

In the Matter of:

THE JOINT APPLICATION OF MISSOURI-AMERICAN WATER COMPANY, etc.

WE-2021-0390, VOL. I

September 01, 2021



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BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

Procedural Conference

September 1, 2021

Jefferson City, Missouri, via WebEx

Volume 1

In The Matter Of the Joint Application)
Of Missouri-American Water Company)
And DCM Land, LLC for a Variance from) File No. WE-2021-0390
The Company's Tariff Provisions)
Regarding the Extension of Company)
Mains)

NANCY DIPPELL, Presiding
REGULATORY LAW JUDGE.

REPORTED BY:
Lisa M. Banks, CCR
TIGER COURT REPORTING, LLC

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P R O C E E D I N G S

1
2 JUDGE DIPPELL: This is September 1st, 2021 in
3 File Number WE-2021-0390 in the Matter of the Joint Application
4 of Missouri-American Water Company and DCM Land, LLC for a
5 Variance from the Company's Tariff Provisions Regarding the
6 Extension of Company Mains. My name is Nancy Dippell and I'm
7 the regulatory law judge assigned to this matter. We've come
8 here today for a procedural conference in this case which is a
9 little unusual or a little out of the every day. I wanted to
10 get you all together so that we could come up with a procedure
11 for going forward.

12 In this I know that Company had requested a --
13 the Company and DCM had requested the Commission make a decision
14 by October 1st, I believe. That is fast approaching, so I
15 wanted to make sure that we got you all together so that you
16 could discuss a procedural schedule.

17 I guess we'll go ahead and start. I'll let you
18 make your entries of appearance. I almost forgot. Let's start
19 with Missouri-American please.

20 Mr. COOPER: You're still muted.

21 MR. COOPER: Got it. This is Dean Cooper from
22 Brydon, Swearngen & England, P.C, P.O. Box 456, Jefferson City,
23 Missouri, 65102, appearing on behalf of Missouri-American Water
24 Company and I will pass it along to Mr. Luft.

25 MR. LUFT: Tim Luft, Missouri-American Water and

1 my address is 727 Craig Road, Creve Coeur, Missouri 63151.

2 JUDGE DIPPELL: Okay. And DCM Land.

3 MS. SCHULTZ: Sue Schultz with Sandberg Phoenix
4 and von Gontard appearing on behalf of DCM Land. Our address is
5 600 Washington Ave., Suite 1500 St. Louis, Missouri 63101.

6 JUDGE DIPPELL: Thank you. Public Counsel.

7 MR. WILLIAMS: Nathan Williams, P.O. Box 2230,
8 Jefferson City, Missouri 65102, appearing on behalf of the
9 Office of the Public Counsel and the public.

10 JUDGE DIPPELL: And commission staff.

11 MS. ASLIN: Casi Aslin for commission staff, my
12 address is 200 Madison St., Jefferson City, Missouri 65102.

13 JUDGE DIPPELL: Great. Let me just start by
14 asking if there's anything that the Company or DCM Land -- well,
15 we'll start with them, but also jump in also Public Counsel and
16 Staff if there's anything else that I need to know about where
17 this case in in progress or where it should be going.

18 Company, do you all have anything else that
19 needs to be brought to my attention?

20 MR. COOPER: I don't know that we do from
21 Missouri-American side.

22 JUDGE DIPPELL: Okay. Ms. Schultz, anything?

23 MS. SCHULTZ: DCM Land does have an interest in
24 the proceeding being handled as expeditiously as possible since
25 it is an ongoing development. I think -- though I am not as

1 familiar with the Missouri PSC procedures as probably everybody
2 else on this call. A little background, I was with Illinois
3 American so Illinois procedure I know quite well. Missouri I'm
4 getting up to speed on some. It seems to me where we are is we
5 have a procedural issue as far as Staff's position that the
6 Commission does not have the authority to grant the requested
7 variance and then assuming that is addressed as the Company and
8 DCM believe it should be, then we would have a substantive issue
9 of whether the variance and the extent of the variance be
10 granted.

11 JUDGE DIPPELL: Okay. Staff, did you have
12 anything to add to that?

13 MS. ASLIN: Nothing from Staff at this time.

14 JUDGE DIPPELL: And Public Counsel, does Public
15 Counsel have anything else to add?

16 MR. WILLIAMS: Not in terms of the process and
17 the status of the case at this point. We believe Staff has
18 raised a legitimate issue.

19 JUDGE DIPPELL: Okay. Well, have you all had an
20 opportunity before today to talk about procedurally how this
21 should go forward at the Commission? I mean, it seems to me
22 that we have a legal issue and a factual issue. If there was a
23 stipulation as to the facts or -- I'm not sure -- I'm just not
24 sure the best way to handle this as quickly as the applicants
25 seem to need it.

1 MR. COOPER: This is a question, Judge, I guess
2 for Staff. Staff put its initial argument on the legal issue in
3 its recommendation. The applicants have responded to that at
4 this point. Is Staff planning to file, I guess, a reply or just
5 waiting to see where the case goes next or what is Staff's
6 posture in regard to the legal issue that is involved?

7 MS. ASLIN: We haven't planned to file anything
8 else at this time. We were going to see where things were going
9 procedurally.

10 JUDGE DIPPELL: It sounds like what needs to
11 happen is -- and I set a short date for you all to file a
12 procedural schedule. So if you haven't had a chance to come
13 together to talk about that, then maybe I just need to bow out
14 here and let you all talk on this conference call. Would that
15 be what you all would want to do then? It sounds like there's
16 nothing further for me to do at this point. I really just kind
17 of need you all to suggest a procedure going forward. Okay.

18 MS. SCHULTZ: I think that would be a fair
19 approach.

20 MR. COOPER: Yeah. I think that makes sense.

21 JUDGE DIPPELL: Okay. The question is, can I
22 bow out. Ms. Aslin, you are on the phone so I can hand over the
23 hostess to you. I am not sure I can't over hostess to you. I
24 am not sure that I can make someone a host that is outside the
25 PSC, but what I will do is I will figure out how to get off of

1 this conference call and leave it with the you all and you can
2 email me when you are done and I can shut it down.

3 So if there is nothing else that needs to go on
4 the record. We will go ahead and we can go off the record.

5 (OFF THE RECORD.)

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CERTIFICATE OF REPORTER

I, Lisa M. Banks, CCR within and for the State of Missouri, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.



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