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STATE OF MISSOURI

PUBLIC SERVICE COMMISSION

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TRANSCRIPT OF PROCEEDINGS

Prehearing Conference

March 29, 2001  
Jefferson City, Missouri  
Volume 1

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In the Matter of the Application            )  
of Foxfire Utility Company for a            )  
Certificate of Convenience and                )  
Necessity Authorizing it to Construct,) Case No.  
Install, Own, Operate, Control, Manage) WA-2001-53  
and Maintain a Water System for the        )  
Public in an Unincorporated Area of        )  
Benton County, Missouri.                    )

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SHELLY A. REGISTER, Presiding,  
REGULATORY LAW JUDGE.

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REPORTED BY:  
  
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21 FOR: Office of the Public Counsel.

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

2 JUDGE REGISTER: Good morning ladies and  
3 gentlemen. It's approximately 10:30. We're here  
4 on Case Number WA-2001-53 In the Matter of  
5 Application of Foxfire Utility Company for a  
6 Certificate of Convenience and Necessity  
7 Authorizing it to Construct, Install, Own, Operate,  
8 Control, Manage and Maintain a Water System for the  
9 Public in an Unincorporated Area of Benton County,  
10 Missouri.

11 We'll begin by taking entries of  
12 appearance. And, Mr. Snodgrass, if you would like  
13 to begin?

14 MR. SNODGRASS: Yes, Judge. Good  
15 morning. My name is Cliff Snodgrass. I represent  
16 the Staff of the Missouri Public Service  
17 Commission. My business address is Governor Office  
18 Building, Suite 800, 200 Madison Street, P.O. Box  
19 360, Jefferson City, Missouri.

20 MS. O'NEILL: Good morning. My name is  
21 Ruth O'Neill, Office of the Public Counsel,  
22 P.O. Box 7800, Jefferson City, Missouri 65102.

23 JUDGE REGISTER: Thank you, Ms. O'Neill.

24 MR. COOPER: Dean L. Cooper, Brydon  
25 Swaengen and England, P.C., Post Office Box 456,

ASSOCIATED COURT REPORTERS, INC.  
(573) 636-7551 JEFFERSON CITY, MO 65102  
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1 Jefferson City, Missouri 65102, appearing on behalf  
2 of Foxfire Utility Company.

3 JUDGE REGISTER: Thank you. We're here  
4 this morning at this prehearing conference on the  
5 application filed July 26, 2000 by Foxfire Utility  
6 Company. And the parties were negotiating the  
7 issues. There are no intervenors in this case.  
8 Staff filed its request for prehearing conference  
9 February 27. And this prehearing conference was  
10 set by an order issued March 7, 2001.

11 Now, I did note in Staff's request that it  
12 indicated it would not be filing a recommendation,  
13 but was requesting that this prehearing conference  
14 be set for the purpose of a proposed procedural  
15 schedule.

16 Can you tell me, Mr. Snodgrass, what the  
17 issue is?

18 MR. SNODGRASS: Judge, as I understand it,  
19 there has been some negotiations between the  
20 parties here, and there are a couple of issues that  
21 Staff is dealing with. One, being management  
22 expenses, another one being billing expenses, as I  
23 understand it, Judge. You asked me a specific  
24 question, I'll try to give you a specific answer.

25 At this point I'm relying on my experts to

1     see if we can resolve and talk a little bit more  
2     and maybe come to an agreement. I don't know  
3     whether we can or not at this point in time.

4             JUDGE REGISTER: The parties are still  
5     open to negotiations then at this time; is that  
6     correct?

7             MR. SNODGRASS: Staff certainly is.

8             MR. COOPER: That's correct, your Honor.

9             MS. O'NEILL: That's correct, your Honor.

10            JUDGE REGISTER: Are there any other  
11     issues that Ms. O'Neill and Mr. Cooper would like  
12     to add to the issues that Mr. Snodgrass  
13     identified?

14            MR. COOPER: Well, I think I would  
15     identify the issue probably in a bigger sense than  
16     Mr. Snodgrass did. I would just describe the issue  
17     as being the question of what rates would be  
18     established on a going-forward basis, which may  
19     encompass more things than just the two items that  
20     Mr. Snodgrass identified, but still generally  
21     related to the same thing.

22            MS. O'NEILL: And I would concur with  
23     Mr. Cooper, as far as that goes. I think some of  
24     the major sticking points of the examples that  
25     Mr. Snodgrass has given to you are part of that,

1 but there may be a few other considerations as  
2 well.

3 JUDGE REGISTER: Okay.

4 MR. SNODGRASS: You know, Judge, I think  
5 I've been usurped. Normally I'm the big picture  
6 person in these cases, but today obviously I'm not.

7 JUDGE REGISTER: It's probably that narrow  
8 question I asked you.

9 MR. SNODGRASS: I guess, Judge.

10 JUDGE REGISTER: If the parties feel like  
11 continued settlement at this point would -- or  
12 negotiation discussions would be helpful at this  
13 point, then I'm not certain it's necessary for us  
14 to go through how many witnesses you will have and  
15 how many hearing days you will need, and that type  
16 of thing. The standard prehearing conference order  
17 does include the discussion of discovery issues,  
18 witnesses, and anticipated length of your hearing.

19 Do you see any discovery issues at this  
20 point that any of the parties have raised?

21 MR. SNODGRASS: I've got Jim Merciel here  
22 with me, your Honor, and he's indicating he doesn't  
23 believe there's any discovery issues at this point  
24 in time.

25 Is that correct, Jim?

1                   MR. MERCIEL: That's correct.

2                   MR. SNODGRASS: From Staff's prospective.

3                   JUDGE REGISTER: So at this point we'll

4                   hope that the parties can resolve their issues.

5                   And if not, then you will put together a proposed

6                   procedural schedule and submit it to me -- or file

7                   it rather, excuse me, by April 5th. Is that

8                   acceptable then?

9                   MS. O'NEILL: Yes.

10                  MR. SNODGRASS: Yes. That's doable,

11                  Judge.

12                  MR. COOPER: Yes.

13                  JUDGE REGISTER: I thank you for your

14                  time. And if there are no other issues you would

15                  like to raise before the Commission today, we'll go

16                  off the record.

17                  WHEREUPON, the on-the-record portion of

18                  the prehearing conference was concluded.

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