

In the Matter of:

**Claude Scott**

v.

**Missouri-American Water Company**

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**WC-2020-0407, VOL. III**

*May 21, 2021*

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A P P E A R A N C E S

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P R O C E E D I N G S

1  
2 JUDGE JACOBS: We are now on the record. Good  
3 morning. Today is May 21, 2021. The time is now 9:17  
4 a.m. The Missouri Public Service Commission has set  
5 this time for an evidentiary hearing in Case No.  
6 WC-2020-0407 which concerns Mr. Claude Scott's complaint  
7 against Missouri-American Water Company.

8 My name is Jana Jacobs. I'm the Regulatory  
9 Law Judge assigned to preside over this hearing today.  
10 As you know, the members of the Commission are Chairman  
11 Ryan Silvey, Commissioner Scott Rupp, Commissioner Maida  
12 Coleman who is present with us this morning,  
13 Commissioner Jason Holsman and Commissioner Glen  
14 Kolkmeier who is also present with us this morning.

15 If any other Commissioners are on the line  
16 that I hadn't noticed, please speak up and let us know  
17 so we can note that you're here. We will start with  
18 taking entries of appearance. The first person that I  
19 would typically call upon to let us know that they're  
20 present would be our complainant today, Mr. Claude  
21 Scott. At this point, I do not see that Mr. Scott has  
22 joined us. I have no indication of any filing that has  
23 been made in this case, and I don't have any email  
24 messages or anything else. So what we're going to do is  
25 proceed.

1           So we will note that currently Mr. Scott is  
2 absent at the beginning of the hearing. Perhaps he will  
3 appear as we get going. So counsel, you may enter your  
4 appearance today by introducing yourself and identifying  
5 the party that you represent. If your current contact  
6 information is on the record in this case, you don't  
7 need to restate that here. If you prefer to do things  
8 that way, feel free to do so.

9           So we'll start with Missouri-American Water  
10 Company?

11           MS. HERNANDEZ: Morning, Judge. This is  
12 Jennifer Hernandez with the law firm of Brydon,  
13 Swearngen & England, PC representing Missouri-American  
14 Water Company. The court reporter should have my  
15 current contact information on file.

16           JUDGE JACOBS: Thank you very much.  
17 And for Commission Staff today?

18           MR. PRINGLE: Thank you, Judge. Travis  
19 Pringle with Staff of the Missouri Public Service  
20 Commissioner. My information is also already on file  
21 though my title has changed from the beginning of this  
22 complaint from Legal Counsel to Associate Counsel.

23           JUDGE JACOBS: Thank you very much,  
24 Mr. Pringle. I don't know if someone else tried to  
25 speak up there and I interrupted them. I apologize.

1           Okay. And we can now proceed to just some  
2 preliminaries. This hearing is obviously being  
3 conducted by telephone and videoconference. If you're  
4 participating by video, please silence your line unless  
5 you're speaking. Any witnesses who will appear by video  
6 today need only be visible by video during their  
7 testimony. Witnesses are not expected to remain visible  
8 by video for the duration of the hearing and, in fact,  
9 it's distracting to me to have a lot of different faces  
10 on the screen. So I request counsel remain present by  
11 video unless you need to shut off your video for privacy  
12 sake. But other than the court reporter, Commissioners  
13 and counsel, unless you're a witness giving testimony,  
14 it isn't necessary to turn on your video today.

15           The other thing I would note about witnesses  
16 is that I'm going to ask that all witnesses remain  
17 present for the duration or at least available for the  
18 duration of the hearing. Occasionally we do need to  
19 bring a witness back after they've given their  
20 testimony. So while I will excuse witnesses from the  
21 stand so to speak after they've given their testimony, I  
22 would request that all parties' witnesses remain  
23 available for the duration, and please let me know if  
24 you have a witness that this is going to be a problem  
25 for today.

1           As I said before, Counsel, I'd like it if you  
2 could stay on video whenever possible, but I understand  
3 for privacy sake you may, in fact, need to cut your  
4 video at times, and feel free to do that if you need to.  
5 I just want to remind everybody that the chat function  
6 that is available on WebEx is public and it would be  
7 displayed to everyone who is here online. It is not  
8 private and the chat is not part of the official record  
9 of this proceeding.

10           I'm going to plan to take breaks at about  
11 every 90 minutes. If for some reason you need to take a  
12 break, please speak up and let me know. Okay. Let's  
13 talk about exhibits. Based on the Commission's order  
14 for exchange of exhibits to allow us to conduct a  
15 virtual hearing, Missouri-American Water filed copies of  
16 its proposed exhibits in EFIS. Mr. Scott did not make a  
17 filing.

18           On January 11, the Company filed a document  
19 that confirmed delivery of the Company's proposed  
20 exhibits to Mr. Scott's address on January 8. And I  
21 believe that Staff had indicated that Staff's exhibits  
22 would be documents that are already part of the EFIS  
23 file in this case.

24           We won't have this many exhibits, of course,  
25 but for ease of reference Mr. Scott's exhibits will be



1 numbered from 1 to 99, Missouri-American's will start at  
2 100, Staff's will start at 200, and anything the  
3 Commission might need to offer would start at 300. And  
4 exhibits will be marked and filed in EFIS after the  
5 hearing.

6 Does anybody have any questions about exhibits  
7 handling or anything like that right now?

8 MR. PRINGLE: Just one note, Judge. In the  
9 initial list of issues, exhibits and witnesses, Staff  
10 only had its initial report on there. At this time,  
11 we're also going to enter our supplemental report as  
12 well now, but that's also on EFIS.

13 JUDGE JACOBS: Good. I'm happy to hear that.  
14 Thank you.

15 All right. So the other thing that I would  
16 note before we proceed is, and I believe everyone  
17 present at this time is aware of this, but I would make  
18 this note for Mr. Scott's benefit. The rates and rules  
19 under which the Company provides service are referred to  
20 as tariffs or tariff sheets, and the Commission would  
21 propose to take official notice of Missouri-American  
22 Water's tariffs in effect during the relevant time  
23 period in this case. Are there any objections to that?

24 MS. HERNANDEZ: No objection.

25 JUDGE JACOBS: Mr. Pringle, I just read a

1 transcript of a hearing that I did where I had a lot of  
2 affirmative nods but I didn't have a lot of affirmative  
3 statements. If you could give me an affirmative  
4 statement, that will come across on the transcript a  
5 little better for me.

6 MR. PRINGLE: There's no objection, Judge.

7 JUDGE JACOBS: Thank you very much. I  
8 appreciate that. Okay. The Commission takes official  
9 notice of Missouri-American Water Company's tariffs in  
10 effect during the relevant time period in this case.  
11 I'm taking a look at my list of participants here and I  
12 do not see that any additional parties have joined us.

