

In the Matter of:

MID MO SANITATION LLC'S REQUEST FOR SEWER RATE INCREASE

SR-2021-0372, VOL. I

June 03, 2021



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BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

Local Public Hearing

June 3, 2021

Via WebEx

Volume 1

In The Matter Of Mid Mo)
Sanitation LLC's Request) File No. SR-2021-0372
for a Sewer Rate Increase.)

CHARLES HATCHER, Presiding
REGULATORY LAW JUDGE

RYAN A. SILVEY, Chairman,
MAIDA J. COLEMAN,
GLEN KOLKMEYER,
COMMISSIONERS

REPORTED VIA WEBEX BY:
Tracy Taylor, CCR No. 939
TIGER COURT REPORTING, LLC

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A P P E A R A N C E S

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1 JUDGE HATCHER: Okay. Actually starting
2 now. First, I would like to ask everyone to please
3 mute themselves unless they are going to be speaking.
4 That will cut down on the noise level and it will
5 prevent audio feedback.

6 Today is June 3rd, 2021. The Missouri
7 Public Service Commission has set this time for a
8 Local Public Hearing in Case Number SR-2021-0372. And
9 that is captioned as In the Matter of Mid MO
10 Sanitation, LLC's Request for a Sewer Rate Increase.

11 The Commission has scheduled this Local
12 Public Hearing to give members of the public a chance
13 to comment about Mid MO's application. The Missouri
14 Public Service Commission regulates the rates charged
15 by public utility companies in Missouri to ensure that
16 those rates are just and reasonable. The Commission
17 also regulates the quality of service and safety of
18 the operations of public utilities.

19 The Commission is made up of five
20 members. The Commissioners are appointed by the
21 Governor to fixed terms and then confirmed by the
22 Senate. The Commissioners employ a staff of
23 engineers, accountants, attorneys, financial analysts
24 and other specialists in the field of utility
25 regulation.

1 My name is Charles Hatcher. I am the
2 Regulatory Law Judge and will preside over this
3 hearing. With me today are three Commissioners. I
4 have Chair Silvey, I have Commissioner Coleman, and
5 Commissioner Kolkmeier.

6 This is an official hearing of the
7 Missouri Public Service Commission and the statements
8 and testimony of witnesses will be recorded by a court
9 reporter and must be given under oath. All of the
10 Commissioners will have the opportunity to read all of
11 the witnesses' remarks, and additionally, I will brief
12 the Commissioners on what was said here tonight.

13 The Commissioners do value your input and
14 I will begin by asking if any of the Commissioners
15 have any opening remarks and then we'll get to
16 introductions of counsel. Chair Silvey?

17 CHAIRMAN SILVEY: Thank you, Judge. I
18 just want to take the opportunity to thank those
19 participating in the hearing. When we go through
20 these litigated processes, this is the only option --
21 or I'm sorry, the only opportunity we have to hear
22 directly from the public that will be affected by our
23 decision. So thank you for joining us tonight and
24 bringing us your testimony. Thank you, Judge.

25 JUDGE HATCHER: Thank you.

1 And Commissioner Coleman, did you have
2 any remarks you'd like to make?

3 COMMISSIONER COLEMAN: No, thank you.

4 JUDGE HATCHER: And Commissioner
5 Kolkmeier, did you have any comments that you'd like
6 to make?

7 COMMISSIONER KOLKMEYER: Thank you,
8 Judge. I just want to welcome everyone and thank
9 everyone for coming and voicing their opinion and
10 voicing their concerns here this evening. So thank
11 you very much.

12 JUDGE HATCHER: Thank you, Commissioner.

13 I'll begin by asking counsel to state
14 their appearance for the record. First, for Mid MO
15 Sanitation, Mr. Cooper.

16 MR. COOPER: Thank you, Judge. Dean
17 Cooper from the law firm of Brydon, Swearingen and
18 England, PC, PO Box 456, Jefferson City, Missouri
19 65102 appearing on behalf of Mid MO Sanitation, LLC.

