

1 STATE OF MISSOURI
2 PUBLIC SERVICE COMMISSION
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6 TRANSCRIPT OF PROCEEDINGS
7 Prehearing Conference
8 September 14, 2006
9 Jefferson City, Missouri
Volume 1

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12 Dione C. Joyner,)
13 Complainant,)
14 v.) Case No. WC-2006-0345
15 Missouri-American Water)
Company,)
16 Respondent.)

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21 NANCY DIPPELL, Presiding,
DEPUTY CHIEF REGULATORY LAW JUDGE

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REPORTED BY:

PAMELA FICK, RMR, RPR, CCR #447, CSR
MIDWEST LITIGATION SERVICES

1 APPEARANCES:

2 (Via Telephone) Dione C. Joyner, Pro Se
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4 St. Louis, Missouri 64152

5 FOR: Herself.

6 (Via Telephone) Mary S. Sullivan,
7 Corporate Counsel & Assistant Secretary
8 Missouri-American Water Company
9 727 Craig Road
10 St. Louis, Missouri 63141

11 FOR: Missouri-American Water Company.

12 Keith Krueger, Deputy General Counsel
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18 FOR: Staff of the Missouri Public
19 Service Commission.
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1 P R O C E E D I N G S

2 JUDGE DIPPELL: This is Case Number
3 WC-2006-0345, Dione -- I'm not sure -- C. -- Joyner,
4 Complainant, versus Missouri-American Water Company,
5 Respondent. We're meeting here today for a telephone
6 conference to discuss procedural matters, and we have
7 a representative from Missouri-American Water on the
8 phone as well as members of the Staff in the room
9 with me.

10 My name is Nancy Dippell. I'm the
11 regulatory law judge assigned to this matter. We're
12 gonna begin with entries of appearance by the
13 attorneys, and I'll begin here with Staff.
14 Mr. Krueger?

15 MR. KRUEGER: My name is Keith Krueger.
16 I'm the attorney for the Staff of the Missouri Public
17 Service Commission. My address is P.O. Box 360,
18 Jefferson City, Missouri 65102.

19 JUDGE DIPPELL: Thank you. And
20 Ms. Sullivan?

21 MS. SULLIVAN: Yes. Mary Sullivan
22 appearing on behalf of Missouri-American Water
23 Company. My address is 727 Craig, C-r-a-i-g, Road,
24 St. Louis, Missouri 63141.

25 JUDGE DIPPELL: All right. And just for

1 purposes since this is a telephone proceeding, or
2 involves the telephone, anyway, I'm gonna let
3 Mr. Krueger introduce the Staff that's here with him
4 today just for the record.

5 MR. KRUEGER: Okay. When I made my
6 entry, I should have also added, Sarah Kliethermes is
7 a legal intern here representing the Staff. The
8 other Staff members that are present are Jim Merciel,
9 Contessa King and Gay Smith.

10 MS. FRED: Fred. Gay Fred.

11 MR. KRUEGER: I knew you shouldn't have
12 done that to me.

13 JUDGE DIPPELL: And Ms. Sullivan, are
14 you by yourself or did you have Staff with you that
15 you wanted to introduce?

16 MS. SULLIVAN: I am by myself.

17 JUDGE DIPPELL: Okay. And is Ms. Joyner
18 on the line?

19 (NO RESPONSE.)

20 JUDGE DIPPELL: Okay. We're gonna give
21 Ms. Joyner about five minutes to call in before we
22 proceed. So what I'll do is we'll just go ahead and
23 go off the record for a brief recess.

24 (A recess was taken.)

25 JUDGE DIPPELL: And Ms. Joyner has

1 joined us on the phone. Ms. Joyner, would you like
2 to state your name and give us your address?

3 MS. JOYNER: It's Dione Joyner,
4 D-i-o-n-e J-o-y-n-e-r. 1442 Sheridan Drive.

5 JUDGE DIPPELL: Okay. We've come here
6 today to talk about how this is gonna go forward
7 procedurally. Basically we have a billing dispute,
8 and the next step would really be to take this to a
9 hearing before the Commission so that they can -- so
10 that Ms. Joyner can present whatever evidence she has
11 to put forth and have the Commission make a decision
12 about whether there's been a tariff violation or
13 other relief that the Commission can grant to
14 Ms. Joyner.

15 This is also a time when you-all are
16 encouraged to discuss further settlement, if you'd
17 like, after -- after I leave. But I'd ask you to
18 hold that maybe until after I'm out of the room,
19 since I'm supposed to remain neutral and we don't
20 want to hear any of the specific evidence before --
21 before a hearing.

22 Let me just start with Staff and ask if
23 they have considered the procedure to follow here and
24 what kind of time frames.

25 MR. KRUEGER: I really haven't. I

1 assumed that we'd want a live proceeding because
2 that's generally easier for pro se litigants to
3 handle, to deal with. And I don't know that we need
4 to do any discovery. I think that we could probably
5 set it for hearing pretty soon at the convenience of
6 the Commission.

7 JUDGE DIPPELL: All right. And what
8 about the company? Is there any reason that we
9 couldn't set this just as soon as the Commission's
10 calendar and everyone's schedules allow?