13 Okay. The next thing that we would talk about  
14 would be how we're going to proceed here today. The  
15 parties filed a list of issues, witnesses and exhibits,  
16 as Mr. Pringle has mentioned. Mr. Scott's case would go  
17 first if Mr. Scott is, in fact, here and present to  
18 provide his testimony and he had indicated he would be  
19 his only witness. And then following Mr. Scott we'll  
20 hear from Missouri-American Water, and Missouri-American  
21 has also indicated one witness and then Staff will make  
22 its presentation and plans to present one witness today.  
23 As everyone present is aware, witnesses are subject to  
24 cross-examination by the other parties and Commissioners  
25 may also ask questions of the witnesses and I may also

1 have questions on behalf of the Commission. Does  
2 anybody have any questions or any changes that they  
3 wanted to make in regard to the presentation of  
4 testimony today?

5 MS. HERNANDEZ: Judge, just because Mr. Scott  
6 has failed to appear at least to this point, I would ask  
7 for dismissal of his case under 20 CSR 420-2.116(3)  
8 which allows the Commission to dismiss any party from a  
9 case for failure to appear at the evidentiary hearing.  
10 If I could note for the record that this matter was  
11 first scheduled to go to hearing on November 19, 2020,  
12 was continued to January 15, 2021, continued again to  
13 February 19, 2021 and then finally continued again until  
14 today. All continuances were at the request of  
15 Mr. Scott. Mr. Scott renewed the same claims in this  
16 complaint on June 22, 2020, after his complaint in  
17 WC-2020-0194 was dismissed by the Commission on May 21,  
18 2020, for failure to appear at the prehearing conference  
19 and failure to respond to the Commission's order to show  
20 cause. And Missouri-American requests permission to  
21 restart discontinuance of water service procedures  
22 pursuant to 20 CSR 4240-13.050 to discontinue  
23 complainant's water service for nonpayment.

24 JUDGE JACOBS: Thank you very much, Ms.  
25 Hernandez. Your motion to dismiss the case and dismiss

1 Mr. Scott for failure to appear will be taken up and we  
2 will proceed with the hearing today to take the evidence  
3 the parties have assembled after all these many months  
4 of effort in this case. Okay?

5 MS. HERNANDEZ: Okay.

6 JUDGE JACOBS: So the next step that we would  
7 -- I'm sorry. And Mr. Pringle, did you have anything  
8 that you wanted to say in response to Ms. Hernandez and  
9 the motion on behalf of the Company?

10 MR. PRINGLE: Simply that Staff has no  
11 objection to that motion.

12 JUDGE JACOBS: Thank you. Okay. So if  
13 Mr. Scott were present, this would be his opportunity to  
14 make an opening statement, and Mr. Scott has not  
15 appeared. So I will hear from Missouri-American now.  
16 We will go ahead with the Company's opening statement if  
17 Ms. Hernandez wishes to make one.

18 MS. HERNANDEZ: Judge, given the  
19 circumstances, I'll waive opening statement and just  
20 present the testimony today.

21 JUDGE JACOBS: Thank you. And did counsel for  
22 Staff wish to make an opening statement?

23 MR. PRINGLE: I'll also waive at this time,  
24 Judge, and simply enter our evidence into the record.

25 JUDGE JACOBS: Okay. Thank you. Okay. I

1 want -- I'm going to take one second here just to let  
2 folks know where the process of this case is in case  
3 they wanted to have an opportunity to hear from the  
4 Company's witness. If you just give me a moment. Thank  
5 you.

6 Thank you for your patience with that brief  
7 interruption. So what we'll do now is proceed with --  
8 Because this is when we would have heard from Mr. Scott,  
9 the Commission would propose that Mr. Scott's complaint  
10 would be included on the record as Commission Exhibit  
11 300. Does anyone have an objection to that?

12 Okay. Hearing no objections, Commission  
13 Exhibit 300 will be admitted to the record and that is  
14 the complaint and the attached documents that were filed  
15 on June 22, 2020 in this case.

16 (COMMISSION'S EXHIBIT 300 WAS RECEIVED INTO  
17 EVIDENCE AND MADE A PART OF THIS RECORD.)

18 JUDGE JACOBS: The next thing that we would do  
19 is go ahead and hear testimony from the Company's  
20 witness, Ms. Figueroa.

21 MS. HERNANDEZ: Judge, may I proceed?

22 JUDGE JACOBS: Thank you very much. I can see  
23 Ms. Figueroa. Ms. Figueroa, would you speak up and make  
24 sure we can hear you?

25 THE WITNESS: Good morning, Judge. Can you

1 hear me okay?

2 JUDGE JACOBS: We can. Thank you very much.  
3 I can swear you in now and then Ms. Hernandez can take  
4 over. If you would first just spell your name for us  
5 and then I'll swear you in.

6 THE WITNESS: Sure. It's Tracie, T-r-a-c-i-e,  
7 Figueroa, F-i-g-u-e-r-o-a.

8 JUDGE JACOBS: Thank you very much, ma'am.

9 THE WITNESS: You're welcome.

10 JUDGE JACOBS: Please raise your right hand if  
11 you're able.

12 MR. PRINGLE: Judge, there was a call-in user.

13 JUDGE JACOBS: Thank you for pointing that  
14 out. I appreciate that, Mr. Pringle. Do we have a new  
15 call-in to the meeting this morning to our hearing?

16 MR. OLIGSCHLAEGER: This may be me, Mark  
17 Oligschlaeger with the Staff.

18 JUDGE JACOBS: Okay. It sure sounds like it's  
19 you. It's definitely you. All right. Thank you for  
20 identifying yourself, sir, and I'm going to apologize to  
21 Ms. Figueroa for interrupting her swearing in, and I  
22 also appreciate the fact that Mr. Pringle alerted me to  
23 a new call-in participant, and I would ask that all  
24 parties do that. It is difficult for me to keep an eye  
25 on that list and also pay attention to the witnesses.

1 Thank you. We will go back over to Ms. Figueroa who I  
2 believe had raised her right hand.

3 (Witness sworn.)

4 JUDGE JACOBS: Thank you very much. Thank  
5 you, Ms. Hernandez. You can proceed.

6 MR. PRINGLE: Sorry, Judge. There was another  
7 call-in user.

8 JUDGE JACOBS: My goodness. We're going to  
9 have fun today, but we did get Ms. Figueroa sworn in.  
10 So we made progress. Okay. There's an additional  
11 person who's called in. If you've called in, will you  
12 please speak up?

13 COMMISSIONER HOLSMAN: Commissioner Holsman.

14 JUDGE JACOBS: Thank you very much. It's good  
15 to know when we have Commissioners on the line. So I'm  
16 going to name that line so Commissioner Holsman is  
17 identified for us. Thank you, Commissioner. We are  
18 getting ready to hear testimony from Ms. Figueroa who is  
19 the Company's witness, and I don't see any other call-in  
20 participants.

