

1 STATE OF MISSOURI
2 PUBLIC SERVICE COMMISSION
3
4 TRANSCRIPT OF PROCEEDINGS

5
6 Local public Hearing
7 July 1, 2009
8 First Baptist Church
9 11 W. Caster Street
10 Youth Area
11 Dexter, Missouri 63841
12 (573) 624-7436

13 Volume 1

14

15 In the Matter of R.D. Sewer) Case No. SR-2009-0226
16 Company, L.L.C.'s Small)
17 Company Rate Increase)

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21 HAROLD STEARLEY, Presiding
22 SENIOR REGULATORY LAW JUDGE

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25 REPORTED BY: Joanna Charlton, CCR

1 APPEARANCES:

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STAFF PRESENT:

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Gregg Ochoa
Steve Loethen
Debbie Bernsen
Jeremy Hagemeyer
Lisa Kremer

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

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3 JUDGE STEARLEY: Okay. We're going to go
4 on the record. Good afternoon. It's Wednesday, July
5 1, 2009. Missouri Public Service Commission has set
6 this time for the local public hearing of the File
7 Number SR-2009-0226 in which R.D. Sewer Company seeks
8 to implement a general rate increase for the sewer
9 service it provides in Missouri. I am Harold
10 Stearley, a regulatory law judge presiding over
11 today's hearing. Unfortunately, none of the
12 commissioners could make it today, but they will be
13 reviewing any testimony that we take in this case in
14 considering the rate increase request. This is an
15 official hearing, and any statement and testimonies
16 that we take from witnesses today will need to be
17 under oath. I will swear in that witness. I'll ask
18 them to step up to the podium, or if they're more
19 comfortable, they can remain seated in their chair.
20 And I will ask you to spell your name for our court
21 reporter so we get it into the record correctly, and
22 then at that time you may give your comments to us.
23 And I may have a couple of questions for you, so
24 don't run off until I make sure we get everything
25 answered. Does anyone have any questions about the

1 way we'll proceed? All right. Very well. I've got
2 a witness list here, but before I go to the witness
3 list, I'd like to take entries of appearance by
4 counsel. And I'll start with the Office of the
5 Public Counsel.

6 MS. BAKER: Thank you. Christina Baker, PO
7 Box 2230, Jefferson City, Missouri 65102 appearing on
8 behalf of the Office of Public Counsel and the rate
9 payers.

10 JUDGE STEARLEY: Thank you, Ms. Baker. The
11 Staff of the Missouri Public Service Commission.

12 MS. HERNANDEZ: Jennifer Hernandez
13 appearing on behalf of the Staff of the Missouri
14 Public Service Commission, PO Box 360, Jefferson
15 City, Missouri 65102, and may the record reflect, the
16 staff present here today is Steve Loethen, Debbie
17 Bernsen, Jeremy Hagemeyer, and Lisa Kremer, and Gregg
18 Ochoa.

19 JUDGE STEARLEY: Thank you, Ms. Hernandez.
20 Is counsel present for the company, R.D. Sewer
21 Company?

22 MR. HOLDEN: Steve Holden, Post Office Box
23 633, Dexter, Missouri, appearing on behalf of Mr.
24 Terry Allen at your request, Judge.

25 JUDGE STEARLEY: All right. Thank you,

1 Mr. Holden. All right. Very well. Since we don't
2 have the commissioners to make opening remarks, I
3 will proceed to our witness list. I'll start with
4 Richard -- is it Brown?

5 MR. BROWN: That's me.

6 JUDGE STEARLEY: All right. Mr. Brown,
7 before you speak, let me have you raise your right
8 hand. Do you solemnly swear or affirm that the
9 testimony you're about to give will be the truth, the
10 whole truth, and nothing but the truth?

