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STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
TRANSCRIPT OF PROCEEDINGS  
Local Public Hearing  
April 17, 2013  
Branson, Missouri  
Volume 2  
In the Matter of The Request ) File No.  
For An Increase In Sewer ) SR-2013-0016,  
Operating Revenues Of Emerald ) et al.  
Pointe Utility Company )

MORRIS L. WOODRUFF, Presiding,  
CHIEF REGULATORY LAW JUDGE  
TERRY M. JARRETT,  
COMMISSIONER.

(Starting time of the proceedings: 7:01 p.m.)

REPORTED BY: KAREN S. ROGERS, Registered  
Professional Reporter, Certified Realtime  
Reporter, and Certified Court Reporter within and  
for the State of Missouri

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A P P E A R A N C E S

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1 A P P E A R A N C E S

2 (Continued)

3

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A P P E A R A N C E S

(Continued)

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1 \* \* \* \* \*

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

3

4 (Proceedings began at  
5 7:01 p.m. on Wednesday,  
6 April 17, 2013, with  
7 appearances as noted.)

8 REGULATORY LAW JUDGE WOODRUFF: Good  
9 evening, everyone. My name is Morris Woodruff,  
10 and I'm the presiding officer this evening. I'm  
11 the chief regulatory law judge for the Public  
12 Service Commission.

13 To my left here is Commissioner Terry  
14 Jarrett. Mr. Jarrett, would you like to make any  
15 welcoming remarks?

16 COMMISSIONER JARRETT: Yes. Well,  
17 thank you, Judge. It's good to be here tonight.  
18 On behalf of myself and all of the commissioners,  
19 thank you for coming out tonight.

20 These public hearings are a very  
21 important process of our cases. We listen. We  
22 take all the testimony we receive very seriously  
23 and consider it very carefully, as we do all the  
24 other evidence that we will hear in this -- in  
25 this rate case. So I look forward to hearing

1 your comments and your concerns.

2 We do have a court reporter here that  
3 will be taking down all of the information so  
4 that commissioners that aren't present here  
5 tonight will read that and read the transcripts  
6 before coming to a decision in the rate case.

7 So again, welcome and look forward to  
8 hearing your comments.

9 REGULATORY LAW JUDGE WOODRUFF: And to  
10 start things off tonight, I have to determine  
11 which attorneys are here for the parties, so I  
12 will ask them to enter their appearance,  
13 beginning with the attorney for the staff.

14 MS. MOORE: Amy Moore on behalf of the  
15 Public Service Commission staff. P.O. Box 360,  
16 Jefferson City, Missouri, 65102.

17 REGULATORY LAW JUDGE WOODRUFF: And  
18 for the Office of Public Counsel.

19 MS. BAKER: Christina Baker, P.O. Box  
20 2230, Jefferson City, Missouri, 65102, appearing  
21 on behalf of the Office of the Public Counsel and  
22 the customers.

23 REGULATORY LAW JUDGE WOODRUFF: Okay.  
24 And for Emerald Pointe Utility Company.

25 MR. COOPER: Dean Cooper from the law

1 firm of Brydon Swearngen & England PC, P.O. Box  
2 456, Jefferson City, Missouri, 65102, appearing  
3 on behalf of Emerald Pointe Utility Company.

4 REGULATORY LAW JUDGE WOODRUFF: All  
5 right. Thank you. As was explained earlier,  
6 we'll be taking testimony from the individuals  
7 who have signed up on the list.

8 I'll call your name. If you come on  
9 up to the podium here, I'll swear you in. After  
10 you've made your statement, the commissioner may  
11 have questions for you and I'll also give the  
12 parties a chance to make some follow-up questions  
13 if there's something that they're unclear about.

14 So let's go ahead and call the first  
15 name, and that would be Jim Wiegand.

16 (Mr. Wiegand approaches  
17 the podium.)

18 REGULATORY LAW JUDGE WOODRUFF: Good  
19 evening.

20 MR. WIEGAND: Good evening.

21 (The witness was placed  
22 under oath by Regulatory  
23 Law Judge Woodruff.)

24 ///

25 ///

1 \* \* \* \* \*

2 JIM WIEGAND,  
3 of lawful age, having been called as a witness  
4 and being first duly sworn, testified as  
5 follows:

6 REGULATORY LAW JUDGE WOODRUFF: Thank  
7 you very much. And tell us your name, please.

8 MR. WIEGAND: James Wiegand,  
9 W-I-E-G-A-N-D.

10 REGULATORY LAW JUDGE WOODRUFF: Thank  
11 you very much. What would you like to tell us?

12 MR. WIEGAND: I have a couple  
13 references. One of them or a lot of it, I guess,  
14 is relative to the use of Chapter 13 as far as  
15 the overcharges, refunding the overcharges.

16 I would like to say that applying  
17 Chapter 13 to the Emerald Pointe Utility as an  
18 appropriate guide, as was I believe recommended  
19 by the Public Service Commission Staff.