21 The reason we're being so attentive to new  
22 call-in participants is because we are hoping to see  
23 Mr. Scott appear today. We're assuming he will be  
24 dialing in. So once again, Ms. Hernandez, your witness.

25 MS. HERNANDEZ: Thank you, Judge.

1 TRACIE FIGUEROA,  
2 called on behalf of the Company, being sworn, testified  
3 as follows:

4 DIRECT EXAMINATION BY MS. HERNANDEZ:

5 Q. Good morning, Ms. Figueroa. Can you state  
6 your name again, please, for the record?

7 A. Sure. Tracie Figueroa.

8 Q. Where are you employed?

9 A. Missouri-American Water.

10 Q. And what is your position with  
11 Missouri-American Water?

12 A. I'm a business service specialist.

13 Q. And how many years have you been employed with  
14 Missouri-American Water?

15 A. With Missouri-American, 3 years; but with  
16 American Water, a total of 19 years.

17 Q. And what does your -- What are your duties in  
18 your current position with Missouri-American Water?

19 A. I handle all incoming complaints whether it's  
20 through the PSC, the Attorney General, Better Business  
21 Bureau. It may be escalations from our call center or  
22 through entities. Essentially I handle customer  
23 complaints for Missouri-American Water.

24 THE COURT REPORTER: Excuse me?

25 JUDGE JACOBS: I think it's Ms. Figueroa's



1 audio is cutting out a little bit. I don't know if Ms.  
2 Hernandez can ask that question again to help the court  
3 reporter out. Thank you.

4 BY MS. HERNANDEZ:

5 Q. Sure. My last question was, are you aware of  
6 Mr. Scott's complaint?

7 A. Yes.

8 Q. And do you have available to you  
9 Missouri-American's exhibit disclosure?

10 A. Yes, I do.

11 MS. HERNANDEZ: And Judge, we filed that  
12 exhibit disclosure as one consecutively numbered  
13 document pages 001 through 147. I don't know if for  
14 ease to citing to that document you would like me to  
15 split it up into its components or just have it as  
16 Exhibit 100.

17 JUDGE JACOBS: I actually do have a suggestion  
18 for how to break that up in a way that would be helpful  
19 to the Commission, if you're willing to indulge me on  
20 that, because it is 147 pages long and it includes a  
21 wide range of documents. So I would suggest that the  
22 first two pages which relate to meter testing would be  
23 offered as an individual exhibit. And those are pages,  
24 as I said, 1 and 2.

25 MS. HERNANDEZ: Correct.

1 JUDGE JACOBS: Okay. And that could be the  
2 Company's Exhibit 100. And if you want, what I'll do is  
3 I'll just explain how I would suggest that you break  
4 them up and you can let me know if it's a problem and  
5 then we can take care of it altogether. Does that work?

6 MS. HERNANDEZ: Certainly, Judge.

7 JUDGE JACOBS: I appreciate your patience with  
8 me. All right. Pages 3 through 5 are all related to  
9 meter reads and the reason code keys, and I would  
10 suggest that that would be a single exhibit together and  
11 that could be Exhibit 101. And then pages 6 through 8  
12 are an account ledger and then an explanation apparently  
13 on page 8 of different kind of billing practices or  
14 account ledger practices and that could be 102. And  
15 then the bulk of the exhibit would be pages 9 through  
16 102, and those are billing statements that go from May  
17 2018 through January 2021. So that would be Exhibit  
18 103.

19 And then the next set is account letters. It  
20 appears to be a group of letters that were sent on the  
21 account over various periods of time. Those are pages  
22 103 to 112, and they could be an Exhibit 104.

23 And then that leaves us with discontinuance  
24 notices that run from 113 to 120 and that could be  
25 Exhibit 105. And then the last group of documents that

1 was a distinct group of documents was from page 121 to  
2 147, and those appear to be the customer service  
3 notations. So those were the large groups that I saw  
4 and that could be Exhibit 106. That's pages 121 through  
5 147. And breaking up your large exhibit into those  
6 groups would be helpful for purposes of an order.

7 MS. HERNANDEZ: Certainly.

8 BY MS. HERNANDEZ:

9 Q. Then Ms. Figueroa, you had in front of you the  
10 exhibit disclosure, correct?

11 A. Yes.

12 Q. What is now marked -- sorry to cut over you --  
13 what has now been marked Exhibits 100 through 106?

14 A. Yes.

15 Q. And are those records of Missouri-American  
16 Water Company?

17 A. Yes, they are.

18 Q. And are Exhibits 100 through 106 kept in the  
19 normal business of Missouri-American Water Company?

20 A. Yes, they are.

21 Q. And are those exhibits true and accurate  
22 copies of the records that are kept by Missouri-American  
23 Water Company?

24 A. Yes, they are.

25 Q. And is information contained in Exhibits 100

1 through 106 true and correct, to the best of your  
2 knowledge, information and belief?

3 A. Yes, they are.

4 MS. HERNANDEZ: I would move at this time,  
5 Your Honor, for admission of Missouri-American's  
6 Exhibits 100 through 106.

7 JUDGE JACOBS: Is there any objection to the  
8 admission of Exhibits 100 through 106 as just described?

9 MR. PRINGLE: No objection from Staff, Judge.  
10 Thank you.

11 JUDGE JACOBS: Okay. Those Exhibits 100, 101,  
12 102, 103, 104, 105 and 106 will be admitted to the  
13 record.

14 (COMPANY'S EXHIBITS 100, 101, 102, 103, 104,  
15 105 AND 106 WERE RECEIVED INTO EVIDENCE AND MADE A PART  
16 OF THIS RECORD.)

17 BY MS. HERNANDEZ:

18 Q. Okay. Ms. Figueroa, if you could look at  
19 Exhibit 100?

20 A. Yes.

21 Q. And that is an exhibit of a meter test that  
22 was performed on Mr. Scott's meter, correct?

23 A. That is correct.

24 Q. And what were the results of that meter test?

25 A. Well, they passed. The meter passed the test

1 but for high flow it was 100 percent accuracy, for  
2 medium flow was 101 percent accuracy and for low flow  
3 was 90 percent accuracy.

4 Q. And is it your understanding that the meter  
5 test results meet the Commission's accuracy standards?

6 A. Yes.

7 Q. And would you agree, in fact, that the meter  
8 meets the American Waterworks Association accuracy  
9 standards which are stricter than the Commission  
10 standards?

11 A. Yes. Let me, on the low flow I will say  
12 though it was -- it may have been slightly out of range.  
13 However, it's lower -- it's slower, not faster. So it's  
14 within the customer's favor. So we consider that to be  
15 good results.