11 MR. BROWN: I do.

12 RICHARD BROWN,
13 of lawful age, sworn and examined, says:

14 EXAMINATION

15 QUESTIONS BY JUDGE STEARLEY:

16 Q. Thank you, Mr. Brown, and would you please
17 state and spell your full name for our court
18 reporter?

19 A. My name is Richard, R-I-C-H-A-R-D, Richard
20 E. Brown, B-R-O-W-N.

21 Q. All right. Thank you, Mr. Brown, and are
22 you a customer of R.D. Sewer?

23 A. Yes, I am, Judge.

24 Q. All right. You may proceed with your
25 comments.

1 A. All right. I went around the whole
2 neighborhood out there, and people that couldn't be
3 here at this time because of a working day, I have a
4 list of -- in fact, I've got two sheets here that I
5 could've got a lot more. I just run out of energy,
6 but everyone I went to is opposed of having this
7 sewer rate increased. Most of us have bought out
8 their -- had a contract. My contract reads my sewer
9 rate would never increase the whole time that I lived
10 there. There would be no hookup fee to the sewer
11 system. Now they've asked for a raise, and they got
12 a raise here. And it hasn't even been a year, and
13 they're asking for another raise. Your Honor,
14 Obama's went in, and I'm on Social Security now. And
15 he's telling me I'm not getting a raise through '010
16 or '011, guaranteed. I'm not getting a raise, but
17 yet they can come in and ask for another raise on
18 this. And it's the same way that I'm looking at
19 earlier is that my water bill is \$18. My sewer
20 bill's \$23, but all my water doesn't go through the
21 sewer system when you wash your house, you wash your
22 car, you wash anything. And I went around to some of
23 these other little towns and stuff around, and I've
24 got their bills and stuff like that out of the thing.
25 Their waste is nowhere near what ours is. I don't --

1 and I built these plants, water plants, sewer plants.
2 I've got over 40 years in the construction field, and
3 if the man says he ain't making no money there, I
4 mean, he bought it knowing that it wasn't making no
5 money. So you don't go out and buy a dead horse.
6 That's just about what he's done. Now he's wanting
7 to raise everybody's bill to cover for what he's got
8 to do, and like, if -- if you're living in a house by
9 yourself, your bill's the same as mine where I've got
10 me and my wife. If you're living next door to a guy
11 that's got seven kids, his bill's the same thing.
12 It's not a fair system. There's got to be something
13 done to make it more of a fair system than what it
14 is.

15 Q. All right. Mr. Brown, I have a couple of
16 questions for you. You've mentioned a contract that
17 said you would have no hookup or no rate increases on
18 the sewer?

19 A. Yes, sir.

20 Q. Who did you have that contract with?

21 A. I had the contract -- when I got in my
22 house, it was -- what's his name that built that
23 subdivision, Carl Bien? That's what Carl Bien drewed
24 up in my contract that -- which he's deceased now. I
25 understand that, and I understand a rate increase.

1 But I can't see doubling something all at once and
2 then coming back less than a year and asking for
3 another raise on top of it.

4 Q. I understand. I just want to clarify some
5 details here, sir, make sure we get all this into the
6 record.

7 A. Yeah.

8 Q. You also said you had a list of names?

9 A. Yes, sir, I have.

10 Q. Are you willing to submit that to the
11 Commission?

12 A. Have you submitted that already, the names?
13 Okay. I've got it right here.

14 Q. Okay. Unless you want to keep a copy for
15 yourself and mail a copy?

16 A. Yeah. This is the original. Yeah, I'd
17 like you guys to make a copy, because I'd like to
18 keep a --

19 Q. Okay.

20 A. But there's the names, addresses of
21 everybody out there that has signed this thing so
22 far, and like I say, I could double this if I want to
23 go out and finish this subdivision.

24 Q. Okay. I don't want to take your original,
25 if you want to keep it.

1 A. That's right. I want to keep it.

2 Q. If you would get together with Mr. Ochoa
3 after the hearing.

4 A. All right.

5 Q. And perhaps we can find if there's a copy
6 machine we could use here, and we can take copies
7 with us. If not, make arrangements with him to mail
8 them in.

9 A. I'll fax them in to you.

10 Q. Or fax them.

11 A. I have a fax at my house.

12 Q. All right. And I can give you a fax
13 number.

14 A. If you'll give me a fax number, I'll have
15 them faxed to you.

16 Q. All right. And this case is still an open
17 case. There's been no decision made.

18 A. Right.

19 Q. At this point, the Commission has not set
20 an evidentiary hearing. There may be one. I'm not
21 sure, but if you want to round up additional
22 signatures or comments, you're certainly free to do
23 that and get them submitted to us while this case is
24 still open.