20 It's really not appropriate in this  
21 case because the case itself for the overcharges  
22 represents a period of 12 years, and the  
23 recommendation was to only go back 5 years.

24 That's a big difference.

25 The second reason is there's a



1 significant amount of money involved between 5  
2 years and 12 years. If you only go back 5 years,  
3 the total is as set forth, including interest, of  
4 257,000 in round numbers.

5 If you go back 12 years, the number is  
6 503,000 including interest. That is a very  
7 significant difference.

8 And it seems to me like selecting a  
9 5-year period isn't even close to having any  
10 common sense attached to it because of those  
11 differences in time and money.

12 I think it's not logical and I think  
13 it totally ignores the rate payers' interest in  
14 this case.

15 I have the same feeling about the  
16 proposed payback period for the overcharges.  
17 There was -- in the case there was testimony from  
18 the staff to say that a 45-month period was --  
19 should be used.

20 Again, I have a problem with that. I  
21 was thinking more in terms of a one-year or  
22 two-year period.

23 I have lived at Emerald Pointe and  
24 been on the sewer system for 12 years, so I have  
25 paid in quite a bit. I mentioned that the money

1 that it leaves on the table is basically  
2 \$245,000 -- 46,000 in round numbers.

3 If money is left on the table, \$660 of  
4 that is mine out of that 245, and I would only  
5 get back 622.

6 So it doesn't seem very fair to me as  
7 a rate payer that anybody would even think about  
8 overcharging me for a 12-year period and only  
9 give back 5 years.

10 Overall when I look at the proposals  
11 and the testimony that I looked at and the --  
12 that of the Office of Public Counsel, I believe  
13 that the -- the Office of Public Counsel, the  
14 Carrie Roth rebuttal more or less mirrors my  
15 thoughts on the case, and I would fully support  
16 the Carrie Roth rebuttal.

17 And I would also support the rebuttal  
18 of Ted Robertson, who talked about the difference  
19 in the capital structure, fictional versus  
20 actual. And I would support the actual for sure.

21 That is basically my comments, other  
22 than the fact that I agree with those other  
23 proposals, including the 90-day payback when  
24 somebody leaves the system. That's important. I  
25 think that's it.

1                   REGULATORY LAW JUDGE WOODRUFF: Okay.  
2 Thank you. It's apparent that you've -- I assume  
3 you've been on the commission's website to read  
4 this testimony?

5                   MR. WIEGAND: Oh, yes.

6                   REGULATORY LAW JUDGE WOODRUFF: All  
7 right. I just want to make sure everyone in the  
8 room knows also that this information is  
9 available to you at PSC dot MoDOT Gov, and you  
10 can read the testimony.

11                   Any questions.

12                   COMMISSIONER JARRETT: First of all,  
13 thank you for your testimony. I appreciate it.  
14 When you were referring to Chapter 13, I assume  
15 that's the bankruptcy code?

16                   MR. WIEGAND: No. This is the -- the  
17 chapter that applies to billings within the  
18 Public Service Commission.

19                   COMMISSIONER JARRETT: Were you  
20 talking about commission rules?

21                   MR. WIEGAND: Yeah, commission rules.

22                   COMMISSIONER JARRETT: Okay. Thank  
23 you for that clarification. And that's all I  
24 had.

25                   REGULATORY LAW JUDGE WOODRUFF: All

1 right.

2 COMMISSIONER JARRETT: No more  
3 questions.

4 REGULATORY LAW JUDGE WOODRUFF: Any  
5 questions from any of the attorneys for the  
6 parties?

7 (There is no response.)

8 REGULATORY LAW JUDGE WOODRUFF: All  
9 right. Well, thank you, Mr. Wiegand.

10 MR. WIEGAND: Thank you.

11 (Mr. Wiegand is excused.)

12 REGULATORY LAW JUDGE WOODRUFF: Next  
13 name on my list is Mike Moss.

14 (Mr. Moss approaches the  
15 podium.)

16 REGULATORY LAW JUDGE WOODRUFF: Good  
17 evening.

18 MR. MOSS: Good evening.

19 REGULATORY LAW JUDGE WOODRUFF: Please  
20 raise your right hand.

21 (The witness was placed  
22 under oath by Regulatory  
23 Law Judge Woodruff.)

24 ///

25 ///

1 \* \* \* \* \*

2 MIKE MOSS,  
3 of lawful age, having been called as a witness  
4 and being first duly sworn, testified as  
5 follows:

6 REGULATORY LAW JUDGE WOODRUFF: And  
7 could you tell us your name, please.

8 MR. MOSS: Mike Moss, M-O-S-S.

9 REGULATORY LAW JUDGE WOODRUFF: Thank  
10 you. What would you like to tell us?

11 MR. MOSS: Well, I'm a resident of  
12 Emerald Pointe. And while my questions were  
13 answered tonight, there still are large issues  
14 between these two parties that need to be  
15 resolved prior to ensuring what the accurate  
16 rates are going to be.