16 Q. Okay. And looking at Exhibit 101, the meter  
17 reading log?

18 A. Yes.

19 Q. How did the company record the meter readings?

20 A. From January 22, 2019 until June 16, 2020 and  
21 then continuing on to current it's read through AMI, an  
22 AMI device which is a type of reading device. It's an  
23 actual reading. Prior to January 22, 2019, so from  
24 March 15, 2018 until October 17, 2018, it was read by --  
25 it would be a touchpad device. So it's still a reading

1 device where the field representative or meter reader  
2 would use like a wand or a device to pull the reading  
3 off of the touchpad. So it's still considered an actual  
4 reading.

5 Q. I think that was going to be my next question.  
6 Are all those meter readings actual readings?

7 A. Yes, they are.

8 Q. And for billing issued to Mr. Scott for his  
9 water usage from April 23, 2018 through December 16,  
10 2020, were those based on actual meter readings?

11 A. Yes, they were.

12 Q. All right. Let's look at Exhibit 102, please.

13 A. Okay.

14 Q. And what is this exhibit?

15 A. If I remember correctly, it's the account  
16 statement.

17 Q. Account ledger?

18 A. Yes, the account ledger.

19 Q. Let's start on page -- at the bottom center of  
20 the page there should be a Bates stamp 006?

21 A. Yes.

22 Q. And could you explain this document and what  
23 it shows?

24 A. So the account statement or the ledger would  
25 show all of the billing invoice amounts and any payments

1 that were made by Mr. Scott.

2 Q. All right. And -- I'm sorry. Go ahead.

3 A. Oh, no. I was just going to say when a  
4 payment posts to the account, there's a manual posting  
5 which is a soft posting. Then there's the payment lot  
6 which is the hard post. Then there's a reversal which  
7 would be the reversal of the soft posting. So there's  
8 three transactions that happen when a customer makes a  
9 payment. It may be -- Sometimes it's a little confusing  
10 to look at just because it's like two credits and then a  
11 reversal but the reversal has to do with the soft post.

12 Q. And the explanation that you just gave about  
13 the manual posting payment lots and reversals, that's on  
14 page 008; is that correct?

15 A. That is correct.

16 Q. When was the last payment Mr. Scott made on  
17 his account?

18 A. I believe it was February. I'll get that for  
19 you. February 19, 2021.

20 Q. All right. And what is the current balance on  
21 Mr. Scott's account?

22 A. The current balance is \$331.70.

23 Q. And but for this complaint that Mr. Scott  
24 filed would Mr. Scott be subject to disconnection of his  
25 water service?

1 A. Yes, he would be.

2 Q. And why is that?

3 A. Because he is past due with the exception of  
4 \$17.17 which is the amount of the bill that just went  
5 out on May 18. \$314.53 of his balance is past due and  
6 now subject for disconnection.

7 MS. HERNANDEZ: Thank you. Judge, I think at  
8 this time I have no further questions and would tender  
9 the witness for cross-examination.

10 JUDGE JACOBS: Thank you very much. Is there  
11 any cross-examination from Staff?

12 MR. PRINGLE: Yes, Judge. Thank you. Good  
13 morning, Ms. Figueroa.

14 THE WITNESS: Good morning.

15 CROSS-EXAMINATION BY MR. PRINGLE:

16 Q. So just to be clear, has Missouri-American  
17 water -- Has Missouri-American Water regularly estimated  
18 Mr. Scott's bills?

19 A. No, we have not.

20 Q. Did Missouri-American Water ever replace Mr.  
21 Scott's meter?

22 A. Yes, we did on August 26, 2020.

23 Q. Was that meter tested?

24 A. Yes, it was.

25 Q. What were the results of that test?



1           A.    The results are that it passed.  The specific  
2 results, one moment, I can get those for you.  The high  
3 flow was at 100 percent, mid flow was at 101, 101  
4 percent, and then low flow was at 90 percent.

5           Q.    And those are all well within standard  
6 readings?

7           A.    The low flow would be most likely outside  
8 because it's slow which would actually be in the  
9 customer's favor.

10          Q.    And then also, Ms. Figueroa, has  
11 Missouri-American Water ever failed to credit a payment  
12 from Mr. Scott to his account?

13          A.    Not that I'm aware of.  He did supply records  
14 of his payments and all of the payments matched what was  
15 already posted to the account.

16               MR. PRINGLE:  Thank you, ma'am.  I have no  
17 further questions.

18               JUDGE JACOBS:  Thank you very much,  
19 Mr. Pringle.  We will now proceed.  I don't see that  
20 Mr. Scott has joined us, although I do see another  
21 call-in user.  Is Mr. Scott on the line at this time?  
22 Anyone who's called in, you might have to press \*6 to  
23 speak up, and I see one call-in user who just joined if  
24 you'd like to speak up and identify yourself so we can  
25 make sure it isn't Mr. Scott.  Okay.  We've given

1 Mr. Scott, if he is present we've given you -- Hello.  
2 Is the call-in person able to speak up and identify  
3 themselves? Okay. At this point we would proceed to  
4 questions from Commissioners. If there are any  
5 questions from Commissioners for Ms. Figueroa, feel free  
6 to speak up and let us know. If you have called in and  
7 you'd like to speak up, you may need to press \*6 in  
8 order to make your line live again. Some of the call-in  
9 lines have had to be muted so that we didn't get  
10 interference with the audio.

11 Okay. Ms. Figueroa, I'm going to ask a few  
12 clarifying questions for you this morning.

13 QUESTIONS BY JUDGE JACOBS:

14 Q. I was hoping that we could look at a statement  
15 together, and do you by chance have access to the  
16 complaint that Mr. Scott filed in this case in June?

17 A. I'm sure I have it somewhere, Your Honor.

18 Q. I can give you a minute to look for it.

19 JUDGE JACOBS: And I have been able to  
20 identify our caller. I apologize for putting our  
21 call-in listeners today on the spot by asking them to  
22 identify themselves. It's just that we need to make  
23 sure that Mr. Scott has an opportunity to participate  
24 today if he does join us.

25 THE WITNESS: Your Honor, I'm sorry. I can't

1 find his original filing. I have his account pulled up  
2 and I can pull any invoice if you have a date.

3 BY JUDGE JACOBS:

4 Q. Let's look at the statements that have been  
5 offered on the record by the company.

6 A. Okay.

7 Q. And that started at page 9 of the company's  
8 large exhibit which we then marked as Exhibit 103. So  
9 there are many months of statements there.

10 A. Yes.

11 Q. And it appears that the format of the  
12 company's billing statements had changed during this  
13 time period?

14 A. Yes, they had.

15 Q. It also appears that during this time period  
16 the company went from a quarterly billing to a monthly  
17 billing on Mr. Scott's account; is that right?

18 A. Yes.

19 Q. So I believe Mr. Scott attached a couple  
20 statements to his complaint and we'll find the  
21 corresponding statement in the company's exhibit. So  
22 let's look at the billing statement that has a billing  
23 date of June 21, 2019. The payment due date on the very  
24 top which is large is indicated as July 15, 2019, and  
25 the billing date is June 21, 2019. If you let me know

1 when you find it.

