

1 STATE OF MISSOURI
2 PUBLIC SERVICE COMMISSION

3
4 PREHEARING CONFERENCE

5 April 3, 1999
6 Jefferson City, Missouri
7 Volume 2
8

9
10 In the Matter of Missouri-American)
11 Water Company's Tariff Sheets)
12 Designed to Implement General Rate) Case
13 Increases for Water and Sewer) No. WR-2000-281
14 Service Provided to Customers in)
15 the Missouri Service Area of the)
16 Company.)
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18
19 BEFORE:

20 KEVIN A. THOMPSON, Presiding,
21 DEPUTY CHIEF REGULATORY LAW JUDGE.
22

23
24 REPORTED BY:

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19 Commission.

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P R O C E E D I N G S

(Written Entries of Appearance filed.)

JUDGE THOMPSON: Good morning, ladies and gentlemen. We're here for a prehearing conference in the matter of Missouri-American Water Company's tariff sheets designed to implement general rate increases for water and sewer service provided to customers in the Missouri service area of the company, Case No. WR-2000-281.

May I have oral entries of appearance, please, beginning with Public Counsel?

MS. COOK: Thank you, your Honor.
Shannon Cook and John B. Coffman on behalf of the Office of Public Counsel and Public, P.O. Box 7800, Jefferson City, Missouri, 65102-7800.

JUDGE THOMPSON: Thank you.
Mr. Deutsch.
MR. DEUTSCH: James B. Deutsch with the law firm of Blitz, Bardgett and Deutsch for the City of Joplin.

Do you need my address?
JUDGE THOMPSON: No, sir.
Mr. Dority.
MR. DORITY: Good morning. Larry Dority and James Fischer appearing on behalf of Public Water

1 Supply Districts, the intervenors, Fischer and Dority,
2 101 West McCarty, Suite 215, Jefferson City, Missouri,
3 65101.

4 We're also appearing this morning on behalf
5 of Mr. Zobrist and Ms. Robertson representing the City
6 of St. Joseph.

7 JUDGE THOMPSON: Thank you.

8 Mr. Conrad.

9 MR. CONRAD: Good morning, Judge.

10 JUDGE THOMPSON: Good morning, sir.

11 MR. CONRAD: Stuart Conrad on behalf of Ag
12 Processing, Inc., Wire Rope Corporation of American,
13 Friskies Pet Care Products, Division of Nestle,
14 Incorporated, all three companies in St. Joseph.

15 My office is with the Finnegan, Conrad and
16 Peterson law firm in Kansas City, Missouri, 3100
17 Broadway, Suite 1209.

18 JUDGE THOMPSON: Thank you, sir.

19 Mr. Franson.

20 (No response.)

21 JUDGE THOMPSON: Mr. Krueger.

22 MR. KRUEGER: Keith Krueger, Cliff Snodgrass
23 and Robert Franson for the Staff of the Missouri
24 Public Service Commission. Our address is P.O.
25 Box 360, Jefferson City, Missouri, 65102.

1 I don't believe Mr. Snodgrass is in the room
2 this morning, but he is in this case.

3 JUDGE THOMPSON: Mr. Krueger, has
4 Mr. Snodgrass been admitted to the Missouri Bar yet?

5 MR. KRUEGER: No, he has not.

6 JUDGE THOMPSON: You will need to submit a
7 motion for leave for him to appear pro hac vice.

8 MR. KRUEGER: Is there not one in the file?

9 JUDGE THOMPSON: I do not believe that there
10 is one in this file, but why don't you check?

11 MR. KRUEGER: We do that routinely, but
12 perhaps we failed to abide by routine.

13 JUDGE THOMPSON: Thank you.

14 Mr. England.

15 MR. ENGLAND: Thank you, your Honor.

16 Let the record reflect the appearance of
17 W.R. England, and, if I may, I would also like to
18 enter the appearance of my partner, Dean Cooper --

19 JUDGE THOMPSON: Very well.

20 MR. ENGLAND: -- on behalf of
21 Missouri-American Water Company, the applicant in this
22 case. Our mailing address is Brydon, Swearngen and
23 England, P.C., Post Office Box 456, Jefferson City,
24 Missouri, 65102.

25 JUDGE THOMPSON: Thank you, sir.

1 MR. ENGLAND: Thank you.

2 MR. STEWART: Charles Brent Stewart of the
3 law firm Stewart and Keevil, L.L.C., appearing on
4 behalf of Intervenor Public Water Supply District
5 No. 2 of St. Charles County.

6 JUDGE THOMPSON: Thank you, Mr. Stewart.

7 Any other appearances at this time?

8 (No response.)

9 JUDGE THOMPSON: Very well. Pending is a
10 Joint Motion to Modify the Procedural Schedule and
11 Request for Expedited Consideration. This was filed
12 after lunch on March 31st. That was Friday.

13 At that time I was advised that not all of
14 the parties had joined in this. This was a request to
15 postpone or reset this prehearing conference and to
16 make some other changes to the procedural schedule.