20 JUDGE HATCHER: Thank you.

21 And on behalf of the Staff of the
22 Missouri Public Service Commissioner, Mr. Pringle?

23 MR. PRINGLE: Yes, thank you, Judge.
24 This is Travis Pringle, appearing on behalf of the
25 Staff of the Missouri Public Service Commission. My

1 contact information is 200 Madison Street, PO Box 360,
2 Jefferson City, MO; telephone, 573.751.4140. Thank
3 you.

4 JUDGE HATCHER: And Office of the Public
5 Counsel, Mr. Clizer?

6 MR. CLIZER: Thank you, Your Honor. John
7 Clizer appearing on behalf of the Missouri Office of
8 Public Counsel. My contact information is Governor
9 Office Building, Suite 650, 200 Madison Street,
10 Jefferson City, Missouri 65102. Thank you.

11 JUDGE HATCHER: Thank you, sir. And
12 Mr. Clizer, on my screen it looks like your video is
13 frozen. We do have your name down for the court
14 reporter. If you'd like to turn off your video to see
15 if that helps save any bandwidth, I'll let you deal
16 with that.

17 The process of this hearing will be to
18 call the names listed on the sign-up sheet in the
19 order that they appear. I currently have seven
20 witnesses, it looks like. When I call your name, I
21 would ask that you please go ahead and unmute. I do
22 understand that this may take a minute and so we will
23 be proceeding slowly in this hearing because of that.

24 Once you unmute, I will place you under
25 oath and then ask you to state and spell your name and

1 then you can offer your comments to the Commission.
2 We do try and keep comments to about five minutes or
3 so, so -- to make sure that everyone has an
4 opportunity to testify and give their comments to the
5 Commission.

6 And I did want to make sure and let all
7 of our witnesses know today the Commissioners and I
8 will not be able to answer questions as we need to
9 remain impartial until all evidence is presented at
10 the evidentiary hearing. The Commission has not made
11 any decisions in this case.

12 If you have any questions after the
13 hearing, you can use the same e-mail address you used
14 to register for this hearing. That's
15 WaterSewerComments@PSC.MO.gov and also
16 MOPCO@OPC.MO.gov and that is for the Office of the
17 Public Counsel. I will repeat those closer to the end
18 of the hearing.

19 The first name on my list is Sherry and
20 David McCarthy. If Sherry and David are here, if they
21 would unmute, please, and say hello so that they pop
22 up on the front of my screen. Okay. And I saw a
23 notification just before we started pop up that said
24 that Sherry McCarthy had logged off. So we're going
25 to come back to the McCarthys.

1 We'll take the next names, Bernie and
2 Vicki Roberts. Bernie and Vicki Roberts, if you could
3 unmute and say something into the microphone so that
4 you pop up onto my front screen.

5 MR. ROBERTS: We're on.

6 JUDGE HATCHER: Excellent. Thank you.
7 This is Mr. Bernie Roberts?

8 MR. ROBERTS: Yes.

9 JUDGE HATCHER: Thank you, sir.

10 (Mr. Bernie Roberts was sworn in.)

11 JUDGE HATCHER: Thank you, sir. And
12 Ms. Vicki Roberts, is that you also in the picture?

13 MS. ROBERTS: Yes.

14 JUDGE HATCHER: Will you also be
15 testifying today?

16 MS. ROBERTS. No. I'll let him do it.

17 JUDGE HATCHER: Okay. Thank you. I
18 won't need to swear you in. That's all I was worried
19 about.

20 Okay. Mr. Roberts, would you please
21 state your name and spell your last name for the court
22 reporter?

23 MR. ROBERTS: Bernie Roberts,
24 R-o-b-e-r-t-s.

25 JUDGE HATCHER: Thank you, Mr. Roberts.

1 And please proceed with your comments.

2 MR. ROBERTS: Well, basically what we
3 talked about earlier before, what I'd like to see is
4 the water -- or sewage be based on usage rather than a
5 straight monthly fee. And the sewer smell was a issue
6 that we're concerned about. We're retired. We like
7 to sit outside and sometimes we can't do that.

8 JUDGE HATCHER: All right. Thank you.
9 Did you have any other concerns or information you
10 wanted to give to the Commissioners?