25 A. All right. I can do that, too.

1 Q. You mentioned you have 40 years in the
2 construction business.

3 A. Yes. Operating Engineers Local 324 out of
4 Michigan. 26th largest excavator in the world.

5 Q. Okay. And you also mentioned that you're
6 familiar with other communities in this area.

7 A. Yes. I've got them wrote down here, too.

8 Q. And their costs are lower than what you
9 guys --

10 A. Much lower.

11 Q. Okay. And that information you have in
12 writing. Can we get copies of that information, as
13 well?

14 A. Yes, sir, you sure can.

15 Q. All right. Very good. Do you have any
16 other comments that you would like to give?

17 A. Not at this time.

18 Q. Okay. Hold on just a moment and let me ask
19 if any of the attorneys present have questions for
20 you.

21 JUDGE STEARLEY: Ms. Baker?

22 MS. BAKER: No, I have no questions. Thank
23 you for coming very much.

24 JUDGE STEARLEY: Staff, Ms. Hernandez?

25 MS. HERNANDEZ: Yes.

1 EXAMINATION

2 QUESTIONS MS. HERNANDEZ:

3 Q. Mr. Brown, do you mind putting your address
4 on the record, or would you rather give your address
5 to staff afterwards?

6 A. No. I'll put my address on it.

7 Q. Okay.

8 A. I have no problem whatsoever with people
9 knowing.

10 Q. That way we can check up with your concerns
11 that you've expressed earlier. What is your address?

12 A. 10599 Chapparal Park.

13 Q. How do you spell Chapparal?

14 A. C-H-A-P-P-A-R-A-L, Park.

15 Q. Okay.

16 A. That's Ecology Acres.

17 Q. Ecology? That's a Dexter address?

18 A. That's what?

19 Q. The city, Dexter?

20 A. That's the city is Dexter, yeah.

21 Q. Okay. Thank you very much.

22 JUDGE STEARLEY: Okay. Mr. Holden, any
23 questions?

24 MR. HOLDEN: No questions.

25 FURTHER EXAMINATION

1 QUESTIONS BY JUDGE STEARLEY:

2 Q. All right. One final question for you,
3 Mr. Brown. Have you had any service problems at all
4 from the company?

5 A. I've never -- if I have any problems, I
6 take care of them myself. Like I say, I've been in
7 this game for -- I just sold my backhoe this last
8 year, and if I've ever had any problems whatsoever,
9 I've taken care of my own, so.

10 Q. Okay. And did you have problems with your
11 sewer system?

12 A. Oh, I've had it back up on me a time or
13 two, but I've turned around and run snake and stuff
14 down through it and put another piece of plastic in
15 it and stuff like that, too, but I've never called
16 them to do any work for me. If it's been on my
17 property, I've turned around and done so myself. The
18 only problem I have is I cannot sit out on my front
19 porch in the evening because of the wind coming out
20 of the northwest. There's a smell out there that you
21 can't -- and every plant that I've ever been to or
22 been around there's been an employee that works 24
23 hours a day seven days a week at the sewage treatment
24 plant. This one has that -- does not have that.

25 JUDGE STEARLEY: All right. Counsel, any

1 follow-up questions?

2 MS. BAKER: No.

3 JUDGE STEARLEY: Ms. Hernandez?

4 FURTHER EXAMINATION

5 QUESTIONS BY MS. HERNANDEZ:

6 Q. Have you contacted the Commission regarding
7 the smell that you've stated?

8 A. No. I've just kind of let it go and stuff
9 like that, and -- but I've talked to a bunch of them
10 out there that I have got the signatures from, and
11 they told me to make sure that I brought it up
12 because they knew that I would be attending this
13 meeting. And they weren't able to because they're
14 working.

15 Q. Okay. Thank you.

16 A. Okay. Anybody else?

17 JUDGE STEARLEY: Thank you, Mr. Brown. I
18 appreciate your testimony.

19 MR. BROWN: Thank you.

20 JUDGE STEARLEY: Next on our list I have
21 Guy Dix. Mr. Dix, if you'd please raise your right
22 hand, do you solemnly swear or affirm that the
23 testimony you're about to give will be the truth, the
24 whole truth, and nothing but the truth?