2 A. June 21, 2019 is the billing date. I have  
3 that available, that up.

4 Q. Thank you.

5 A. You're welcome.

6 Q. So when we look at a billing statement on Mr.  
7 Scott's account, where will we find the meter readings  
8 reported?

9 A. It would be there's usually like four pages on  
10 a bill. It will be page 3 of the 4.

11 Q. Did you locate page 3 of this particular bill?

12 A. Yes.

13 Q. Okay. Can you tell us what that indicates  
14 about the meter reading?

15 A. Sure. So the billing period is May 22, 2019  
16 until June 20, 2019. So the previous reading which  
17 would have been taken on May 22, 2019 was 425 and it has  
18 an A which means it's an actual reading and then the  
19 current read which would have been taken on June 20,  
20 2019 is 427 and it also has an A which would indicate an  
21 actual meter reading.

22 Q. Are estimated meter readings indicated on the  
23 company's bills?

24 A. Yes. So instead of an A, it would have an E.

25 Q. Then on the same page of that bill, could you

1 look at the account detail and summarize for us what we  
2 see there?

3 A. Sure. So you have prior billing. So that  
4 would be whatever -- that would be the past due balance.  
5 If there had been any payments made from the last  
6 billing statement to this one being generated, it would  
7 reflect there. And so it will give you your total  
8 balance forward prior to current charges. And then  
9 under service related charges the first section is water  
10 service. So that's going to be the water service charge  
11 which is a fixed charge. The water usage charge which  
12 is based upon how many gallons a customer uses. The  
13 ISRS surcharge is also based on usage. And then it  
14 totals it out so the total of all three of those charges  
15 is \$16.45. Pass through charges, there's the water  
16 premises fee and then the service line protection  
17 charge. The service line protection charge is a pass  
18 through charge for St. Louis County Public Works service  
19 line repair program. So all customers within St. Louis  
20 County are billed that and then there's taxes. And so  
21 the total charges for that billing period are \$18.23.  
22 The total balance on the account would be \$192.67. It  
23 also looks at during this time Mr. Scott was on an  
24 installment plan. So the installment plan amount was  
25 \$21. That would be in addition to any current charges

1 that he had, but it looks like he was also past due on  
2 his installment plan. So essentially for him to catch  
3 up on the installment plan in whatever past due amounts  
4 it would be \$132.02.

5 Q. And installment plans are used when customers  
6 have a past due balance that they can't pay all at once?

7 A. That is correct.

8 Q. And could you tell us just a little bit more  
9 about what that ISRS surcharge is that appears?

10 A. So yes, that would be between rate filings.  
11 I'm kind of rusty at explaining this. Between rate  
12 filings. So essentially for us to recover costs for  
13 infrastructure, not changes, that's not the word that I  
14 want to use, I apologize, the words are failing me this  
15 morning, to make repairs to and enhancing infrastructure  
16 within Missouri-American Water. Sorry.

17 Q. That would have been a charge that would be  
18 authorized by the Commission under the company's tariffs  
19 or another order?

20 A. I believe it would be another order because  
21 it's separate from the tariffs.

22 Q. Okay. In any event, it's a charge has that  
23 has to be authorized by the Commission; is that correct?

24 A. That is correct.

25 Q. Okay. All right. So the next thing I wanted

1 to do was look at what I was referring to as customer  
2 service notes, and I don't know if that's accurate. So  
3 you can correct me if that is not how they should be  
4 characterized, but they start at page 121 and they were  
5 marked as Exhibit 106.

6 A. Yes. Customer service notes, that's fine.

7 Q. Okay. And they -- It looks like they start at  
8 the most recent notes and go backward in time?

9 A. That is correct.

10 Q. Okay. And there are some references to  
11 capital I capital P in the notes. Can you tell us what  
12 that is?

13 A. Sure. It's an abbreviation for an installment  
14 plan. So the payment plan that Mr. Scott was on or  
15 could potentially be on. The CSRs will abbreviate it to  
16 IP.

17 Q. Okay. So what do your -- the company's  
18 records say about when Mr. Scott asked the company to  
19 test his meter?

20 A. I apologize, Judge. Just one moment.

21 Q. That's okay. We're happy to wait for you.

22 A. It's been awhile. If I remember correctly,  
23 and that's why I want to look over just to make sure  
24 that I give you the most accurate information, I believe  
25 that he never had specifically asked for a meter test,

1 but I know that we went out and checked his meter.

2 Q. So is that your answer to the question?

3 A. Yes, I do believe that in the records he did  
4 not specifically ask for a meter test.

5 Q. Okay. So have you listened to the phone call  
6 between Mr. Scott and the company's customer service on  
7 July 30, 2019?

8 A. I probably --

9 JUDGE JACOBS: I think that your answer was  
10 broken up. So let's start over. Everyone, if you're  
11 not actively participating, your line should be muted.  
12 So if you're not testifying or speaking to the  
13 Commission, your line should be muted. And Ms.  
14 Figueroa, please continue. You might need the question  
15 restated to help you.

16 BY JUDGE JACOBS:

17 Q. I was asking about whether you had listened to  
18 the July 30, 2019 customer service call between  
19 Mr. Scott and the company that's reflected in these  
20 customer service notes.

21 A. I do believe that I listened to it, Judge,  
22 back in January of 2020. Honestly I don't remember all  
23 the details of that. I would have to refer to what was  
24 written.

25 Q. Okay. Do you remember if he asked for a meter



1 test at that time or what he was asking for, if  
2 anything?

3 A. No, I don't recall him asking for a specific  
4 meter test but for us to come check the meter. So when  
5 a customer asks for us to come check the meter because  
6 they're disputing their bill, they think it's high, we  
7 will go out and we do either a check meter service order  
8 or a high bill leak investigation. Are you able to hear  
9 me? So a meter test, if a customer requests a meter  
10 test specifically, that's actually not scheduled by our  
11 customer service team. It is transferred to our  
12 disputes department. So he did not specifically ask for  
13 that, and an order was just scheduled by the  
14 representative for us to check the meter.

15 Q. Okay. And could you explain the difference  
16 between checking the meter and testing the meter?

17 A. Sure. So we go out to check the meter.  
18 Essentially what the FSR is going to look at, they're  
19 going to, one, verify that the reading is correct or  
20 it's in line with what the periodic reading was for the  
21 bill that the customer is disputing. They are also  
22 going to check to see if the leak indicator on the  
23 meter, which is usually depending on the meter may be  
24 just a little red triangle that spins if water is being  
25 used. They'll check to make sure there's nothing

1 outstanding, they don't see anything possibly like water  
2 or an active leak. If the meter is outside, they will,  
3 you know, look at the outside area but they may not  
4 enter the customer's home. With a meter test, they will  
5 actually change out the meter. So they'll take the  
6 existing meter out of the ground and install a new meter  
7 and they will take the meter back to the meter shop and  
8 perform a test on a meter test bench.