11 MR. ROBERTS: Anything else?

12 That's basically it right now.

13 JUDGE HATCHER: All right. Are there any
14 questions from the Commissioners for Mr. Roberts?
15 Chair Silvey, go ahead.

16 CHAIRMAN SILVEY: Thank you, Judge.

17 Thank you, Mr. Roberts. Can you tell me
18 approximately how close you live to the treatment
19 facility? You mentioned the smell. I'm just
20 wondering how far you were from it.

21 MR. ROBERTS: I'm not very good -- there
22 is a lot -- it's just one lot, isn't it?

23 MS. ROBERTS: Two, wouldn't it?

24 MR. ROBERTS: There would be two lots
25 between us and then there's a street and then us.

1 CHAIRMAN SILVEY: Okay.

2 MR. ROBERTS: So we're fairly close.

3 CHAIRMAN SILVEY: Okay. Thank you very
4 much for your testimony.

5 Thank you, Judge. I have no other
6 questions.

7 JUDGE HATCHER: Thank you. Are there any
8 other Commissioners questions? And again, for
9 brevity, if any Commissioners do have questions,
10 please speak up, but I will just call generally for
11 any Commissioner questions, as I did there, and not
12 try and ask each Commissioner individually.

13 Mr. Roberts, thank you very much. You
14 are excused from the proverbial witness stand. You're
15 welcome, of course, to stay around and listen to the
16 rest of the hearing.

17 The next witness -- and I just saw
18 Ms. McCarthy, I believe, signed on. Let's give that
19 a -- an opportunity. Is Sherry and David McCarthy in
20 attendance? And if they could unmute, it is their
21 turn to testify. And as they unmute, if they could
22 say something so that their video pops up on my first
23 screen and I'll swear you in to get started.

24 MS. MCCARTHY: This is Sherry McCarthy
25 and I'm here.

1 JUDGE HATCHER: Excellent. Thank you,
2 Ms. McCarthy.

3 (Ms. Sherry McCarthy was sworn in.)

4 JUDGE HATCHER: Thank you, Ms. McCarthy.
5 For the court reporter, would you please state your
6 name and then spell your last name?

7 MS. MCCARTHY: The name is Sherry
8 McCarthy. The last name is M-c-C-a-r-t-h-y.

9 JUDGE HATCHER: Thank you, ma'am. And
10 please give the Commissioners your comments.

11 MS. MCCARTHY: Well, I really didn't have
12 any to give today. I'd already sent mine in. I was
13 here to listen.

14 JUDGE HATCHER: All right. Thank you
15 very much. Were there any questions from the
16 Commissioners for Ms. McCarthy?

17 All right. Hearing none, Ms. McCarthy,
18 thank you very much. You are excused again from the
19 virtual witness stand, but you are free to stay in
20 our -- in our WebEx call and listen to the rest of the
21 hearing.

22 Next we have Clint Darr. If Clint Darr
23 is in attendance and if they could unmute and speak
24 up, please. Okay. I see a Lori Darr is signed in on
25 the WebEx and they are muted.

1 MS. DARR: I am not related to Clint
2 Darr. Sorry.

3 JUDGE HATCHER: Oh, okay. Not a problem.
4 Sorry for the confusion.

5 We will come back to Clint Darr and -- at
6 the end of the hearing to see if he's in attendance.
7 The next name on my list is Stan and Rita Adams. If
8 they could unmute, please and come to the front of my
9 WebEx screen.

10 MS. ADAMS: I'm Rita Adams. Stan is not
11 here.

12 JUDGE HATCHER: Okay. I'm sorry. I
13 didn't -- you didn't pop up on my video. Could you
14 speak up again?

15 MS. ADAMS: Sure. It's Rita Adams and my
16 husband, Stan is -- I'm at the Roberts' house.

17 JUDGE HATCHER: Yes. I see you now. For
18 Tracy, our court reporter, please note that
19 Ms. Rita -- I'm sorry, you said --

20 MS. ADAMS: Adams.

21 JUDGE HATCHER: -- Adams is in
22 Mr. Roberts' --

23 MS. ADAMS: Office.

24 JUDGE HATCHER: -- WebEx office. Thank
25 you. This is going to make an excellent record.

1 Thank you.

2 MS. ADAMS: Mike's right here.

3 JUDGE HATCHER: Yes. Let me swear you
4 in, Ms. Adams.

5 (Ms. Rita Adams was sworn in.)