25 MR. DIX: I do.

1 GUY DIX,
2 of lawful age, sworn and examined says:

3 EXAMINATION

4 QUESTIONS BY JUDGE STEARLEY:

5 Q. Okay. Are you a customer of R.D. Sewer?

6 A. Yes, I am.

7 Q. All right. You may proceed.

8 A. I've been there for 22 years. The only
9 complaint I've got is occasionally you have a smell.
10 As far as contacting anybody, I have not, but the
11 system is -- from what I gather, the system is set up
12 to handle 25,000 gallons of water or sewage. There's
13 approximately 30 something thousand gallons going
14 through it, which is over capacity. I've tried to
15 get a map of where the system goes to, and I have not
16 been able to come up with that. But somebody should
17 have a map showing who's hooked up, where it goes to,
18 and etc. I've got a map that was sent to me from
19 Jefferson City, but it's not in -- it doesn't really
20 show anything, and I'll give it to you, if you want
21 it.

22 Q. If you would like to submit that or if you
23 want to submit a copy of it, we'd be happy to.

24 A. You can have this. I've got another copy.
25 I've also got an article about a problem they had at

1 Westgate Apartments, which was known as Grant Street
2 Apartments, had a problem there, and I'll submit
3 that, too.

4 Q. Okay. Very well.

5 JUDGE STEARLEY: And, Mr. Brown, just to
6 backtrack, I'm going to mark your submissions today
7 as Exhibit Number 1, and Mr. Dix, I will be marking
8 your exhibits as Exhibit Number 2 for your map and 3
9 for the additional -- the article there that you
10 have.

11 A. Okay. You want this?

12 Q. (BY JUDGE STEARLEY) Yes, please.

13 A. This is the map. I don't know where -- we
14 live right here. Grant Street Apartments is right
15 here. I don't -- you can't tell from that who's
16 hooked up, who isn't hooked up, where the sewer goes,
17 or anything about it.

18 Q. And this looks like it's part of the
19 company's tariff?

20 A. But as far as a rate increase, I can see a
21 small increase, but I can't understand a big jump
22 like is being proposed. If we've got that much water
23 sewage going through that plant and a proposed
24 renovation of the plant, is it going to be made
25 bigger, left like it is, or what's going to happen in

1 that respect? They're running approximately 8,000
2 gallon of water over capacity, and with that, that
3 would equal about 37 -- 37 residents that are hooked
4 up that shouldn't be for a capacity of that plant.

5 Q. All right. And let me ask you. You've
6 mentioned that occasionally you smell an odor. Have
7 you had any other service problems with the company?

8 A. No. I've had no service problems
9 whatsoever, other -- like I said, other than just the
10 small odor we'll get there in the evening sometimes.

11 Q. Okay.

12 A. There is a -- across the street from me in
13 a wooded area there is pond, and there is a manhole
14 cover up there on the levee of that pond. And that
15 pond is wet all the time. I don't know whether
16 that's from sewage or what it's from, but you do get
17 an odor from it occasionally. I don't know what
18 the -- what the manhole is for.

19 JUDGE STEARLEY: Okay. All right. Let me
20 inquire of counsel. Ms. Baker, any questions for
21 Mr. Dix?

22 MS. BAKER: I have no questions, but thank
23 you for coming.

24 JUDGE STEARLEY: Ms. Hernandez?

25 MS. HERNANDEZ: I have no questions. Thank

1 you.

2 JUDGE STEARLEY: Mr. Holden?

3 MR. HOLDEN: None.

4 Q. (BY JUDGE STEARLEY) Do you have any
5 additional comments?

6 A. No. That's all.

7 Q. All right. We'd like to thank you for your
8 testimony.

9 JUDGE STEARLEY: Now, I know we only have
10 two names on our witness list. Is there anyone else
11 present today that would like to offer any testimony
12 to the Commission?

13 MS. BAKER: I want to encourage you to take
14 the opportunity, because this is your opportunity, as
15 customers, to talk to the Commission.

16 MR. MANUEL: I would.

17 JUDGE STEARLEY: All right. Would you
18 please state and spell your name for us?

19 MR. MANUEL: Darrell, D-A-R-R-E-L-L,
20 Manuel, M-A-N-U-E-L.

21 JUDGE STEARLEY: Mr. Manuel, if you would
22 please raise your right hand, do you solemnly swear
23 or affirm that the testimony you're about to give
24 will be the truth, the whole truth, and nothing but
25 the truth?