11 MS. SULLIVAN: Not that I'm aware of.

12 JUDGE DIPPELL: Ms. Joyner, do you know
13 of any reason or have any desire to set this sooner
14 or later?

15 MS. JOYNER: No. Whenever it's
16 convenient for the Commission.

17 JUDGE DIPPELL: Okay. Well, the
18 Commission's calendar is pretty booked up, but I did
19 bring it with me to try and find a date, and I'm
20 looking on the calendar to see what might be the
21 earliest date that we can schedule a hearing. What
22 about October 13th? It's a Friday.

23 Ms. Joyner, would you be available on
24 October 13th?

25 MS. JOYNER: What time?

1 JUDGE DIPPELL: Well, we can talk about
2 that, but probably in the morning.

3 MS. JOYNER: That would be fine.

4 JUDGE DIPPELL: Probably starting at
5 nine.

6 MS. JOYNER: Okay.

7 JUDGE DIPPELL: 8:30 or nine.

8 MS. JOYNER: Okay.

9 JUDGE DIPPELL: And I could make
10 arrangements for you to -- let's see. You live --
11 where do you live exactly?

12 MS. JOYNER: In St. Louis, Missouri.

13 JUDGE DIPPELL: You live in St. Louis?

14 MS. JOYNER: Yes.

15 JUDGE DIPPELL: We have an office in
16 Overland that has a telephone capability like video
17 capability. We could make arrangements for you to
18 go to that office if you -- if you'd prefer. And
19 for that matter, Missouri-American could go there
20 too.

21 MS. JOYNER: You're needing to do this
22 via video conference, or it's not set up the way
23 we're set up right now?

24 JUDGE DIPPELL: We could do it by phone.

25 MS. JOYNER: Okay.

1 JUDGE DIPPELL: If everyone agrees to
2 that. It's sometimes difficult if there are
3 documents involved.

4 MS. JOYNER: Okay.

5 JUDGE DIPPELL: But we could set a date
6 for everyone to exchange any documents they might
7 have ahead of time and set it up. So would you
8 prefer to have it by phone?

9 MS. JOYNER: Yeah, that's fine. Because
10 I can sit in my office, and that way it would be a
11 convenience for me and still be at work at the same
12 time.

13 JUDGE DIPPELL: Ms. Sullivan, would you
14 have any objection to a hearing being conducted by
15 telephone?

16 Ms. Sullivan, are you still there?

17 MS. SULLIVAN: I'm with you. I'm just
18 thinking like you. I guess I usually prefer to have
19 everybody in a room, but we could do it by phone
20 instead.

21 JUDGE DIPPELL: Okay. Would Staff have
22 any objection to it being conducted by telephone?

23 MR. KRUEGER: No.

24 JUDGE DIPPELL: Okay. Ms. Joyner, do
25 you have any questions for me about procedures or

1 anything before the Commission or what -- what's
2 gonna happen from here?

3 MS. JOYNER: No. Your Staff has done
4 very well of keeping me informed on how it's
5 explained.

6 JUDGE DIPPELL: Okay. Good.
7 Ms. Sullivan, do you have any questions?

8 MS. SULLIVAN: No.

9 JUDGE DIPPELL: Anything you'd like to
10 add on the record?

11 MS. SULLIVAN: No.

12 JUDGE DIPPELL: Mr. Krueger?

13 MR. KRUEGER: No.

14 JUDGE DIPPELL: Okay. Well, I don't
15 think there's anything else for me to do here. But
16 what I'm going to do is I'm gonna leave you-all on
17 the phone, give you an opportunity if you want to
18 discuss the case and any private discussions you want
19 to have.

20 And if you don't have anything, that's
21 fine too. But I would encourage you to reach some
22 compromise on this so we don't have to waste
23 everybody's -- well, not a waste.

24 MS. JOYNER: It's not a waste.

25 JUDGE DIPPELL: Don't have to use

1 everyone's time and further resources having a
2 hearing.

3 MS. JOYNER: Is it just me and
4 Ms. Sullivan or who else is on the line? Who else is
5 on the line?

6 JUDGE DIPPELL: Mary Sullivan is also on
7 the telephone line from Missouri-American Water.

8 MS. JOYNER: Who?

9 MS. SULLIVAN: Mary Sullivan.

10 MS. JOYNER: Who is that?

11 MS. SULLIVAN: I'm the attorney for
12 Missouri-American.

13 JUDGE DIPPELL: And everyone else is
14 here in our offices, Staff. And when we go off the
15 record, I'll let them introduce themselves again so
16 that you know exactly who's here, all right?

17 MS. JOYNER: All right.

18 JUDGE DIPPELL: Are there any other
19 questions before we conclude the on-the-record
20 portion of this conference?

21 MS. SULLIVAN: I'm sorry. Did you set
22 the time for the hearing on the 13th?

23 JUDGE DIPPELL: Let's say 9:00. And
24 I'll send out a notice about that.

25 If there's nothing further, then we'll

1 go ahead and conclude the on-the-record portion of
2 the hearing. Thank you, and we'll go off the record.

3 (WHEREUPON, the recorded portion of the
4 prehearing conference was concluded.)

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