6 JUDGE HATCHER: Thank you. And please go
7 ahead with your comments to the Commissioners.

8 MS. ADAMS: Well, actually I think I'm
9 with -- like Sherry McCarthy, I sent in some comments
10 and I don't really believe I have any testimony to
11 offer.

12 JUDGE HATCHER: All right. Are there any
13 questions from the Commissioners for Ms. Adams? All
14 right. I -- there's a --

15 MR. COOPER: Judge, you're breaking up
16 quite a bit where we are.

17 JUDGE HATCHER: Hold on just a minute.
18 Let me go clear off some -- go off for 30 seconds.

19 Okay. I'm back. Am I speaking clearly
20 now on everyone else's end? I'm seeing some nods.
21 Excellent. Let's continue. I apologize. I have to
22 get back to my list.

23 Next on my list is Amy Henderson. If
24 Ms. Henderson is in attendance -- and I'm pretty sure
25 she's already on the front screen. She's waving.

1 Excellent.

2 (Ms. Amy Henderson was sworn in.)

3 JUDGE HATCHER: Thank you, ma'am. Please
4 state your name and spell your last name for the court
5 reporter.

6 MS. HENDERSON: Amy Henderson

7 H-e-n-d-e-r-s-o-n.

8 JUDGE HATCHER: Thank you, Ms. Henderson.
9 Please go ahead with your comments.

10 MS. HENDERSON: Thank you. I understand
11 that there has not been a rate increase in over
12 20 years, so this is not unexpected. But certainly
13 when you see something that says there's going to be a
14 79 percent increase, you begin to question why. You
15 want to try and justify what that is going to mean for
16 you.

17 Any other service that I subscribe to, if
18 I had a 79 percent increase in it, I would start
19 looking for alternatives on how to meet that need that
20 I have. Certainly when you're talking about waste
21 treatment, that's not really an option. There aren't
22 other opportunities out there to switch a service to
23 someone else.

24 Certainly I appreciate the expense that
25 needs to be set out when we have to do these sorts of

1 upgrades and compliance to this type of a service. I
2 want to see a just and reasonable increase as -- as
3 was set forth earlier on what -- on what it is we're
4 receiving and that that job is being met adequately.

5 I -- I just want to make sure that we're
6 exploring all the options available, make sure that we
7 have good quality service going forward and that any
8 rate increase is reflective of that.

9 JUDGE HATCHER: Thank you very much.

10 Are there any Commissioner questions for
11 Ms. Henderson?

12 Thank you, Ms. Henderson. You are
13 excused again from the witness stand.

14 MS. HENDERSON: Thank you.

15 JUDGE HATCHER: The next witness I have
16 is Marla Portra. If Ms. Portra speak up and come to
17 the front of my WebEx screen.

18 MS. PORTRA: Hi. Marla Portra here.

19 JUDGE HATCHER: Thank you, Ms. Portra.
20 Let me swear you in.

21 (Ms. Marla Portra was sworn in.)

22 JUDGE HATCHER: Thank you, ma'am. Please
23 state your name and spell your last name for the court
24 reporter.

25 MS. PORTRA: Marla Portra, P-o-r-t-r-a.

1 JUDGE HATCHER: Thank you. Please go
2 ahead with your comments.

3 MS. PORTRA: Well, I agree with much of
4 what Amy said. We've been homeowners here for just
5 under a year. And so I understand that the system
6 operated slightly differently in the past.

7 Since we have lived here, we've also
8 noticed a strong sewage smell. And we agree that
9 that's -- that's pretty unpleasant when we're trying
10 to enjoy our outdoor area as well. So that's of a big
11 concern to us.

12 And just from a standpoint as far as is
13 the system to code? What is being done in order to
14 keep it functional and any improvements being made?
15 And like Amy was saying, we want this to be a just
16 increase, not only an increase because it hasn't been
17 increased in 20 years. So kind of understood that
18 something needs to happen, but just want to make sure
19 that we understand what all is going on.