9 Q. Okay. Thank you. Could you take a look at  
10 the customer service notes for July 30, 2019 that are  
11 part of that Exhibit 106. Will you let me know when you  
12 find that?

13 A. Yes. I believe that would be page 138, 137  
14 and 138 maybe into 139.

15 Q. Yes, that sounds correct to me. So you've  
16 located that?

17 A. Yes.

18 Q. It looks like this is a duplicate entry. Can  
19 you explain that?

20 A. So if you see on page 138, it says BPEM Case  
21 1031391697 of type CSR supervisor call back. So  
22 whenever you create a BPEM case, the system will  
23 automatically pull those notes into we call it an  
24 interaction record. A lot of times the CSRs will just  
25 copy and paste. So it will look like a duplicate

1 record. However, it's really just the same record.  
2 It's a system thing. Sometimes they'll write different  
3 things in their BPEM case depending so they'll look a  
4 little bit different. For time management, most of them  
5 just copy paste.

6 Q. Okay. So this entry that starts on page 137  
7 and has a notation of the date July 30, 2019, does that  
8 indicate a single contact with the company?

9 A. Yes. So the next contact would be March 1,  
10 2019.

11 Q. Thank you.

12 A. You're welcome.

13 Q. There is some duplicate language, as you've  
14 just explained, and on the second line of that duplicate  
15 language there's, if you could read that second line for  
16 us and then we'll talk about it.

17 A. Says he requested for somebody to come out and  
18 check the meter. Advised him someone came out on March  
19 7. Is that what you're referring to, Judge?

20 Q. Yes. So when I look back at the customer  
21 service records, I don't find any notation in regard to  
22 March 7 here. Is there a reason for that?

23 A. So that would be -- That would be in the  
24 service order, service order notes. Let me just see  
25 quickly who.

1 Q. So is your answer that any notations about the  
2 3/7 or March 7 event would be in a different set of  
3 records from the company?

4 A. Yes, that would be under service order  
5 comments.

6 Q. Okay. Are you able to tell how whatever that  
7 visit was on March 7 was initiated? Is that indicated  
8 in these customer service notes?

9 A. I would like to see what representative  
10 scheduled it, and then that will help narrow it down.  
11 So it looks like it was done by -- I lost my place. I  
12 apologize. The representative's ID is SLOCKBAM and that  
13 was on February 26, 2019.

14 Q. It appears that there's a customer service  
15 notation that corresponds to that; isn't that right?

16 A. Yes. It starts on page 140 and then continues  
17 on to 141.

18 Q. So would it be your conclusion that based on  
19 the call on February 26 that the customer service  
20 representative scheduled the visit to Mr. Scott's  
21 residence on March 7?

22 A. Yes.

23 Q. Are you able to tell what the purpose of the  
24 visit to the property would have been on March 7?

25 A. So they scheduled a check meter service order.

1 However, the notes as to why they actually scheduled  
2 that order -- they stated that they did a bill charge  
3 explanation, but really most of their notes what they're  
4 saying is talking about payments. So it doesn't say the  
5 specifics of why. However, the service order notes  
6 state customer does not believe that he is using this  
7 much water, wants to be sure that his meter is only for  
8 his side of the duplex and functioning correctly.

9 Q. And then on March 7 when someone from the  
10 company went to look at the meter, can you tell us what  
11 that person did?

12 A. So the notes indicate it says FSR, which  
13 stands for field service representative, found no  
14 movement on the meter and this meter shows no movement  
15 until movement when unit next door uses water. So that  
16 indicates to me that they investigated just to make sure  
17 that the meters weren't switched somehow by using water.  
18 It could have been the outside spicket he used or if the  
19 person was home next door had them turn the water on to  
20 make sure. That's not indicated though, how they  
21 investigated it, if it was with the involvement of the  
22 next door neighbor or through an outside spicket.

23 Q. Can we look again at the July 30, 2019 note?

24 A. Yes.

25 Q. Okay. And then could you just go ahead and

1 read the second and third lines because there's a  
2 reference there to movement.

3 A. Sure. So it says he requested for somebody to  
4 come out and check the meter, advised him someone came  
5 out on March 7 and no movement was found. He says no  
6 one came out and they should have left a notice. I  
7 asked him if and then --

8 Q. That's fine. So what do you understand the  
9 reference to no movement was found? What does that  
10 mean?

11 A. So there was no movement on the meter meaning  
12 the leak indicator was not moving, the dials at the time  
13 were not moving. So the leak indicator, if anything, if  
14 water is flowing at all within the property it's going  
15 to spin, it will move. Depending on if it's -- how fast  
16 it's spinning, the dials on the meter may actually move  
17 as well.

18 Q. When this kind of visit is made, should the  
19 customer expect that the company will schedule that with  
20 them or will the company just do it when it's convenient  
21 to do so?

22 A. It depends. Sometimes customers want to be  
23 involved and want to be there and they will schedule it  
24 with the customer, but usually if they don't want to be  
25 available we'll schedule like the first available

1 appointment and it will be scheduled for a specific day  
2 but it will be an all day time frame.

3 Q. Okay. And the meter at the address that we're  
4 discussing here has, in fact, been removed by the  
5 company and tested, right?

6 A. That is correct, yes.

7 Q. And that took place on August 26 that the  
8 meter was removed?

9 A. I believe so. I'm sorry. The 25th, August  
10 25, 2020.

11 Q. Okay. So if we look at the exhibit, Exhibit  
12 100 which is page 1 of the Company's exhibits, there's  
13 some documents there relating to the removal of the  
14 meter and the test. Could we look at those together?

15 A. Yes.

16 Q. Okay. Let me know when you're there.

17 A. I do have those pulled up, Judge.

18 Q. Thank you. Can you tell us what the top  
19 document is?

20 A. So it's the meter card. When we remove a  
21 meter, they file a card. And then when it's tested  
22 they'll put notes on there that they are holding it for  
23 a test. And I apologize. It says August 26 on the  
24 card. I looked at the date wrong. It is August 26,  
25 Your Honor.

1 Q. So this would indicate the date that the meter  
2 was removed from the Geraldine address?

3 A. Correct. It also gives the make of the meter  
4 which is Neptune, the size. It's a 5/8 inch meter. And  
5 the meter reading when it was pulled out of the ground  
6 which was 450. At the top it will have the meter number  
7 and then the MTU, which the MTU is going to be the  
8 reading device.

9 Q. At this point it's an AMI device; is that  
10 right?

11 A. Currently, yes, it is an AMI device. It was  
12 an AMI device. At that time we had already installed  
13 AMI at Mr. Scott's residence back in --

14 Q. I'm just going to ask you to answer my  
15 questions because I'm just going to cover some things  
16 fairly quickly. It's okay to just give me yes or no if  
17 that answers it. If additional elaboration is required  
18 to explain, you can go ahead and do that as well. Okay?

