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STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
  
TRANSCRIPT OF PROCEEDINGS  
  
Hearing  
  
February 21, 2002  
Jefferson City, Missouri  
Volume 2

Staff of the Missouri Public Service Commission,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. WC-2002-146
	)	
St. Louis County Water Company,	)	
doing business as Missouri-American Water Company,	)	
	)	
Respondent.	)	

KEVIN A. THOMPSON, Presiding,  
DEPUTY CHIEF REGULATORY LAW JUDGE.

REPORTED BY:  
  
KELLENE K. FEDDERSEN, CSR, RPR  
ASSOCIATED COURT REPORTERS

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9

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FOR: Staff of the Missouri Public  
Service Commission.

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

2 JUDGE THOMPSON: Good morning. We're here for  
3 Case No. WC-2002-146, and this is the Staff of the Missouri  
4 Public Service Commission vs. St. Louis County Water  
5 Company, doing business as Missouri-American Water Company.  
6 And I should note that we have been advised that there has  
7 been a name change and St. Louis County Water Company now is  
8 Missouri-American Water Company.

9 MR. CIOTTONE: That's correct.

10 JUDGE THOMPSON: So I guess that's a  
11 substitution of name of party.

12 Why don't we take oral entries of appearance  
13 at this time. We'll begin with Staff.

14 MR. KRUEGER: Keith R. Krueger for the Staff  
15 of the Missouri Public Service Commission. My address is  
16 P.O. Box 360, Jefferson City, Missouri 65101.

17 JUDGE THOMPSON: Thank you. Respondent.

18 MR. CIOTTONE: Richard T. Ciottone appearing  
19 on -- 949 East Essex, St. Louis, Missouri 63122, appearing  
20 on behalf of the respondent now Missouri-American Water  
21 Company, successor to St. Louis County Water Company, doing  
22 business as Missouri Water Company.

23 And I'm also authorized to enter the  
24 appearance of Robert H. Grant, Deputy County Counselor, by  
25 proxy through myself. He is the attorney for St. Louis

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1 County, Missouri, the government. His address is 41 South  
2 Central, Clayton, Missouri 63105.

3 JUDGE THOMPSON: Thank you. Public Counsel.

4 MS. O'NEILL: Thank you. Ruth O'Neill for the  
5 Office of the Public Counsel and the Public. Our address is  
6 P.O. Box 7800, Jefferson City, Missouri 65102.

7 JUDGE THOMPSON: Thank you. Now, it's my  
8 understanding that the parties would like to submit the case  
9 on the basis of the prefiled testimony and we'll set a  
10 briefing schedule today and that the parties will waive  
11 hearing and cross-examination. Is that correct?

12 MR. CIOTTONE: Yes, sir.

13 MS. O'NEILL: Yes, it is.

14 JUDGE THOMPSON: Okay. I have here the direct  
15 testimony of Wendell R. Hubbs. I have the surrebuttal  
16 testimony of Wendell R. Hubbs. I have the rebuttal  
17 testimony of James M. Jenkins and the rebuttal testimony of  
18 Senator Wayne Goode. Is there any prefiled testimony that I  
19 failed to refer to?

20 MR. KRUEGER: No.

21 MS. O'NEILL: No.

22 MR. CIOTTONE: Not to my knowledge.

23 JUDGE THOMPSON: We will go ahead and mark  
24 Mr. Hubbs' testimony as Exhibit 1, Mr. Hubbs' surrebuttal  
25 testimony as Exhibit 2, Mr. Jenkins' rebuttal testimony as

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1 Exhibit 3, and Senator Goode's rebuttal testimony as  
2 Exhibit 4.

3 (EXHIBIT NOS. 1 THROUGH 4 WERE MARKED FOR  
4 IDENTIFICATION BY THE REPORTER.)

5 JUDGE THOMPSON: At this time, then, I will  
6 ask whether there are any objections to the receipt of  
7 Exhibit No. 1 into the record of this proceeding?

