

In the Matter of:

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

WE-2021-0390, VOL. II

November 10, 2021



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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Prehearing Conference

November 10, 2021

Via Webex

Volume 2

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

RON PRIDGIN, Presiding
REGULATORY LAW JUDGE

REPORTED BY:
Shelley L. Mayer, CCR
TIGER COURT REPORTING, LLC

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PROCEEDINGS

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2 JUDGE PRIDGIN: We will go on the record
3 then. Good morning. This is the prehearing
4 conference, and I'm doing this from memory, I hope
5 I'm getting the case number right, WE-2021-0390. If
6 I get that case number wrong, somebody please correct
7 me.

8 I'm Ron Pridgin. I am the regulatory law
9 judge assigned to preside over this prehearing
10 conference that's being held Wednesday, November
11 10th, 2021 via Webex. The time is 10:00 a.m.

12 I would like to get entries of appearance
13 from counsel please. And could I begin with the
14 staff of the Commission.

15 MS. ASLIN: This is Casi Aslin for
16 commission staff. My address is 200 Madison Street,
17 Jefferson City, Missouri 65102.

18 JUDGE PRIDGIN: All right. Thank you.
19 On behalf of the Office of the Public Counsel please.

20 MS. VAN GERPEN: Hello. This is Lindsay
21 Van Gerpen on behalf of the Office of Public Counsel
22 and my address is P.O. Box 2230, Jefferson City,
23 Missouri 65102.

24 JUDGE PRIDGIN: Very good. Thank you.
25 On behalf of Missouri-American Water Company please.

1 MR. COOPER: Judge, this is Dean Cooper
2 from the law firm of Brydon, Swearingen and England,
3 PC., P.O. Box 456, Jefferson City, Missouri 65102
4 appearing on behalf of Missouri-American Water
5 Company. And I'll pass it along to Mr. -- well
6 Mr. Luft. Yes, I see him. I'll pass it along to
7 Mr. Luft to enter his appearance.

8 MR. LUFT: This is Tim Luft, L-u-f-t,
9 with Missouri-American Water, in-house counsel. My
10 address is 727 Craig Road, St. Louis, Missouri 63141.

11 JUDGE PRIDGIN: All right. Thank you,
12 counsel. And then on behalf of DCM Land please.

13 MS. SCHULTZ: Yes. This is Sue Schultz,
14 hopefully you're not getting too much feedback. I'm
15 with Sandberg, Phoenix, von Gontard on behalf of DCM
16 Land. My address is 475 Regency Park, Suite 310,
17 O'Fallon, Illinois 62269.

18 JUDGE PRIDGIN: Thank you. And I'm not
19 getting any feedback, so thank you. And thank you,
20 Jackie, for your help.

21 I don't think I have anything for counsel
22 other than I guess a query. Normally I would ask for
23 some sort of proposed procedural schedule or a status
24 report in roughly a week or so. Does anyone think
25 that's going to be a problem, to file some sort of

1 pleading here next Wednesday?

2 MR. COOPER: Judge, this is Dean Cooper.
3 I think in order to do that, we're going to need a
4 little bit more I guess instruction or information
5 from you and/or the Commission in terms of what it is
6 we're rehearing. During the Commission's agenda
7 meeting, we heard the chairman say he thought we were
8 rehearing I think just the 8614 issue. The order of
9 course doesn't give any guidance one way or the
10 other. You know, in the underlying substantive order
11 from the Commission it was addressing, you know, at a
12 minimum whether the Commission had the authority to
13 do anything, so can it. And then once it got past
14 that, it addressed the issue of taking the action
15 that had been requested.

16 So I guess I'm kind of unsure how to put
17 together a procedural schedule without knowing what
18 it is we're rehearing or what the Commission wants
19 reheard.

20 JUDGE PRIDGIN: Well, Mr. Cooper, thank
21 you. And I'll -- I will happily entertain any
22 thoughts from other counsel. I'm walking into this
23 case as a new judge and kind of unaware of what's
24 going on, to complicate matters because of a
25 rehearing statute, so I don't think I'm going to be a

1 whole lot of help. But I'm certainly happy to, you
2 know, entertain any thoughts that counsel may have.
3 And obviously if you need more time, I'm not going to
4 impose a week deadline on you if you think, you know,
5 you're scratching your heads and you're not sure how
6 to proceed. If you need more time, that's perfectly
7 fine with me. And I don't know. I'm happy to throw
8 it open to counsel or if other counsel are unsure,
9 I'm happy to just kind of leave things hanging and
10 we'll figure it out later.