17 So it's kind of hard to stand up here  
18 and talk about issues when you're not really too  
19 sure how it's going to come out.

20 I would like to have the opportunity  
21 to talk to people after they resolve these  
22 issues, because they're too big issues to be  
23 unresolved and actually sit here and  
24 intelligently talk about what's going on with  
25 these rate increases.

1           In other words, you know, there's an  
2   alleged refund from Emerald Pointe to all of the  
3   residents at Emerald Pointe.

4           And if that's found to be true, I'm  
5   going to say that's going to create a lot of  
6   change for the different rates for the sewer and  
7   for the water.

8           So I'd like to be able to talk to  
9   somebody prior to the finalization of this so I  
10   could see it.

11           We talked about the company's ability  
12   to pay the refund back, what methodology is the  
13   Missouri Public Service -- how are you going to  
14   do that?

15           I mean how are you going to employ  
16   that? What's -- what's the steps to ensure that?  
17   And those are the things I'd like to see too. So  
18   outside of that, I don't have anything else to  
19   say.

20           REGULATORY LAW JUDGE WOODRUFF: Thank  
21   you, sir. Questions, Commissioner?

22           COMMISSIONER JARRETT: No, I don't  
23   have any questions. Thank you, Mr. Moss. I  
24   appreciate your thoughts.

25           REGULATORY LAW JUDGE WOODRUFF: Any

1 questions from the parties?

2 (There is no response.)

3 REGULATORY LAW JUDGE WOODRUFF: All

4 right. Thank you, Mr. Moss.

5 (Mr. Moss is excused.)

6 REGULATORY LAW JUDGE WOODRUFF: Next

7 name on the list is Donna Wiegand.

8 (Ms. Wiegand approaches

9 the podium.)

10 REGULATORY LAW JUDGE WOODRUFF: Good

11 evening. Please raise your right hand.

12 (The witness was placed

13 under oath by Regulatory

14 Law Judge Woodruff.)

15 \* \* \* \* \*

16 DONNA WIEGAND,

17 of lawful age, having been called as a witness

18 and being first duly sworn, testified as

19 follows:

20 REGULATORY LAW JUDGE WOODRUFF: Thank

21 you. Could you tell us your name, please.

22 MS. WIEGAND: Donna Wiegand,

23 W-I-E-G-A-N-D.

24 REGULATORY LAW JUDGE WOODRUFF: What

25 would you like to tell us?

1 MS. WIEGAND: I just have a question  
2 in regards to the upkeep and maintenance of the  
3 existing sewage system that we have now that is  
4 connected to Hollister. Who's going to maintain  
5 that?

6 I do understand that the person who  
7 used to do that has been replaced with someone  
8 else. And in the past, over the 12 years my  
9 husband and I have lived at the Emerald Pointe,  
10 some things have eroded, some systems.

11 Some accidents have happened. There's  
12 been lots of sewage that has gone over the hill  
13 because of pipes breaking.

14 And the person that was there before,  
15 he took good care of all the maintenance and  
16 made, you know, sure that everything was working  
17 properly.

18 So I just want an assurance of knowing  
19 who's going to do that now.

20 REGULATORY LAW JUDGE WOODRUFF: I  
21 can't answer the question for you, and I don't  
22 know if anybody else can. You can talk to the  
23 company afterward, after the hearing informally,  
24 and they might be able to give you an answer.

25 MS. WIEGAND: In other words, if we



1 had a problem, who would we call and how quickly  
2 would we have a solution to the problem?

3 REGULATORY LAW JUDGE WOODRUFF:

4 Mm-hmm. That's a question we'll have to address  
5 to the company.

6 MS. WIEGAND: Okay.

7 REGULATORY LAW JUDGE WOODRUFF: And  
8 that's certainly something that commission staff  
9 I'm sure looked at also, but I can't address it  
10 in the context of the hearing here.

11 MS. WIEGAND: That's all I have.

12 REGULATORY LAW JUDGE WOODRUFF: All  
13 right. Excuse me. How is generally the service  
14 that you've been receiving for water and sewer?

15 MS. WIEGAND: Well, if you do really  
16 want to know.

17 REGULATORY LAW JUDGE WOODRUFF: I do  
18 want to know, yes.

19 MS. WIEGAND: There's some people in  
20 the audience here that are familiar with what  
21 happened to me. It's been a few years.

22 I was walking down the street and the  
23 sewer blew off a hundred feet in the air, hit me,  
24 knocked me down, and I had sewage all over me.  
25 And I had to run home and, of course, take a

1 shower.

2 REGULATORY LAW JUDGE WOODRUFF: Yeah.

3 MS. WIEGAND: I wasn't really happy  
4 about that, but I really didn't -- all I did was  
5 call my doctor to make sure my health was going  
6 to be okay and I didn't have to do anything.