1 MR. MANUEL: I do.

2 DARRELL MANUEL,
3 of lawful age, sworn and examined, says:

4 EXAMINATION

5 QUESTIONS BY JUDGE STEARLEY:

6 Q. All right. And are you a customer of R.D.
7 Sewer?

8 A. Yes, sir.

9 Q. All right. You may proceed.

10 A. I really don't have any more than what the
11 other people do. A friend of mine lives out there,
12 and she lives down in a valley. She couldn't be here
13 today because of work, and she has to pay to put her
14 own pump to pump sewage out of her residence up the
15 hill. And she's had quite a bit of problems with the
16 system. Now, that could be that she lives in the,
17 you know, in a valley, and you have to pump uphill.
18 And I understand, you know, the old term is it don't
19 go uphill very easily.

20 Q. Right.

21 A. But, you know, should that be her cost
22 every time her pump goes out, or should that be part
23 of the system's cost? And I don't have a problem of
24 paying my fair share of my bill, but I would like to
25 know if everybody out there on the system is being

1 charged every month or if there's a few stragglers
2 here and there that's not being charged. And the --
3 they try to give me, you know, an idea of what a
4 multi family and a single family. I understand that
5 maybe those people they got a better system because
6 it's a newer system going to the plant, you know, and
7 maybe it don't take as much money to run that part of
8 it the other direction. But I don't see how it's
9 fair if, you know -- just because they got a better
10 system because it's newer why don't we have a better
11 system on our end going to it, and then I wouldn't
12 care to pay my fair share. But those people that
13 live in those apartments and the duplexes, there's
14 four to six people in those, and they're paying, you
15 know, five or six dollars less a month than I do and
16 then a proposal for more, so. I just want to have an
17 answer why everybody shouldn't be on a flat rate is
18 my biggest concern, and for my neighbor, I'd like to,
19 you know, she would want to know why she has to pay
20 and pay. And there's probably other people out there
21 that had to pay to put their own pump in. I mean, if
22 that's part of it, I mean, I guess she'll have to
23 deal with it. She always has. I don't know how many
24 times she's had to replace her own pump, but it
25 happens frequently, I guess.

1 Q. Can you described this pump situation for
2 us a little bit more? Is this sewage ending up
3 backing up into her home, or is it in her yard? Or
4 where is it being pumped from?

5 A. I'm not for sure what it actually does.
6 All I know is my wife works with her, and when her
7 pump goes out, it backs up into her home. And she
8 has, you know, to have somebody come out and put her
9 a new pump in, so, and I don't know the exact cost of
10 the pumps. But I know they're not cheap, and I
11 don't, you know -- she wants to know why if she's
12 paying more money to pump her sewer why she has to
13 pay to have this put in, also. Shouldn't this be a
14 cost of the company, or should it not be? That's one
15 of the questions she wanted me to ask.

16 JUDGE STEARLEY: Okay. Mr. Brown, did you
17 have --

18 MR. BROWN: Yeah. On that pump system, my
19 stepdaughter just moved out of that whole area down
20 there on Wagontrail, and the pump system, hers, when
21 her pump would go bad -- you'd asked where the water
22 was going, it was going right dead into the creek. I
23 mean, it was boiling up out of the ground and going
24 right through. In fact, they had to take their
25 swimming pool out of their backyard, and it run right

1 straight to the creek, raw sewage then. And they
2 just got so tired of it. He replaced a pump probably
3 one every year that he was replacing them, and they
4 just got tired of it and sold their house, moved out
5 of there completely. And it was getting to the point
6 -- and you still got quite a few people out there
7 that isn't even on this system yet. I talked to some
8 of these people that's still in their septic systems
9 out there, and they can't afford -- they're elderly,
10 and they can't afford the price to hook up to this
11 sewer system. And so you got some raw sewage and
12 stuff, I know, still going towards that creek,
13 because it -- some of these houses right there by
14 that creek that's still on the septic systems, so.

15 JUDGE STEARLEY: Thank you, Mr. Brown.

16 Q. (BY JUDGE STEARLEY) I didn't mean to
17 interrupt you, Mr. Manual.

18 A. That's fine. He knows more about it than I
19 do.

20 Q. He offered some explanation on the pump
21 situation.

22 A. Right. But, I mean, that's all I have. I
23 just, you know, I just want to pay my fair share,
24 and, you know, I don't think since I have a family of
25 four I shouldn't have to pay more than a family of

1 one, you know.