19 A. Sure.

20 Q. The document on the bottom of the page, can  
21 you tell me what that document is?

22 A. So that's just a witness meter test when a  
23 customer requests to witness the test. It gives the  
24 same information except it will be signed by who  
25 witnessed it. So the first signature is Mr. Scott. The



1 second is Pete Matschner (phonetic spelling) who is the  
2 superintendent in St. Louis County and then the third is  
3 mine, Tracie Figueroa.

4 Q. Thank you. This indicates that that test took  
5 place on September 21, 2020; is that right?

6 A. That is correct.

7 Q. Okay. Thank you. I'm just looking at my  
8 notes to make sure that I've covered everything with  
9 you. Thank you for your patience with me. I believe  
10 the customer service notes indicate some medical forms  
11 were requested or issued to Mr. Scott in mid August  
12 2019; is that correct?

13 A. Yes.

14 Q. And can you tell us if any medical forms were  
15 ever returned by Mr. Scott to the company?

16 A. No, they were not. Typically -- No, they  
17 weren't.

18 Q. And you were tempted there to elaborate. We  
19 would like to entertain that elaboration. So please  
20 feel free.

21 A. Sure. Sorry. Typically we will fax them  
22 straight to the doctor's office just so it's easier for  
23 the customer and then the doctor's office will fax them  
24 back to American Water. However, we did not receive  
25 anything back from Mr. Scott or from his physician.

1 Q. Thank you.

2 A. You're welcome.

3 Q. Okay. So I was hoping that we could locate  
4 the statement among these statements that reflects the  
5 removal of the meter and the installation of a new meter  
6 at Mr. Scott's residence. So if the meter was removed  
7 on August 26, that would be indicated in a statement;  
8 isn't that right?

9 A. Yes. That statement, Judge, it's on page 87,  
10 I believe.

11 Q. And I've also found it myself. So do you want  
12 to tell us the billing date on this statement?

13 A. It is August 19, 2020 to September 17, 2020.

14 Q. That's the service period?

15 A. Yes.

16 Q. Okay. And then if you would like to explain  
17 on page 3 how the statement reflects the removal of the  
18 meter and installation of the new meter?

19 A. Sure. There's two places at the top of the  
20 page under meter reading and usage summary. So you will  
21 see the first line will be the old meter and it informs  
22 us that the meter reading that we obtained is going to  
23 be from August 19, 2020 until August 25, 2020. The read  
24 was 450. So Mr. Scott did not use any water during that  
25 period of time. And then the new meter is from August

1 26, 2020 until September 17, 2020. The previous read it  
2 started at zero because set in the ground at zero. Then  
3 when we obtained the reading on September 17, the  
4 reading was 9. He used 9 gallons -- 9 units of water  
5 for a total of 900 gallons. And then under account  
6 details under the service-related charges portion under  
7 water service charge it's split up. There's no  
8 difference in charge. It's just that the system  
9 generates it that way because it stopped billing one  
10 meter and then started billing another meter.

11 Q. Okay. Thank you very much.

12 A. You're welcome.

13 Q. So when the company removed the meter at Mr.  
14 Scott's residence to test it, was that in response to  
15 Staff's recommendation in this case?

16 A. I believe so.

17 Q. Okay. And does the company train its  
18 employees that the company's tariff entitles customers  
19 to request meter tests?

20 A. They are -- I don't necessarily know if it's  
21 that same verbiage but they are trained, yes, if a  
22 customer requests a meter test that it be sent to the  
23 disputes team so it can be scheduled.

24 Q. Okay. Thank you. And do you have any record  
25 that Mr. Scott's case was sent to the disputes team

1 before at any point before that meter was removed for  
2 testing?

3 A. I believe it was. It looks like it was sent  
4 to our disputes team. However, Mr. Scott had already  
5 filed a PSC complaint. So it was sent over -- sorry. I  
6 apologize. The system sent something over to them  
7 because the meter was tested because it all routes back  
8 to them since they typically handle all meter tests.  
9 Prior to that, it was not sent to our disputes team to  
10 review.

11 Q. Okay. So I just want to ask you if your  
12 explanation for that situation, is it that the company  
13 didn't understand that he was asking for a meter test or  
14 that he really didn't ask for a meter test, he just  
15 thought maybe his neighbor's water was inappropriately  
16 connected to his meter?

17 A. Based on the comments, I would say that he  
18 thought maybe potentially he was being billed for his  
19 neighbor's usage or more than just his usage, but he did  
20 not specifically ask for a meter test.

21 Q. Okay. Then when he calls back in in July and  
22 says I've complained about this and they explain that  
23 someone came to look at the meter again, that wasn't  
24 interpreted as a request for a meter test either?

25 A. No, it's very specific to the CSRs.

1 Q. Meaning very specific as in a request for a  
2 meter test should be very specific before they'll  
3 understand that's what someone is asking for?

4 A. That is correct.

5 JUDGE JACOBS: Okay. Okay. Thank you for  
6 your patience with me this morning. I appreciate your  
7 help. I'm going to see if there are any Commissioner  
8 questions. Of course, the floor is open. If your line  
9 has been muted, \*6 may be necessary to unmute that line  
10 so that you can speak up. Is there any recross for Ms.  
11 Figueroa from Staff?

12 MR. PRINGLE: Yes. Brief, Judge. I  
13 apologize. My dog now is barking at the FedEx man.

14 RECROSS-EXAMINATION BY MR. PRINGLE:

15 Q. Ms. Figueroa, I just want to clarify the  
16 testing check language. When it comes to a meter check,  
17 is that on a separate tariff than a meter test with  
18 Missouri-American Water?

19 A. I don't believe that it's -- No, I don't  
20 believe so.

21 Q. So is there even a meter check guideline in  
22 Missouri-American Water's tariffs?

23 A. I don't believe so, no, sir.

24 Q. All right. And then when the company hears  
25 meter inspection, that is a meter check in the company's

1 view, not a meter test?

2 A. That is correct.

3 Q. And then you are aware Staff's conclusion was  
4 that the company did violate its tariff by not offering  
5 a meter test -- by not conducting a meter test?

6 A. Yes.

7 Q. Then subsequently the company did test Mr.  
8 Scott's meter?

9 A. Yes.

10 Q. And the meter test, it passed, correct?

11 A. Yes.

12 MR. PRINGLE: Nothing further, Ms. Figueroa.  
13 Thank you for your time.

14 JUDGE JACOBS: Okay. Thank you. Is there any  
15 redirect from the Company?

16 MS. HERNANDEZ: No questions. Thank you.

17 JUDGE JACOBS: Thank you very much. Ms.  
18 Figueroa, thank you. As I said before, I would ask that  
19 you stay with us until we're done with our hearing  
20 today. Otherwise, you are excused, however.