7 The person that was responsible for  
8 maintaining it did come out, did make the  
9 repairs.

10 After that a few years later several  
11 different occurrences happened, such as I walk a  
12 lot and I see a lot and I see the water running  
13 down over the hill for several days with no one  
14 noticing it or doing anything about it.

15 REGULATORY LAW JUDGE WOODRUFF: Are  
16 you talking about sewage water or --

17 MS. WIEGAND: Sewage water.

18 REGULATORY LAW JUDGE WOODRUFF: Okay.

19 MS. WIEGAND: Definitely sewage water,  
20 yeah, because you -- it seems clear when it's  
21 coming out, but you know when it's not and when  
22 it is.

23 I can say one good thing is that  
24 recently I have not had any odors that I  
25 detected when I take my walks, as I have had in

1 the past. I think some of the problems have been  
2 corrected.

3 I don't know if anyone else here had  
4 smelled anything, like odors from leaky -- leaky  
5 sewage. So that was just my question.

6 REGULATORY LAW JUDGE WOODRUFF: Okay.  
7 Has the conditions been improving in recent  
8 years?

9 MS. WIEGAND: I think so, yes. Like I  
10 say, I haven't smelled anything. Now that's me  
11 personally and nothing else has happened to me,  
12 of course.

13 REGULATORY LAW JUDGE WOODRUFF: Okay.

14 MS. WIEGAND: And on my walks I have  
15 not seen any water leaking or running down the  
16 hill.

17 But the person that was responsible  
18 for that is no longer with the company, and I  
19 don't know the person who is. I've never been  
20 introduced to them, her or him, whoever he is.

21 I would just like -- like to be  
22 reassured that there is someone in that position  
23 now.

24 REGULATORY LAW JUDGE WOODRUFF: Okay.

25 MS. WIEGAND: That has our best

1 interest at heart.

2 REGULATORY LAW JUDGE WOODRUFF: Is --  
3 has the company been responsive when you've had  
4 complaints?

5 MS. WIEGAND: Oh, yes, yes, he was.  
6 The person that was responsible, that was hired  
7 by the company, yes, he was very responsive and  
8 always took care of the problems.

9 REGULATORY LAW JUDGE WOODRUFF: Okay.  
10 Thank you. Mr. Commissioner?

11 COMMISSIONER JARRETT: I certainly  
12 understand the importance of your question, and  
13 Mr. Cooper here is for the company and Jim Bush  
14 is here for our staff.

15 Please before you go tonight, talk to  
16 one or both of them and get your question  
17 answered.

18 MS. WIEGAND: Okay. Thank you.

19 COMMISSIONER JARRETT: Because I think  
20 that is an important question. Now are you  
21 related to the first gentleman who testified?

22 MS. WIEGAND: Jim Wiegand?

23 COMMISSIONER JARRETT: Right.

24 MS. WIEGAND: Yeah.

25 COMMISSIONER JARRETT: Have you also

1 read the testimony?

2 MS. WIEGAND: No.

3 COMMISSIONER JARRETT: I didn't get a  
4 chance to say when he was up here, it's very rare  
5 in a lot of these public hearings.

6 I've been a commissioner almost six  
7 years, and I don't think I've ever had anyone in  
8 a local public hearing tell me that they've  
9 actually gone online and read our testimony. So  
10 I applaud you. That's amazing.

11 And if you've read all of it -- if  
12 you've read all of it, you can kind of get a  
13 flavor of what we have to consider on both sides  
14 to try to come to a decision.

15 So I applaud you for doing that, sir,  
16 and obviously you understand the issues very --  
17 very well in the case from reading that.

18 MS. WIEGAND: Yes, he does.

19 COMMISSIONER JARRETT: So that's very  
20 good. I appreciate that. Yes. Get with one of  
21 those or both and have your questions answered,  
22 please.

23 REGULATORY LAW JUDGE WOODRUFF: All  
24 right. Any questions from the parties?

25 (There is no response.)

1 REGULATORY LAW JUDGE WOODRUFF: Okay.

2 Thank you.

3 (Ms. Wiegand is excused.)

4 REGULATORY LAW JUDGE WOODRUFF: Next

5 name on my list is Jim Galinsky.

6 (Mr. Galinsky approaches

7 the podium.)

8 REGULATORY LAW JUDGE WOODRUFF: Good

9 evening, sir.

10 MR. GALINSKY: Good evening.

11 REGULATORY LAW JUDGE WOODRUFF: If you

12 could please raise your right hand.

13 (The witness was placed

14 under oath by Regulatory

15 Law Judge Woodruff.)

16 \* \* \* \* \*

17 JIM GALINSKY,

18 of lawful age, having been called as a witness

19 and being first duly sworn, testified as

20 follows:

21 REGULATORY LAW JUDGE WOODRUFF: Could

22 you tell us your name, please.

23 MR. GALINSKY: My name is James

24 Galinsky. I live at 290 Split Rock Drive in

25 Hollister, Missouri.

1 REGULATORY LAW JUDGE WOODRUFF: All

2 right.