20 I feel like as homeowners here, we don't
21 really have any other choice as far as our septic
22 needs and so we just want to make sure that we're
23 being treated fairly in this situation.

24 JUDGE HATCHER: Thank you, ma'am.

25 Were there any questions from the

1 Commissioners for Ms. Porsha -- Portra?

2 CHAIRMAN SILVEY: Judge, I --

3 JUDGE HATCHER: Yes, go ahead.

4 CHAIRMAN SILVEY: Thank you, Judge. I
5 have a question.

6 JUDGE HATCHER: Yes, Chairman Silvey.

7 CHAIRMAN SILVEY: Thank you.

8 Thank you, Ms. Portra, for your
9 testimony. You also have mentioned the sewage smell.
10 So could you help me understand kind of how -- where
11 you live in relation to the treatment plant?

12 MS. PORTRA: Sure.

13 CHAIRMAN SILVEY: I'm trying to
14 understand how -- how far out this is going.

15 MS. PORTRA: Right. So we live --
16 basically we are on the far side of the lake. And on
17 the opposite side of the lake is the lagoon.

18 CHAIRMAN SILVEY: Okay. Can you estimate
19 for me about how far away it is? Are we taking
20 100 yards or 200 yards or 100 feet? I don't know how
21 big the lake is.

22 MS. PORTRA: Well, I would say -- yeah.
23 It's not a huge lake. I don't know if any of the
24 other homeowners might help me out here. We're new
25 enough, I don't know exactly how big the lake is. But

1 I know our lot's about an acre and a half. I would
2 say in terms of acreage, it's probably about five
3 acres away from us. I know that's not a standard unit
4 of measurement for how far something is, but that's
5 about the distance we've got.

6 CHAIRMAN SILVEY: Okay. Thank you very
7 much. That's helpful.

8 MS. PORTRA: Sure.

9 CHAIRMAN SILVEY: Thank you, Judge.

10 JUDGE HATCHER: Thank you, Chairman. Any
11 other Commissioner questions?

12 Hearing none, Ms. Portra, thank you very
13 much for your testimony. You are excused from our
14 proverbial witness stand.

15 The next, and our next-to-last scheduled
16 witness, Lori Darr. And I spoke with Ms. Darr
17 earlier. If she can speak up, please, and unmute
18 yourself.

19 MS. DARR: This is Lori Darr. And I
20 apologize. I do not have a working camera on this
21 computer.

22 JUDGE HATCHER: No. That is fine. We
23 have found that either the video or having your name
24 identified as the caller is what really helps our
25 court reporter in identifying who's talking. So you

1 are doing great. Ms. Darr, let me swear you in.

2 (Ms. Lori Darr was sworn in.)

3 JUDGE HATCHER: Thank you. And Ms. Darr,
4 please state your name and spell your last name for
5 the record.

6 MS. DARR: Lori, L-o-r-i, Darr, D-a-r-r.

7 JUDGE HATCHER: Thank you, Ms. Darr. And
8 please go ahead with your comments to the
9 Commissioners.

10 MS. DARR: I want to thank the Commission
11 for hosting this, first. I learned tonight that I
12 could access some of the annual reports and some of
13 the information that I did not know was available.

14 But I appeal to the Commission in that we
15 really don't -- even looking at those reports, I think
16 as some of you said tonight, we don't, as residents,
17 have visibility or insight to really understand if the
18 expenditures are reasonable and customary.

19 We appeal to your Commission to help us
20 understand if the approach that is being used or
21 proposed or has been used is prudent and the
22 expenditures are prudent. I don't think anybody wants
23 to oppose flat out a rate hike, but we -- as has been
24 stated, we just want some assurance that it's fair and
25 reasonable and not just because it hasn't happened in

1 a while.

2 I think there's been quite a bit of
3 discussion tonight about the change in the system and
4 the addition of many commercial users. There is
5 concern about disparity in the pricing. It's just a
6 flat rate pricing now and a disparity in the usage.
7 And again, we would appeal to the Commission in any
8 way that you can to look at equitable billing based on
9 usage, help us to implement something like that that
10 would be more fair.