8 MS. O'NEILL: No objection.

9 MR. CIOTTONE: No objection.

10 JUDGE THOMPSON: Are there any objections to  
11 receipt of Exhibit No. 2 into the record of this proceeding?

12 MS. O'NEILL: No objection.

13 MR. CIOTTONE: No objection.

14 JUDGE THOMPSON: Any objection to the receipt  
15 of Exhibit No. 3?

16 MR. CIOTTONE: Your Honor, there's one  
17 correction to Exhibit No. 3 that perhaps I should make  
18 known.

19 JUDGE THOMPSON: Absolutely.

20 MR. CIOTTONE: On page 5, line 15, Mr. Jenkins  
21 refers to a CSR Chapter 12. It is, in fact, Chapter 13.  
22 That's a typographical error.

23 JUDGE THOMPSON: Very well. Any other  
24 corrections, to your knowledge?

25 MR. CIOTTONE: No, sir.

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1 JUDGE THOMPSON: So are there any objections  
2 to the receipt of Exhibit 3 as corrected into the record of  
3 this proceeding?

4 MS. O'NEILL: No objection.

5 MR. KRUEGER: No, your Honor.

6 JUDGE THOMPSON: How about the receipt of  
7 Exhibit No. 4?

8 MS. O'NEILL: No objection.

9 MR. KRUEGER: No objection, your Honor.

10 JUDGE THOMPSON: Hearing no objections,  
11 Exhibits 1, 2, 3 and 4 are received and made a part of the  
12 record of this proceeding.

13 (EXHIBIT NOS. 1 THROUGH 4 WERE RECEIVED INTO  
14 EVIDENCE.)

15 JUDGE THOMPSON: And I think I should get your  
16 waivers on the record. So I'll put a question to counsel  
17 and then ask each of you to reply audibly for the purposes  
18 of the record.

19 Do you on behalf of your client waive the  
20 opportunity for an evidentiary hearing and for  
21 cross-examination in this matter? Mr. Ciottone?

22 MR. CIOTTONE: Yes, your Honor. Both the  
23 company, responding company does so waive, and the St. Louis  
24 County, Missouri intervenor also waives.

25 JUDGE THOMPSON: Thank you, sir. Mr. Krueger?

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1                   MR. KRUEGER: Yes, your Honor, the Staff  
2 waives the evidentiary hearing.

3                   JUDGE THOMPSON: Ms. O'Neill?

4                   MS. O'NEILL: Yes, we waive the hearing.

5                   JUDGE THOMPSON: Thank you very much. At this  
6 time, then, we will put together a briefing schedule. What  
7 do you have in mind?

8                   MR. KRUEGER: Your Honor, I believe there  
9 are -- times for filing the Briefs have previously been  
10 ordered, but that was done with the idea that we would be  
11 waiting on the transcript of the hearing, and so we may  
12 possibly want to revise it.

13                  MR. CIOTTONE: I can live with those dates  
14 myself.

15                  MR. KRUEGER: They're fine with me.

16                  JUDGE THOMPSON: Okay. Well, that's fine with  
17 me, too, then. So we will stick with the briefing dates as  
18 previously ordered in the procedural schedule. Very well.

19                  And I do not believe that we have an operation  
20 of law date in this case; isn't that correct?

21                  MR. KRUEGER: Correct.

22                  MS. O'NEILL: That's correct.

23                  MR. CIOTTONE: That's correct.

24                  JUDGE THOMPSON: So I think you should  
25 probably expect about a month after the final Brief is

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1 filed.

2 Anything further at this time?

3 MR. CIOTTONE: No, sir.

4 MS. O'NEILL: No.

5 JUDGE THOMPSON: No.

6 JUDGE THOMPSON: Thank you all for coming out  
7 today. We will be adjourned.

8 WHEREUPON, the hearing of this case was  
9 concluded.

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