3 MEMBER OF THE AUDIENCE: Louder.

4 REGULATORY LAW JUDGE WOODRUFF: You

5 need to move the microphone up a little bit

6 maybe. You're just a little bit taller than the

7 previous witnesses.

8 MR. GALINSKY: Is that better?

9 REGULATORY LAW JUDGE WOODRUFF: All

10 right. And could you spell your last name for

11 us.

12 MR. GALINSKY: G-A-L-I-N-S-K-Y.

13 REGULATORY LAW JUDGE WOODRUFF: Thank

14 you. What would you like to tell us?

15 MR. GALINSKY: I would like to go on

16 record in supporting the testimony of James

17 Wiegand.

18 There's one thing that I would like to

19 add to that, and that is it's my understanding

20 that the refund rule in Proposition 13 does not

21 cover sewers. It does cover water, but it is

22 mute on sewers.

23 The second thing that I would like to

24 present to the commission is there are many of us

25 in Emerald Pointe who have lawns and do lawn

1 watering and garden watering in the summer.

2 And it is typical for utility  
3 companies to base the sewer rate in the  
4 summertime on the three coldest months:  
5 December, January, and February.

6 And it is my request that this be  
7 considered and written into the rate structure  
8 that's going to be developed for Emerald Pointe  
9 Utility.

10 REGULATORY LAW JUDGE WOODRUFF: Can  
11 you clarify that last statement? What would you  
12 like to see in the --

13 MR. GALINSKY: I would like to see a  
14 provision in the -- in the rate structure that  
15 prescribes that the sewer rate will be based on  
16 sewer usage during the coldest months of  
17 December, January, and February, as it is in  
18 many, many other utility companies in the United  
19 States.

20 REGULATORY LAW JUDGE WOODRUFF: And my  
21 understanding the point of that would be that way  
22 you wouldn't get lawn watering and so forth as  
23 part of the rates. Is that --

24 MR. GALINSKY: That's correct. We  
25 wouldn't be paying for sewer usage in the summer



1 for water that doesn't go in the sewer. It goes  
2 on the ground, and it would be a charge that we  
3 didn't receive.

4 REGULATORY LAW JUDGE WOODRUFF: All  
5 right. Thank you. Commissioner, any questions?

6 COMMISSIONER JARRETT: No, I don't  
7 have any questions. I thank you for your  
8 comments and your suggestion though.

9 REGULATORY LAW JUDGE WOODRUFF:  
10 Questions from the parties?

11 (There is no response.)

12 REGULATORY LAW JUDGE WOODRUFF: All  
13 right. Thank you.

14 (Mr. Galinsky is  
15 excused.)

16 REGULATORY LAW JUDGE WOODRUFF: The  
17 next name on the list is Gayla Wonder.

18 (Ms. Wonder approaches  
19 the podium.)

20 REGULATORY LAW JUDGE WOODRUFF: Good  
21 evening. Please raise your right hand.

22 (The witness was placed  
23 under oath by Regulatory  
24 Law Judge Woodruff.)

25 ///

1 \* \* \* \* \*

2 GAYLA WONDER,  
3 of lawful age, having been called as a witness  
4 and being first duly sworn, testified as  
5 follows:

6 REGULATORY LAW JUDGE WOODRUFF: Could  
7 you tell us your name, please.

8 MS. WONDER: Gayla Wonder.

9 REGULATORY LAW JUDGE WOODRUFF: All  
10 right. And what would you like to tell us?

11 MS. WONDER: I live at Emerald Pointe  
12 and have lived out there for some time. I  
13 support the sewer completely. It's very  
14 environmentally smart.

15 The lake is very important. It's  
16 polluted a lot all over. We don't need to do  
17 more.

18 If this lady is right and there is  
19 leakage over a hill, where do you think it goes?  
20 It goes straight into our lake, straight into our  
21 ground, which is our ground water, which goes  
22 into the lake.

23 The smell in the summertime, not in  
24 the winter, down at the treatment plant for 12  
25 years has been horrendous. It has only gotten

1 worse. It doesn't stink in the winter. It does  
2 in the summer.

3 And I agree with the gentleman wanting  
4 clarification on how the sprinkler water is  
5 handled that doesn't go through the sewer, and  
6 that question hasn't been answered.

7 That's really all I have to say. I  
8 support the sewer. I think we have to do what's  
9 right for the environment.

10 REGULATORY LAW JUDGE WOODRUFF: Okay.  
11 And it's my understanding that the treatment  
12 plant has been closed down and the sewage is now  
13 being sent to Hollister for treatment, is that  
14 right?

15 MS. WONDER: I don't know where it  
16 goes now. I know last summer and the previous 10  
17 or 11 summers, it stinks to high heaven.

