

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF MISSOURI

PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Prehearing Conference

September 19, 2001
Jefferson City, Missouri
Volume 1

In the Matter of the Application)
of Environmental Utilities, LLC,)
for Permission, Approval, and a)
Certificate of Convenience and)
Necessity Authorizing it to) Case No.
Construct, Install, Own, Operate,) WA-2002-65
Control, Manage and Maintain a)
Water System for the Public Located)
in Unincorporated Portions of)
Camden County, Missouri (Golden)
Glade Subdivision.))

MORRIS L. WOODRUFF, Presiding,
SENIOR REGULATORY LAW JUDGE.

REPORTED BY:

MELINDA ADOLPHSON, CSR
ASSOCIATED COURT REPORTERS, INC.

ASSOCIATED COURT REPORTERS, INC.
(573) 636-7551 JEFFERSON CITY, MO 65102
(573)442-3600 COLUMBIA, MO 65201

1 APPEARANCES:
2 GREGORY D. WILLIAMS, Attorney at Law
3 Highway 5 at 5-33
4 P.O. Box 431
5 Sunrise Beach, MO 65079
6 573-374-8761
7
8 FOR: Environmental Utilities, LLC.
9
10 VICTORIA KIZITO, Legal Counsel
11 Governor Office Building
12 200 Madison Street, Suite 800
13 P.O. Box 360
14 Jefferson City, MO 65102
15 573-751-3234
16
17 FOR: Staff of the Missouri Public Service
18 Commission.
19
20 M. RUTH O'NEILL, Legal Counsel
21 Governor Office Building
22 200 Madison Street
23 P.O. Box 7800
24 Jefferson City, MO 65102
25 573-751-3234
26
27 FOR: Office of the Public Counsel and the
28 Public.
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

ASSOCIATED COURT REPORTERS, INC.
(573) 636-7551 JEFFERSON CITY, MO 65102
(573)442-3600 COLUMBIA, MO 65201

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

2 JUDGE WOODRUFF: We're here today for a
3 prehearing conference in Case No. WA-2002-65. It's
4 In the Matter of the Application of Environmental
5 Utilities, L.L.C., for Permission, Approval, and 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 Located in Unincorporated Portions of
10 Camden County, Missouri, specifically the Golden
11 Glade Subdivision.

12 And we'll begin today by taking entries of
13 appearance beginning with Environmental Utilities.

14 MR. WILLIAMS: Gregory Williams,
15 Highway 5, Lake Road 533, P.O. Box 431, Sunrise
16 Beach, Missouri 65079, on behalf of Environmental
17 Utilities, L.L.C.

18 JUDGE WOODRUFF: Thank you.

19 And for Staff?

20 MS. KIZITO: Good morning, your Honor.
21 Victoria Kizito, appearing for Staff of the Public
22 Service Commission. Also present today is Jim
23 Merciel and Martin Hummel and Jim Russo, Staff of
24 the Water Sewer Department and Accounting
25 Departments.

ASSOCIATED COURT REPORTERS, INC.
(573) 636-7551 JEFFERSON CITY, MO 65102
(573)442-3600 COLUMBIA, MO 65201

1 JUDGE WOODRUFF: Thank you.

2 For Public Counsel?

3 MS. O'NEILL: Good morning. Ruth O'Neill
4 for the Office of the Public Counsel, P.O. Box
5 7800, Jefferson City, Missouri 65102.

6 JUDGE WOODRUFF: Thank you very much.

7 I believe that's all the parties. The
8 primary reason we're here today, of course, is to
9 have you work together on submitting a proposed
10 procedural schedule. And by previous order, that
11 was made due one week from today on
12 September 26th.

13 Environmental Utilities also filed a
14 motion asking the Commission to deny the request
15 for a hearing. I'm not going to make a ruling on
16 that today. The Commission will have to do that at
17 an agenda. But for purposes of today's proceeding,
18 go ahead and assume that they will go ahead and
19 prepare the procedural schedule. We'll deal with
20 the other matters later.

21 Let me go ahead and ask at this point,
22 I'll ask Public Counsel first, do you know what
23 issues will be involved in this case?

24 MR. O'NEILL: Your Honor, I'm not sure.
25 We were not served with the application until after

1 the order directing filing was sent out. I think
2 we got it on the 21st or 22nd -- 23rd actually is
3 when we received the application. I'm not going to
4 say categorically that I haven't received the
5 motion -- or asking that the motion for hearing be
6 denied, because it may be in my office, and I just
7 haven't seen it when that was filed.

8 JUDGE WOODRUFF: It was termed as a
9 response to your request.

10 MS. O'NEILL: I don't recall seeing it
11 yet. That doesn't mean it's not upstairs. I also
12 haven't received and we haven't received, the
13 supplemental filing that was due September 5th from
14 the order directing the filing. I don't know if I
15 didn't get on the service list or --

16 MR. WILLIAMS: I do have a new secretary.
17 I won't swear that that didn't happen.

18 MS. O'NEILL: And it is possible that that
19 is -- you know, the mail has been a little bit odd
20 lately, so . . .

21 JUDGE WOODRUFF: Just so the record is
22 clear, Mr. Williams has handed you a couple of
23 documents. I assume those are the documents she
24 was talking about?

25 MR. WILLIAMS: Those are copies of it,

ASSOCIATED COURT REPORTERS, INC.
(573) 636-7551 JEFFERSON CITY, MO 65102
(573)442-3600 COLUMBIA, MO 65201

1 that's correct.

2 MS. O'NEILL: I don't have this packet of
3 documents, so I appreciate getting those. I'm not
4 really sure at this point what the whole scope of
5 what the issues may be in this case, but we may be
6 able to work towards settlement of these issues and
7 come to some kind of stipulation and agreement.
8 I'm certainly willing to work towards that.

9 However, we didn't feel that we had enough
10 information just based on the application to sit
11 back and let the Commission determine whether a
12 hearing was necessary.

13 JUDGE WOODRUFF: Thank you.

14 And does Staff have a position on this
15 application yet?

16 MS. KIZITO: Your Honor, the Staff has a
17 couple of issues that it hopes it can work out with
18 counsel for Environmental Utilities, but at this
19 time also, though, we are not sure if a hearing
20 will be necessary as we hope the issues can be
21 worked out.

22 JUDGE WOODRUFF: Okay. And, of course,
23 that can be done today also hopefully.

24 Mr. Williams, anything that you want to
25 bring up?

1 MR. WILLIAMS: No. I think our motion is
2 before the Commission, and we'll stand on that at
3 this point in time.

4 JUDGE WOODRUFF: All right. Well, with
5 that then we will conclude the on-the-record
6 portion of the prehearing conference, and I'll
7 leave you to your discussions. Thank you very
8 much.

9 WHEREUPON, the on-the-record portion of
10 the prehearing conference was concluded.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25