

1 STATE OF MISSOURI
2 PUBLIC SERVICE COMMISSION
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6 TRANSCRIPT OF PROCEEDINGS
7 Pre-hearing Conference
8 October 31, 2007
9 Jefferson City, Missouri
10 Volume 2
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12 In the Matter of Timber Creek)Case No.
Sewer Company, Inc.'s Tariff)SR-2008-0080
13 Designed to Increase Rates for)Tariff No.
Sewer Service.)YS-2008-0171
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16 MORRIS L. WOODRUFF, Presiding,
DEPUTY CHIEF REGULATORY LAW JUDGE
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18 REPORTED BY:
19 MINDY VISLAY, CCR
MIDWEST LITIGATION SERVICES
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1 A P P E A R A N C E S

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32 Service Commission.

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

2 JUDGE WOODRUFF: Good morning everyone,
3 this is the pre-hearing conference in Case No.
4 SR-2008-0080, which is the request for a small company
5 rate increase by Timber Creek Sewer Company.

6 My name is Morris Woodruff, I'm filling in today
7 as judge for Judge Dippell. This will be Judge
8 Dippell's case in the future, I'm just filling in for
9 purposes of the pre-hearing conference.

10 Let's get started today by taking entries of
11 appearance, beginning with Staff.

12 MR. KRUEGER: Keith R. Krueger for the
13 Staff of the Missouri Public Service Commission, P.O.
14 Box 360, Jefferson City, Missouri 65101.

15 JUDGE WOODRUFF: And for Office of Public
16 Counsel.

17 MS. BAKER: Thank you, Your Honor.
18 Christina Baker, Assistant Public Counsel, P.O. Box
19 2230, Jefferson City, Missouri 65102, appearing on
20 behalf of the Office of Public Counsel and the rate
21 payers.

22 JUDGE WOODRUFF: And for Timber Creek Sewer
23 Company.

24 MR. FINNEGAN: For Timber Creek, this is
25 Jeremiah Finnegan; Finnegan, Conrad and Peterson,

1 L.L.C., 3100 Broadway, Suite 1209, Kansas City,
2 Missouri 64111.

3 JUDGE WOODRUFF: Thank you. And for Hunt
4 Midwest.

5 MR. COMLEY: Appearing on behalf of Hunt
6 Midwest Real Estate Development, Inc., let the record
7 reflect the entry of Mark W. Comely; Newman, Comley
8 and Ruth, P.C., 610 Monroe Street, Suite 301,
9 Jefferson City, Missouri.

10 JUDGE WOODRUFF: And I believe that's all
11 the parties.

12 The purpose of this pre-hearing conference is to
13 get the parties together to discuss a proposed
14 procedural schedule, and I have a couple questions
15 about that.

16 First of all, it's my understanding there's only
17 going to be basically one issue in this case and that
18 is the connection fee; is that correct?

19 Does anyone anticipate having any other issues?

20 Mr. Comley, you look like you want to say
21 something?

22 MR. COMLEY: Well, I think that Hunt
23 Midwest is primarily interested in that connection
24 fee. I'm not clear what Public Counsel's position
25 would be in the event that the hearing may go onto

1 more broad issues including the issue of the rates and
2 charges that have been discussed between Staff and the
3 company already.

4 JUDGE WOODRUFF: Ms. Baker, what is the
5 Public Counsel's position?

6 MS. BAKER: At this point, we don't
7 anticipate bringing forth any issues, but if there
8 is -- through discovery or through the process -- some
9 other issue that comes up, we do reserve the right to
10 bring it up.

11 JUDGE WOODRUFF: Certainly.

12 MS. BAKER: Right now, I believe the only
13 issue is the capacity charge.

14 JUDGE WOODRUFF: And I ask the question
15 just to get some idea of what kind of schedule might
16 be appropriate.

17 I know that, in looking at the schedule, the
18 Commission is quite busy through December, so we would
19 probably be looking at something after the first of
20 the year.

21 And Judge Dippell had given me a note saying she's
22 going to be tied up in January with that KCPL
23 acquisition of Aquila case, so she requested that it
24 not be set in January. So, we are looking at February
25 or later.

1 So, it's a question of whether we want the usual
2 pre-file route, or would you prefer to do this -- if
3 there's only one issue, perhaps you want to do it
4 live.

5 Again, according to the Commission -- on that
6 aspect, the Commission will probably go along with
7 what you recommend.

8 MR. FINNEGAN: I have something.
9 December 5th, 6th and 7th were reserved for the
10 hearing in this case?

11 JUDGE WOODRUFF: That was done at the time
12 before there was a decision made to let the interim
13 rates go into effect. So, we don't really need to do
14 it that quickly. And in fact, we would prefer not to
15 do it that quickly.

16 I will tell you that, if this was going to be
17 going on in December, it would probably be coming to
18 me permanently. Since it will not need to be done in
19 December, Judge Dippell will keep the case.

20 She asked that the parties file a proposed
21 procedural schedule one week from today, which would
22 be November 7th. If you can all agree upon that
23 schedule that would be wonderful. If you can't agree
24 upon a schedule you can file competing recommendations
25 and the Commission will make a decision.

1 Anything else anyone wants to bring up while we
2 are on the record?

3 All right. With that then, the on the record
4 portion of this proceeding is adjourned, and I'll
5 leave you to your discussions. Thank you all very
6 much.

7 (WHEREIN, the recorded portion of the pre-hearing
8 conference was concluded.)

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1 CERTIFICATE OF REPORTER

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4 I, Mindy Vislay, Certified Court Reporter with the
5 firm of Midwest Litigation Services, and Notary Public
6 within and for the State of Missouri, do hereby
7 certify that I was personally present at the
8 proceedings had in the above-entitled cause at the
9 time and place previously described; that I then and
10 there took down in Stenotype the proceedings had; and
11 that the foregoing is a full, true and correct
12 transcript of such Stenotype notes so made at such
13 time and place.

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Mindy Vislay, CCR

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Notary Public (County of Cole)

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My commission expires March 19, 2011

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