2 Q. Okay.

3 MR. OWENS: After the meeting, if you want
4 to talk to me, I can tell you what the grinder pump
5 is and why -- probably why she has to replace it so
6 much.

7 A. Okay.

8 MR. OWENS: And why stuff's blowing back in
9 there.

10 A. All right.

11 JUDGE STEARLEY: And I would certainly
12 encourage anyone who's got specific questions for
13 Mr. Owens while he's here today this is a great
14 opportunity for you to be able to discuss that with
15 him. The Commission will not include those
16 discussions as part of this record, because at this
17 point they haven't made any decision, and if they
18 have a full evidentiary hearing, witnesses will
19 actually be sworn and offer testimony in our hearing
20 room in Jefferson City regarding these matters. So
21 that will not be -- those private discussions will
22 not be a part of this record.

23 A. Okay.

24 JUDGE STEARLEY: All right. Do you have --
25 any of the attorneys have any questions?

1 MS. BAKER: I don't have any questions.

2 Thank you for your testimony.

3 MS. HERNANDEZ: I don't have a question,
4 but just a comment. If you want to talk to probably
5 Steve Loethen, he's with the water and sewer
6 department, he could give you the names of the other
7 water and sewer staff persons, probably Jim Russo who
8 determined the cost of -- from the cost of services
9 determined the allocations in terms of the apartments
10 versus single homes. So that might be a resource for
11 you to determine why that occurred --

12 MR. MANUEL: Right.

13 MS. HERNANDEZ: -- the way it did, and then
14 if you have any other comments based on that
15 explanation that's given you, then you can possibly
16 write a letter. And we can review it then or go into
17 the EFIS system that the Commission has, the
18 electronic filing system, and post another comment
19 there.

20 MR. MANUEL: Okay.

21 MS. HERNANDEZ: To be considered in the
22 record.

23 MR. MANUEL: All right.

24 JUDGE STEARLEY: Okay. Mr. Holden, any
25 questions?

1 MR. HOLDEN: No questions.

2 JUDGE STEARLEY: All right. Any additional
3 questions?

4 MR. MANUEL: Thank you.

5 JUDGE STEARLEY: Thank you for your
6 testimony. Would anyone else like to offer testimony
7 for the Commission today? Well, I'm not seeing any
8 hands. This is a very informal hearing process. We
9 don't want to intimidate anyone or scare anyone off.
10 We do appreciate all your comments. It helps the
11 Commission make its decisions in these matters. If
12 no one else wants to offer testimony, I would direct
13 you all to the fliers that the Commission staff has
14 brought with it today. There is contact information
15 in those fliers where you can call and make comments
16 to the Commission by phone. You can mail us
17 comments. You can e-mail us comments, and you can
18 actually post comments directly on our EFIS, or
19 Electronic Filing Information Service, from a
20 computer if you have internet access directly under
21 the file number for this case. So we would certainly
22 encourage you all to come forward and give us any
23 additional comments you would all like to make. Yes,
24 sir.

25 MR. AVERY: My name is Henry Avery, and I

1 live in lot one, block one, Western Heights.

2 JUDGE STEARLEY: All right. Mr. Avery, if
3 you're going to offer testimony, let me swear you in.
4 Do you solemnly swear or affirm that the testimony
5 you're about to give will be the truth, the whole
6 truth, and nothing but the truth?

7 MR. AVERY: I do.

8 HENRY AVERY,
9 of lawful age, sworn and examined, says:

10 EXAMINATION

11 QUESTIONS BY JUDGE STEARLEY:

12 Q. All right. And if you would please, state
13 your name one more time and spell it for our court
14 reporter.

15 A. Henry Avery, H-E-N-R-Y, A-V-E-R-Y.

16 Q. All right. Please proceed.

17 A. There's times out there that I, you know,
18 can smell the odor, and I was advised by one of these
19 ladies of a toll free number. What -- what do I do
20 in case, you know, that you smell odor today, and I
21 call Jeff City. And they say we'll be down in a few
22 days. Maybe the wind's changed directions or the
23 system is not as overloaded as it was at that time
24 when, you know, the odor occurred.