18 REGULATORY LAW JUDGE WOODRUFF: Okay.

19 MS. WONDER: All you have to do is go  
20 down or up the hill and you can smell it.

21 REGULATORY LAW JUDGE WOODRUFF: All  
22 right. Well, hopefully it won't be stinking this  
23 summer.

24 MS. WONDER: I hope not.

25 REGULATORY LAW JUDGE WOODRUFF: All

1 right. Commissioner, questions?

2 COMMISSIONER JARRETT: No, I don't  
3 have any questions, but I just want to thank you  
4 for your testimony.

5 MS. WONDER: Thank you.

6 REGULATORY LAW JUDGE WOODRUFF:  
7 Questions from the other parties?

8 (There is no response.)

9 REGULATORY LAW JUDGE WOODRUFF: All  
10 right.

11 (Ms. Wonder is excused.)

12 REGULATORY LAW JUDGE WOODRUFF:  
13 Ms. Wonder was the last name on my list. Is  
14 there anyone else here who would like to testify?  
15 I see a hand going up. Come on up, sir.

16 (Mr. Bero approaches the  
17 podium.)

18 REGULATORY LAW JUDGE WOODRUFF: Good  
19 evening. Raise your right hand.

20 (The witness was placed  
21 under oath by Regulatory  
22 Law Judge Woodruff.)

23 ///

24 ///

25 ///

1 \* \* \* \* \*

2 TODD BERO,  
3 of lawful age, having been called as a witness  
4 and being first duly sworn, testified as  
5 follows:

6 REGULATORY LAW JUDGE WOODRUFF: Could  
7 you tell us your name, please.

8 MR. BERO: Todd Bero, B-E-R-O. I live  
9 at 680 Emerald Pointe.

10 REGULATORY LAW JUDGE WOODRUFF: Okay.

11 MR. BERO: I think that seeing that  
12 there are only about 350 or 80 residents in the  
13 subdivision, I think that it's not like -- I  
14 think that they should spend the time to either  
15 go to the College of the Ozarks or go to MSU or  
16 somewhere, get somebody in the math department,  
17 do a reasonable survey to determine the average  
18 amount of water usage.

19 Because the worst thing that would  
20 happen is the water usage for overbilling in the  
21 water department was a half a million dollars  
22 over the ten years.

23 And if the sewage usage is going to be  
24 four or five times higher charge, that could be  
25 millions of dollars over maybe the same period of

1 time, that it would be worth taking some kind of  
2 a mathematical survey.

3 You wouldn't have to survey all 380 of  
4 them. If you were -- if you were accurate and  
5 determined 50 or 60 people, you could probably  
6 come pretty close to what the actual usage is.  
7 You don't need to do them all.

8 And considering the amount of dollars  
9 you're talking about, I think it should be done.

10 REGULATORY LAW JUDGE WOODRUFF: Thank  
11 you, sir. Any questions, Commissioner?

12 COMMISSIONER JARRETT: No, I don't  
13 have any questions, sir, but thank you for your  
14 comments.

15 REGULATORY LAW JUDGE WOODRUFF:  
16 Questions from the parties?

17 (There is no response.)

18 REGULATORY LAW JUDGE WOODRUFF: All  
19 right.

20 (Mr. Bero is excused.)

21 REGULATORY LAW JUDGE WOODRUFF: Yes,  
22 sir.

23 (Mr. Rice approaches the  
24 podium.)

25 REGULATORY LAW JUDGE WOODRUFF: Good

1 evening.

2 MR. RICE: Good evening.

3 REGULATORY LAW JUDGE WOODRUFF: Please  
4 raise your right hand.

5 (The witness was placed  
6 under oath by Regulatory  
7 Law Judge Woodruff.)

8 \* \* \* \* \*

9 TOM RICE,  
10 of lawful age, having been called as a witness  
11 and being first duly sworn, testified as  
12 follows:

13 REGULATORY LAW JUDGE WOODRUFF: Could  
14 you tell us your name, please.

15 MR. RICE: My name is Tom Rice,  
16 R-I-C-E.

17 REGULATORY LAW JUDGE WOODRUFF: Okay.

18 MR. RICE: And I live at 260 Eagle  
19 Crest. And that's Hollister, Missouri, 65672.

20 REGULATORY LAW JUDGE WOODRUFF: And  
21 what would you like to tell us?

22 MR. RICE: And what I -- I'll be very  
23 brief. I just want to basically agree and wanted  
24 to go on the record that I fully support the  
25 comments made by Mr. Jim Galinsky and Mr. Wiegand

1 and kind of everything that -- I have not had a  
2 chance to read a lot of these issues.

3 I realize there's economies of scale  
4 here. And I realize that there's figures that  
5 are put together and figures can be worked a lot  
6 of different ways.

7 I feel like I'm just part of the  
8 lobbyist of these people here. Obviously they  
9 have a lobbyist here too.

10 And the -- in this particular county,  
11 as the commission probably knows already, we have  
12 many, many different areas that have their sewer  
13 districts and it's a mishmash.