11 Again, I thank the Commission for hosting
12 this. We look forward to the information you provide
13 after your audit. And we trust that this will be in
14 the best interest of all parties.

15 JUDGE HATCHER: Thank you, Ms. Darr.

16 Are there any questions for Ms. Darr from
17 the Commissioners?

18 All right. Hearing none, Ms. Darr, you
19 are excused from our proverbial witness stand.

20 The only other witness that I have listed
21 is Clint Darr. And I just want to give everyone a
22 head's up on what I am planning on doing. I'm going
23 to call Mr. Darr to see if he is in attendance, but I
24 have not seen anyone added to our WebEx call so I'm
25 not optimistic.

1 After that, I will then ask for any other
2 members who did not sign up in advance but would like
3 to testify -- if there's any other witnesses that
4 would like to come forward and testify. And then that
5 will basically be the end of our hearing. We'll wind
6 down after that.

7 So Mr. Clint Darr is our next witness.
8 Is Mr. Darr available and online? Please unmute
9 yourself.

10 Okay. Hearing none, I will ask for any
11 other members of the public or customers who would
12 like to testify who have not already been called?
13 Don't forget to unmute yourself if you're trying to
14 testify now.

15 Okay. I don't hear anyone. I would like
16 to thank all of our participants today for their
17 testimony. If you do have any additional comments or
18 someone who could not be present would like to
19 comment, you may still make written comments by
20 contacting the same e-mail address used to register
21 for this hearing. That is WaterSewerComments --
22 that's all one word, no spaces --
23 WaterSewerComments@PSC.MO.gov.

24 Or you can contact the Office of the
25 Public Counsel. They are the representatives of the

1 public in rate cases such as this. Their e-mail
2 address is MOPCO@OPC.MO.gov. And you can find either
3 of those offices or contact information on the PSC's
4 web page.

5 I will turn once again to our
6 Commissioners to ask if any Commissioners would like
7 to make any closing remarks?

8 CHAIRMAN SILVEY: Judge.

9 JUDGE HATCHER: Yes, Chairman.

10 CHAIRMAN SILVEY: Thank you, Judge. I
11 just want to thank everyone again for participating in
12 our process this evening. I want to assure you that
13 we take this very seriously and that we consider all
14 arguments when we are reaching our decision through
15 this process. So thank you again for your
16 participation. I appreciate that. Thank you, Judge.

17 JUDGE HATCHER: Thank you, Mr. Chair.

18 Any other Commissioners wish to make some
19 closing remarks? Commissioner Kolkmeier?

20 COMMISSIONER KOLKMEYER: Yes, Judge, I
21 would. I would like to echo the Chairman's thoughts
22 and what he just said. I want to thank everybody for
23 participating and giving their testimony here this
24 evening. Thank you, Judge.

25 JUDGE HATCHER: Thank you -- thank you,

1 Commissioner. Any other Commissioners wish to
2 comment?

3 COMMISSIONER COLEMAN: Thank you.

4 JUDGE HATCHER: Thank you all. The
5 hearing is now adjourned. Let's go off record.

6 (WHEREUPON, the Local Public Hearing was
7 adjourned.)

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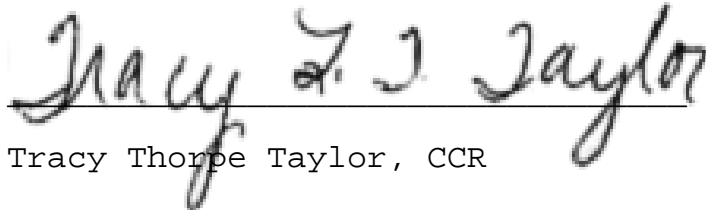
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CERTIFICATE OF REPORTER

I, Tracy Thorpe Taylor, CCR No. 939, within the State of Missouri, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.


Tracy Thorpe Taylor, CCR

1	Adams 12:7,10,15,20, 21,23 13:2,4,5,8,13	attorneys 3:23	Chairman 4:17 9:16 10:1,3 17:2,4,6,7,13, 18 18:6,9,10 22:8,9,10
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