25 Q. As far as reporting problems or complaints,

1 the Commission would like to hear from anyone at any
2 time. I am sure our staff can speak with you after
3 the hearing more directly to that question, but I'm
4 sure they have means in which they can come down and
5 investigate a situation for you. And if we're making
6 records of complaints, that can help trigger having
7 our staff come down to investigate the situation.
8 So I wouldn't want anyone to hesitate calling with a
9 concern or complaint just because conditions may
10 change on a daily basis. It may take some time for
11 the Commission to figure out these problems, but --

12 A. I wouldn't -- what I'm getting at, sir, I
13 don't want you to think that, hey, this guy is just
14 giving us the runaround, you know, because it's not a
15 constant thing, but there is -- there is times, and
16 I'm not sure if it's maybe someone -- I know the
17 people that lives around me, and they're hooked up on
18 the sewer system. But it's just times that, you
19 know, that you can smell it. It's not a -- not a
20 loud odor, but it's not a pleasant odor, either, you
21 know.

22 Q. And I didn't ask, but I'm assuming you are
23 a customer of R.D. Sewer Company?

24 A. Yes, sir.

25 Q. Okay. Have you had any other service

1 problems regarding the sewer service at all?

2 A. No. Other than whenever I hooked up on
3 it -- of course, it don't have nothing to do with
4 that, but Carl Bien said he would roughly shape your
5 yard, which he did. He just run through with there
6 with a backhoe, or, I mean, not a backhoe but a --
7 yeah, a backhoe or front end loader and scraped the
8 dirt in. So I had two sides to shovel in after he
9 left, but -- no offense.

10 MR. OWENS: No, that's all right.

11 A. Like I said, it's just an occasional time
12 that I do smell the odor, but like I said, I don't
13 want to -- I wouldn't want, you know, you to have the
14 people come down here and then the -- now we don't
15 have it, and maybe you leave. And the next day we do
16 have it, you know.

17 Q. (BY JUDGE STEARLEY) Well, we appreciate
18 any reports that you may wish to give us, and it's
19 the Commission's job with the regulated companies to
20 monitor these things and investigate, so I don't want
21 you to hesitate in contacting the Commission with any
22 problem, even if it's transient.

23 A. Okay.

24 JUDGE STEARLEY: Did any of the counsel
25 have any questions?

1 MS. BAKER: I have no questions, but I'll
2 get with you afterwards. And we'll talk about you
3 making a log of when these things happen. Then that
4 way that might help the company to pinpoint when
5 problems are occurring during the day, during the
6 month, things like that.

7 A. Okay.

8 JUDGE STEARLEY: Thank you, Ms. Baker. Ms.
9 Hernandez?

10 MS. HERNANDEZ: Nothing.

11 JUDGE STEARLEY: Mr. Holden?

12 MR. HOLDEN: No.

13 Q. (BY JUDGE STEARLEY) Any other remarks,
14 Mr. Avery?

15 A. No.

16 Q. Thank you very much for your testimony.

17 JUDGE STEARLEY: Would anyone else here
18 like to offer any additional testimony? I'll do last
19 call. Okay. Very well. The Commission greatly
20 appreciates your attendance today and appreciates all
21 your comments. As I mentioned earlier, the
22 commissioners will be reviewing the transcript of
23 this hearing and taking your comments into
24 consideration in deciding this case. Since we have
25 no other witnesses, the local public hearing in File

1 Number SR-2009-0226 is hereby adjourned, and I thank
2 you all very much.

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Marked Received

Exhibit Number 1 15 15

5 Exhibit Number 2 15 15

6 (Original exhibits were retained by Judge Harold
7 Stearley.)

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1 CERTIFICATE OF REPORTER

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I, JOANNA CHARLTON, Certified Court

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Reporter, the officer before whom the foregoing

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public hearing was taken, do hereby certify that the

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witnesses whose testimony appears in the foregoing

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public hearing was duly sworn; that the testimony of

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said witnesses was taken by me to the best of my

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ability and thereafter reduced to typewriting under

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my direction; that I am neither counsel for, related

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to, nor employed by any of the parties to the action

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in which this public hearing was taken, and further

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that I am not a relative or employee of any attorney

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or counsel employed by the parties thereto, nor

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financially or otherwise interested in the outcome of

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the action.

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JOANNA CHARLTON, CCR

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