14 We have quite a few different areas  
15 where the -- in some cases the sewer grinder  
16 pumps are actually taken care of by the  
17 commission -- or not by the commission, excuse  
18 me, by the -- by that particular sewer district  
19 if something goes wrong with them.

20 I've been a resident here 12 years.  
21 We all have houses here, paid. The going rate  
22 in this county right now for replacement of a  
23 sewer grinder pump is between 2700 and 3200  
24 dollars.

25 So it's a very big expense. It's not



1 something that you have a choice. We obviously  
2 don't have a choice when something goes wrong on  
3 our own property, and we've been responsible for  
4 that.

5 And I just ask the commission to take  
6 into consideration all those other sewer  
7 districts and the amounts of money that's paid  
8 out based on the increases -- again, taking into  
9 those economies of scale, the increases and the  
10 amounts people are paying in other parts of this  
11 county and have their sewer grinder pumps that  
12 are covered as part of their sewer when something  
13 goes wrong.

14 And that's -- that was all the  
15 comments that I have there, and I'd like you to  
16 take a look at that based on what everybody else  
17 in the county is doing.

18 REGULATORY LAW JUDGE WOODRUFF: Okay.  
19 Thank you, sir. Questions?

20 COMMISSIONER JARRETT: No, no  
21 questions, Mr. Rice.

22 MR. RICE: Okay.

23 COMMISSIONER JARRETT: Thank you very  
24 much. Appreciate that.

25 MR. RICE: Thank you very much.

1 REGULATORY LAW JUDGE WOODRUFF:

2 Questions from the parties?

3 (There is no response.)

4 REGULATORY LAW JUDGE WOODRUFF: All

5 right.

6 (Mr. Rice is excused.)

7 REGULATORY LAW JUDGE WOODRUFF:

8 Another -- the lady in the back first. I saw

9 your hand first.

10 (Ms. Gagliano approaches

11 the podium.)

12 REGULATORY LAW JUDGE WOODRUFF: Good

13 evening. Please raise your right hand.

14 (The witness was placed

15 under oath by Regulatory

16 Law Judge Woodruff.)

17 \* \* \* \* \*

18 MARY PALMER GAGLIANO,

19 of lawful age, having been called as a witness

20 and being first duly sworn, testified as

21 follows:

22 REGULATORY LAW JUDGE WOODRUFF: Could

23 you tell us your name, please.

24 MS. GAGLIANO: My name is Mary Palmer

25 Gagliano, G-A-G-L-I-A-N-O, and I live at 1095

1 Crescent Drive. And I just have one comment  
2 because of the odors.

3 As of two weeks ago there are horrible  
4 odors on Shadow Ridge and the odors on Emerald  
5 Pointe drive below the clubhouse. Very, very  
6 offensive.

7 I don't know -- they're new on Shadow  
8 Ridge. That's all I had to say.

9 REGULATORY LAW JUDGE WOODRUFF: All  
10 right. Before you leave.

11 MS. GAGLIANO: Pardon?

12 REGULATORY LAW JUDGE WOODRUFF: Before  
13 you leave, I have a question for you.

14 MS. GAGLIANO: Yes.

15 REGULATORY LAW JUDGE WOODRUFF: How is  
16 the service in general, aside from the odors? Do  
17 you have any complaints about the service that  
18 you've been receiving from Emerald Pointe?

19 MS. GAGLIANO: Water service? Sewer?

20 REGULATORY LAW JUDGE WOODRUFF: Water  
21 or sewer.

22 MS. GAGLIANO: Well, we don't really  
23 have sewers.

24 REGULATORY LAW JUDGE WOODRUFF: Oh,  
25 you don't. Okay.

1 MS. GAGLIANO: You know, we have  
2 standing water everywhere. I'm sure you all know  
3 that.

4 REGULATORY LAW JUDGE WOODRUFF: Oh,  
5 okay. I don't know that.

6 MS. GAGLIANO: There's standing water.  
7 I have a black vehicle, car, and I have to be  
8 very careful where I -- where I drive up to 48  
9 hours after a rain.

10 REGULATORY LAW JUDGE WOODRUFF: Okay.  
11 You're talking about storm sewers?

12 MS. GAGLIANO: Storm sewers and then  
13 the other, the smelly ones too.

14 REGULATORY LAW JUDGE WOODRUFF: Okay.  
15 Do you have any questions, Commissioner?

16 COMMISSIONER JARRETT: I do not but  
17 thank you for that information, and I'm sure  
18 Mr. Cooper and Jim Bush, our staff member here,  
19 heard your comments and will look into that.

20 MS. GAGLIANO: Great. That's all. I  
21 just wanted to say that some people didn't seem  
22 to know about it, and I walk almost every night.  
23 That's all I know. Thank you.

24 COMMISSIONER JARRETT: Okay. Well,  
25 I'm sure Mr. Bush will look into it and somebody

1 will get back to you.