17 I can only say that at that eleventh hour I
18 am unable to do anything with a request of that kind.
19 If it had been unanimous, I would have been able to
20 grant the request of relief. I'm not saying I would
21 have, but it would have been feasible. But,
22 certainly, there is nothing I could do with a less
23 than unanimous request to alter the procedural
24 schedule at such a late date, and I hope I will not
25 see something like that in the future.

1 Also pending is the Office of the Public
2 Counsel's Second Motion to Compel and Request for
3 Expedited Consideration filed on March 31st, 2000.
4 I have not yet received any response from
5 Missouri-American to this, and under our rules, one is
6 not yet due.
7 Do you have any comment on this,
8 Mr. England?
9 MR. ENGLAND: Very brief and very
10 uninformed.
11 I'm unaware of it. I was out of town the
12 latter part of last week, and I have not seen the
13 motion, so --
14 JUDGE THOMPSON: Well, it would certainly be
15 unfair to take it up at this time.
16 MR. ENGLAND: I'm not telling you that I
17 haven't argued from an uninformed position previously,
18 but --
19 JUDGE THOMPSON: I am confident you could
20 make a great argument, but I'm not going to make you
21 do it.
22 MR. ENGLAND: Thank you.
23 JUDGE THOMPSON: The important issue is that
24 there is a contention that there are a number of data
25 requests which are quite late. I suggest you get a

1 copy of this and look at it because to the extent that
2 it delays Public Counsel in filing direct testimony,
3 which is due today and also on the 6th with respect to
4 rate design, then it will only impede the prompt and
5 steady progress of this case to resolution.

6 And I will advise Public Counsel that I will
7 look favorably on a motion to file direct testimony
8 out of time, if that is necessary due to this matter.

9 Okay. You have an entire week in this room.
10 I hope that you will settle the entire case. Please
11 use this time to advantage. I hope you will discuss
12 the various issues that continue to divide you and
13 settle as many of them as you can.

14 I will be present in the building obviously
15 throughout the week. If at any time you need me you
16 have but to call for me and I will come and rejoin
17 you. You have this room without interruption the
18 entire week.

19 Is there any matter that any party would
20 like to bring to my attention at this time.

21 MR. KRUEGER: Yes, your Honor.

22 JUDGE THOMPSON: Yes, Mr. Krueger.

23 MR. KRUEGER: I would like to renew the
24 request to modify the procedural schedule in
25 accordance with the motion that was filed on Friday.

1 I have heard this morning from Mr. Zobrist,
2 the attorney for the one party that we were not able
3 to reach last week, and he said that he joins in this
4 request to modify the procedural schedule.

5 There are three -- or five parties
6 represented by three attorneys who said that they did
7 not -- who did not sign the motion but said that they
8 did not oppose it, and so far as I know, there is no
9 one who opposes this motion at this time.

10 JUDGE THOMPSON: Any response or comments?

11 (No response.)

12 JUDGE THOMPSON: Well, I've discussed your
13 motion with other of the Administrative Law Judges and
14 with a couple of Commissioners, and I can tell you
15 that the general feeling is not one that is favorable
16 towards this request at this point. However, I'm
17 loath to lock you-all in this room for a week when you
18 don't want to be here because I don't think you'll
19 accomplish anything.

20 So what -- what exactly -- what do you
21 foresee as the new procedural schedule?

22 MR. KRUEGER: I think we specified the
23 procedural schedule in the motion, your Honor.
24 Essentially, it involves moving all dates on the
25 procedural schedule back by two weeks. The one

1 exception to that is the evidentiary hearing which is
2 moved just slightly less than two weeks, according to
3 this request. The evidentiary hearing is presently
4 scheduled for June 5 to 9 and 15 and 16, and we
5 requested that it be moved back to begin on June 15
6 and 16, dates that we already had, and to continue
7 through the following week, June 19 through 23.

8 JUDGE THOMPSON: Okay.

9 MR. KRUEGER: So that would be delayed by
10 just a little less than two weeks. Everything else
11 would be delayed by two weeks. The true-up hearing
12 would be held at the same time. The case would
13 actually be finally submitted to the Commission, all
14 issues, by the same time.

15 JUDGE THOMPSON: Okay. Because, of course,
16 I can't move the suspension date.

17 I will go ahead and grant the unanimous
18 motion of the parties to modify the procedural
19 schedule, and I will issue an order to that effect
20 today.

21 I think we're at the point where there is no
22 more time to be given out, however, so I would urge
23 you, please, adhere to this new amended procedural
24 schedule because, otherwise, I don't see how we're
25 going to get this case done by the time we have to get

1 it done. Okay?

2 There being nothing further, we will adjourn
3 this prehearing conference at this time, and we will
4 reconvene according to the amended procedural schedule
5 which you should be receiving in the mail any time.

6 Thank you.

7 WHEREUPON, the on-the-record portion of the
8 prehearing conference was concluded.

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