11 MS. SCHULTZ: Judge, this is Sue Schultz
12 on behalf of DCM. Our client has requested an
13 expedited schedule in this matter because this is
14 causing a delay in the development which is causing
15 huge carrying costs for my client. And previously
16 the Commission has been very -- they were very
17 generous in moving the proceeding along, so I would
18 request that, to the extent at all possible, we
19 continue to do that.

20 JUDGE PRIDGIN: I understand, and I
21 appreciate your voicing your client's concerns.
22 Thank you. Like I said, I don't know that I'm going
23 to be very helpful. Could I -- could I see if
24 parties are amenable to filing some sort of pleading
25 in a week, whether it be a procedural schedule or

1 some sort of motion for clarification on what the
2 Commission wants from you? I mean, I want to keep
3 this moving as quickly as I can without interfering
4 with your negotiations or your strategy.

5 MR. WILLIAMS: Judge, this is Nathan
6 Williams with the Office of Public Counsel. I did
7 not make an entry of appearance, but my address is
8 the same as Ms. Van Gerpen's.

9 JUDGE PRIDGIN: Okay.

10 MR. WILLIAMS: Since you're walking into
11 this case cold, maybe you're not familiar with the
12 background. The parties did a stipulation of facts,
13 presented arguments. The Commission issued its
14 report and order. And then Public Counsel filed an
15 application for rehearing which the Commission
16 granted but did not explicate at all as to what it
17 found in what the application raised that it viewed
18 the cause to give rehearing.

19 I'm not sure that there needs to be any
20 more actual record developed. I'm kind of like the
21 other parties, at a loss as to just what it is the
22 Commission's looking for.

23 JUDGE PRIDGIN: Mr. Williams, thank you.
24 And that's fair enough. I mean, and I don't want to
25 tell the parties how to practice, but if you feel

1 like you need more guidance from the Commission,
2 you're certainly welcome to file a motion saying,
3 Hey, what is it that you want reheard, what is it
4 that you want from us. And then I can go to the
5 Commission and try to get an answer for you.

6 I'm not hearing any responses from
7 counsel, and I don't necessarily need any. I'm just
8 trying to do what I can for you, which I'm afraid
9 isn't much. I suppose I will simply --

10 MS. SCHULTZ: This is Sue Schultz again.

11 JUDGE PRIDGIN: Yes, ma'am. Go ahead.

12 MS. SCHULTZ: Perhaps with the others,
13 pardon me since I'm not as versed in practicing for
14 this form as the others probably are, but would it be
15 appropriate to file a joint motion, other counsel,
16 you know, as soon as we can here to request a
17 clarification since we all seem to have the same
18 struggle?

19 JUDGE PRIDGIN: I think that's perfectly
20 appropriate, yes. And if that's -- I mean, and I may
21 disconnect and go off the call and let you talk, you
22 know, without me around. But that, to me that sounds
23 like that's where the parties want to go and it looks
24 like I should be expecting some sort of motion or
25 joint motion from the parties asking for a Commission

1 clarification pretty quickly. If there's anyone who
2 disagrees or wants to comment on that or needs
3 anything else from me, I'll give you a chance to
4 speak up.

5 MR. COOPER: I don't think so, Judge, but
6 I think your assessment is correct. I think that's
7 where we probably need to go. And if we can keep
8 this line after you drop, you and the court reporter
9 drop so we could have more discussion about that, it
10 would probably be beneficial.

11 JUDGE PRIDGIN: Mr. Cooper, thank you.
12 And, Jackie, are you still with us?

13 MS. KEELY: Yes. I can assign someone
14 else to host and we can all drop off.

15 JUDGE PRIDGIN: Very good. So I will be
16 dropping off here shortly as will the court reporter.
17 And it sounds like Jackie will deal with the
18 situation so people can stay on this line and talk
19 after the court reporter and I have disconnected.

20 So anything else from the parties before
21 I go off the record and disconnect my call? Okay.
22 Hearing nothing further, that will conclude the
23 on-the-record portion of this prehearing conference.
24 Thank you very much. We are off the record.

25 (Off the record.)

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CERTIFICATE

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Shelley L. Bartels, CCR

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