2 (Ms. Gagliano is  
3 excused.)

4 REGULATORY LAW JUDGE WOODRUFF: Now  
5 it's to you, sir.

6 (Mr. Hortner approaches  
7 the podium.)

8 REGULATORY LAW JUDGE WOODRUFF: Good  
9 evening. Please raise your right hand.

10 (The witness was placed  
11 under oath by Regulatory  
12 Law Judge Woodruff.)

13 \* \* \* \* \*

14 JIM HORTNER,

15 of lawful age, having been called as a witness  
16 and being first duly sworn, testified as  
17 follows:

18 REGULATORY LAW JUDGE WOODRUFF: Could  
19 you tell us your name, please.

20 MR. HORTNER: My name is Jim Hortner.  
21 I live at 115 Colton Drive.

22 REGULATORY LAW JUDGE WOODRUFF: What  
23 would you like to tell us?

24 MR. HORTNER: Well, I think we got a  
25 lot of watchdogs out here, so I think they've

1 covered that pretty good. And I think that's  
2 great.

3 But I did want to make another comment  
4 too. I've built -- just started my 39th home out  
5 there. I'm a builder. And I have to go to the  
6 county, get my permits.

7 The last three or four or five years,  
8 it's almost been kind of hard to get them because  
9 they say, "Hey, we can't put any more on that  
10 sewage plant. It's overloaded now." I hear  
11 that.

12 And then I have Realtors come in and  
13 try to sell my houses. They say, "Well, you  
14 know, the number one thing wrong with them is  
15 that stinking sewer plant."

16 People, we don't have that stinking  
17 sewer plant there anymore. You got to look at  
18 that as a plus. We've all got values out there.  
19 You've all got properties. Having that sewer  
20 plant out of there is going to add a few thousand  
21 dollars to your property.

22 So yeah, things are going up. I don't  
23 like it either. I didn't like it when I found  
24 out half-inch plywood went from \$6 to \$14 a foot.  
25 That was the last house.

1           That's life and I hate it, but it has  
2 to go up every now and then. We have got it  
3 approved, and I think you've got to consider  
4 that.

5           As far as Emerald Pointe staff, the  
6 workers are great. And yeah, we hated to lose  
7 Shannon, but I think Greg is just as good. He  
8 comes highly recommended, and I've been real  
9 happy with him so far.

10           They've always come out and serviced  
11 me, hooked up, no problems at all. And that's  
12 just really all I got to say.

13           I think yeah, we had some issues, but  
14 I think everybody is trying to work through them.  
15 But we got a great plus too. We don't have that  
16 stinking smell. Thank you.

17           REGULATORY LAW JUDGE WOODRUFF: Now  
18 you said you're a builder in Emerald Pointe. Do  
19 you live there also?

20           MR. HORTNER: Emerald Pointe and all  
21 around, but we live there too.

22           REGULATORY LAW JUDGE WOODRUFF: Okay.  
23 Thank you. Questions?

24           COMMISSIONER JARRETT: Thank you for  
25 your comments. I appreciate it.

1 MR. HORTNER: Thank you.

2 REGULATORY LAW JUDGE WOODRUFF: Thank  
3 you.

4 (Mr. Hortner is excused.)

5 REGULATORY LAW JUDGE WOODRUFF: Anyone  
6 else want to come up and testify? All right. I  
7 don't see any other hands going up.

8 As we said before, if you have  
9 questions that you want to ask the company or the  
10 staff or public counsel, this is your opportunity  
11 to come down and talk to them informally.

12 But at this point then we will adjourn  
13 the local public hearing, and I thank --  
14 Commissioner Jarrett, did you have something?

15 COMMISSIONER JARRETT: Yeah, just very  
16 quickly. I want to, again, thank everyone for  
17 coming.

18 I just wanted to compliment everyone  
19 who testified. Very good comments, obviously  
20 very thoughtful comments from you. And again,  
21 those comments will be in the record for us to  
22 consider. So thank you very much.

23 REGULATORY LAW JUDGE WOODRUFF: All  
24 right. Thank you all and we are adjourned.

25 (The proceedings were



1 concluded at 7:30 p.m. on  
2 Wednesday,  
3 April 17, 2013.)  
4 (No exhibits were marked  
5 during the course of  
6 these proceedings.)

7 \* \* \* \* \*

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CERTIFICATE OF REPORTER

I, Karen S. Rogers, Registered Professional Reporter, Certified Realtime Reporter, and Certified Court Reporter within and for the State of Missouri, do hereby certify that I was personally present at the taking of the proceedings as set forth in the caption sheet hereof; that I then and there took down in stenotype the proceedings had at said time; and that the foregoing is a full, true, and accurate transcription of such stenotype notes so made at such time and place, all to the best of my skill and ability.

Karen S. Rogers, RPR, CRR,  
Missouri CCR No. 846

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TRANSCRIPT NOTES

No exhibits were marked during the  
course of these proceedings.

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