGE PRIDGIN:

20 Q Mr. Batson, thank you. I'll just have two or
21 three questions for you. Then I'll ask if you have a
22 statement. And then counsel may have some clarifying
23 questions for you. This is just your chance to tell the
24 commissioners what's on your mind.

25 So, again, if you'll just please state your

1 name for the record.

2 A James Batson.

3 Q And Mr. Batson, what company are you here to
4 testify about today?

5 A Oakbrier.

6 Q Anytime you're ready, give your statement to
7 the commission and the court reporter.

8 A We bought a piece of property in Oakbrier in
9 2001. We were still living in Florida. And we wasn't
10 moving up here until '05. We moved up here in '05. We
11 found a property. We built a house. We called Oakbrier.
12 Said we, we thought, we thought it actually had county
13 water on it. Come to find out it didn't. So I said fine.

14 I told him where I wanted the water to come
15 in. He brought it out. Put it in. And then I brought
16 people in to put the water in. And they, all we -- I don't
17 know anything about water. So they just put a, what fit
18 was the three-quarter-inch pipe and it run over 300 feet to
19 the house.

20 And we just don't have enough water pressure.
21 And the same line is, is running past where it goes to the
22 house and goes to three outside faucets. And they have no
23 boost pump on them. And the water pressure's just not
24 there. We built a 3400-square-foot house with three
25 working bathrooms in it. And the water pressure just is

1 not there.

2 All, all I would like to have is water
3 pressure. We're not getting it. We had to go to extra
4 money to put a boost pump in the house. And it puts it up
5 to 60PSI. I can unplug it. Run water. It goes down below
6 30, 30 or below; and it's just not there. We can't run
7 anything. And, and with him wanting to raise rates that's
8 not my issue.

9 We lived in Florida. Hurricane central. And
10 we would lose power, but we still had water. I asked
11 Oakbrier Water System if they thought about putting in a
12 generator, an emergency generator on this pump. And
13 evidently from what he just said he's not making enough
14 money to do that.

15 Again, it's not what he's wanting to charge.
16 I just want the water service. We built this house out
17 here. When power's out, we could be self-sufficient. I
18 had my house extra wired strictly for emergency generator.
19 And when we lose power -- and we've done it several
20 times -- I just go out and fire up the generator, plug it
21 into the house; and we're good to go. But we don't have
22 water because the well, Oakbrier's well, does not have a
23 backup system.

24 And we've been putting up with this for six
25 years. And we just saw this. We thought we'd come in and,

1 again, it is not your wanting to raise rates. It is not.

2 UNIDENTIFIED PERSON: Like I said --

3 Q You're free to talk after this as much as you
4 like. I just want to get your statement.

5 A That's my complaint. I'm done.

6 JUDGE PRIDGIN: Mr. Batson, thank you. And I
7 don't have any questions. Let me see if we have any
8 clarifying questions. Mr. Zellers, do you have any
9 questions or anything?

10 BY MR. ZELLERS:

11 Q Yes. Thank you for your testimony, sir. Have
12 you spoken with representatives of the company about this
13 and let them know about your complaint?

14 A The water company?

15 Q Yeah.

16 A Yes. Mr. Owens.

17 Q Tonight you have.

18 A No. We've talked to him prior to this.

19 Q Do you feel those talks are productive? Do
20 you have a good relationship with the company?

21 A I have a good relationship with Mr. Owens.
22 The man, I was gone -- and I had a water pipe burst. He
23 shut it off there. He didn't have to do that. He saw it
24 was really high usage. And he shut it off. And he went up
25 to my house. And he saw water running out of my shop. I

1 appreciate that.

2 But no, I have no animosity towards Mr. Owens.
3 I just want better service. Did that answer your question,
4 sir?

5 Q Yes, it did. Thank you.

6 A Because, yeah. He's right on things. And, if
7 something's messed up, he's right out there. I was doing
8 something, lost water; I run over there still had my water
9 boots on. But anyway. That's it. It's just, if we lose
10 power, we don't have water. And, without the extra expense
11 we had to go through just to run the water pressure in the
12 house, it was a boost pump. But my outside faucets -- it's
13 coming straight from his system; won't even run a yard
14 sprinkler. It's just goes away.

15 And I think this ought to be addressed.
16 Because I think there's some other households in Oakbrier
17 that may be experiencing the same thing. And that's all I
18 have to say.

19 MR. ZELLERS: Thank you.

20 JUDGE PRIDGIN: Mr. Zellers, anything further?

21 MR. ZELLERS: That's all. Thank you, sir.

22 JUDGE PRIDGIN: All right. Anything from
23 counsel?

24 BY MS. BAKER:

25 Q How often are you without water?

1 A When the electricity goes out or it was until
2 Ozark cleared a lot of trees. All it took was a squirrel
3 or a branch falling on it.

4 Q How often in the last year?

5 A The last year?

6 Q Mm-hm.

7 A Couple times. Before that, the harsh winters
8 we had we was losing power all the time. No water.

9 Q And you mentioned whenever you turn off the
10 booster pump it goes below 30PSI. DNR's regulation is
11 20PSI. How often does it go below that?

12 A Well, I never have -- I tell you what, if we
13 turn on faucets or we try to run a washing machine or
14 something like that. It will drop. It drops more. It
15 just runs out of pressure.

16 Q But you haven't measured it go below 20?

17 A I really don't have a way to measure that. I
18 really don't.

19 Q I just wondered. Since you mentioned that it
20 went below 30.

21 A Well, because we have a gauge. My plumber put
22 a gauge on the boost pump. And it's on the other side, and
23 when that boost pump's running -- we had to put that in
24 when we built the house because the water pressure wasn't
25 there.

1 Q Thank you.

2 JUDGE PRIDGIN: Thank you. Anything further?

3 MR. BORGMEYER: Just a couple quick clarifying
4 questions.

5 BY MR. BORGMEYER:

6 Q So without the boost pump your water pressure
7 is consistently low?

8 A Yes.

9 Q And does it fluctuate at all? It just stays
10 at a pretty constant low pressure?

11 A We don't look at it. Well, if we turn it
12 on -- all right. If we turn on one faucet upstairs then a
13 restroom, a bathroom's being used or if you've got -- the
14 water pressure just falls off. It takes forever for a
15 washing machine to fill with water. If nothing else is
16 going on. And then if, if -- it just runs out, guys. I
17 don't know how else to say it. It's not constant.

18 Q And when you have no electricity you have no
19 water whatsoever?

20 A No water. No, sir. No water and a generator
21 will take care of that. On the, we have a, we're all
22 electric. And he's all electric. I have a generator in my
23 house. I cannot, but I cannot run the well.

24 MR. BORGMEYER: That's all the questions I
25 have. Thank you, sir.

1 JUDGE PRIDGIN: Mr. Borgmeyer, thank you.
2 Mr. Batson, thank you very much for your comments. We
3 appreciate them.

4 MR. BATSON: I appreciate you listening.

5 JUDGE PRIDGIN: Our pleasure. And does anyone
6 else wish to testify? All right. Going once, going twice.
7 No further witnesses. Let me see if we have any closing
8 comments. Mr. Zellers?

9 MR. ZELLERS: No, thank you, Judge.

10 JUDGE PRIDGIN: Anything from counsel? All
11 right. Hearing nothing, we will then conclude this
12 evening's hearing in cases, number SR-2012-0263,
13 WR-2012-0266 and WR-2012-0267. And thank you very much.
14 We're off the record.

15 (WHEREUPON, the public hearing concluded at
16 6:21 p.m.)

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