21 THE WITNESS: Thank you.

22 JUDGE JACOBS: Thank you. Okay. So this  
23 appears to be a good time to take a break this morning.  
24 So we're going to take a 15-minute break. Let's come  
25 back together at 10:45. We're now off the record until

1 10:45. Thank you very much.

2 (Off the record.)

3 JUDGE JACOBS: It is now 10:45 a.m. Okay. So  
4 we do have our counsel present. It appears we should be  
5 ready to proceed. So we'll go back on the record in our  
6 hearing this morning. This is in WC-2020-0407. We do  
7 have Commissioner Coleman with us on the line, and we  
8 also have Commissioner Kolkmeier. Looks like  
9 Commissioner Holsman may have dropped off unless he has  
10 just rejoined us. So Ms. Hernandez, I am concerned that  
11 Ms. Figueroa's testimony about her position with the  
12 company may have gotten interrupted with our concern  
13 about call-in folks joining the call and maybe some  
14 audio problems we were having. So can we just have Ms.  
15 Figueroa come back for just a minute and we'll do her  
16 testimony about her position with the company again and  
17 then we can move on to Staff's witness. Thanks.

18 MS. HERNANDEZ: Certainly, Judge.

19 JUDGE JACOBS: Thank you. Ms. Figueroa, did  
20 you hear I was just concerned that we perhaps didn't get  
21 all your testimony about your position with the company.  
22 So I'll let Ms. Hernandez ask her questions about that  
23 again. Thank you.

24 REDIRECT EXAMINATION BY MS. HERNANDEZ:

25 Q. Ms. Figueroa, what is your position with the

1 company?

2 A. I'm a business service specialist.

3 Q. How many years have you been employed with  
4 Missouri-American Water Company?

5 A. 3 with Missouri-American and 19 with American  
6 Water.

7 Q. And what are your duties in your current  
8 position with Missouri-American Water Company?

9 A. I handle all incoming complaints either  
10 through the PSC, Attorney General, Better Business  
11 Bureau, governmental escalations, executive leadership  
12 complaints or from the call center.

13 MS. HERNANDEZ: Okay.

14 JUDGE JACOBS: Thank you very much, Ms.  
15 Figueroa and Ms. Hernandez. I appreciate that.

16 THE WITNESS: You're welcome.

17 MS. HERNANDEZ: Certainly.

18 JUDGE JACOBS: We should be able to proceed  
19 now. I believe where we were was with Staff's witness.  
20 So I think I saw -- and I don't know if it's Glasgow?  
21 Is that how Mr. Glasgow's name is pronounced? You can  
22 introduce him.

23 So I understand your witness is Mr. Scott  
24 Glasgow; is that right, Mr. Pringle?

25 MR. PRINGLE: That is correct, Judge.



1 Mr. Glasgow is on camera now.

2 JUDGE JACOBS: Thank you very much.

3 Mr. Glasgow, would you just spell your name for us and  
4 then I'll swear you in?

5 THE WITNESS: It's Scott, S-c-o-t-t, Glasgow,  
6 G-l-a-s-g-o-w.

7 JUDGE JACOBS: Thank you very much, sir. If  
8 you're able, could you raise your right hand, please?

9 (Witness sworn.)

10 JUDGE JACOBS: Thank you very much, Mr.  
11 Glasgow. You may proceed, Mr. Pringle.

12 MR. PRINGLE: Thank you, Judge. Good morning,  
13 Mr. Glasgow.

14 THE WITNESS: Good morning.

15 SCOTT GLASGOW,  
16 called on behalf of Staff, being sworn, testified as  
17 follows:

18 DIRECT EXAMINATION BY MR. PRINGLE:

19 Q. Mr. Glasgow, by whom are you employed and in  
20 what capacity?

21 A. I am employed by the Missouri Public Service  
22 Commission in the customer experience department as a  
23 senior research and data analyst.

24 Q. Thank you, Mr. Glasgow. Are you the same  
25 Scott Glasgow who co-authored the Staff Report in this

1 matter premarked as Staff Exhibit 200C?

2 A. That is correct.

3 Q. Are you also the same Scott Glasgow who  
4 contributed to Staff's supplemental report premarked as  
5 Exhibit 201?

6 A. That is correct.

7 Q. At this time do you have any changes or  
8 corrections to make to either report?

9 A. I do not.

10 Q. Mr. Glasgow, do you have those exhibits in  
11 front of you right now?

12 A. I do.

13 Q. And are Exhibits 200C and 201 true and correct  
14 to the best of your knowledge and belief?

15 A. Yes.

16 Q. And are these exhibits the same or  
17 substantially similar to the reports you co-authored and  
18 contributed to?

19 A. That is correct.

20 MR. PRINGLE: Thank you, Mr. Glasgow. Judge,  
21 at this time I move to enter Staff Exhibits 200C and 201  
22 onto the record. You're muted, Judge.

23 JUDGE JACOBS: First I'm going to unmute  
24 myself, and then I'll just note that any exhibits that  
25 are being offered today that were originally offered and

1 filed in confidential form will remain confidential when  
2 they're marked and filed in EFIS in this case just to  
3 make that clear. I don't think we'll have to use the C  
4 designation because I believe everything will be  
5 confidential. So if you would revise that to offering  
6 200 and 201 we'll be strictly correct there, Mr.  
7 Pringle.

8 MR. PRINGLE: Yes, Judge. At this time Staff  
9 offers Exhibit 200, the Staff Report, and Exhibit 201,  
10 the Staff's Supplemental Report onto the record.

11 JUDGE JACOBS: Thank you. Are there any  
12 objections?

13 MS. HERNANDEZ: No objection, Judge.

14 JUDGE JACOBS: Hearing no objections, Exhibits  
15 200 and 201 will be admitted to the record. Thank you,  
16 Mr. Pringle.

17 MR. PRINGLE: Thank you, Judge.

18 (STAFF'S EXHIBITS 200 AND 201 WERE RECEIVED  
19 INTO EVIDENCE AND MADE A PART OF THIS RECORD.)

20 BY MR. PRINGLE:

21 Q. Mr. Glasgow, what were the allegations that  
22 Mr. Scott alleged against Missouri-American Water?

23 A. Mr. Scott stated that the company kept -- was  
24 overbilling him, his usage wasn't that high based on the  
25 company estimating his bill and that certain payments

1 were not posted to his account.

2 Q. Was there anything about a meter test?

3 A. They did say that there was -- that the  
4 company, and I don't know the specific language, but the  
5 company would not replace his meter, would not give him  
6 explanation, but let me get his complaint out  
7 specifically. Said that Missouri-American Water refused  
8 to replace the meter without giving him a reason.

9 Q. Thank you, Mr. Glasgow. And you participated  
10 in Staff's investigation of Mr. Scott's complaint; is  
11 that correct?

12 A. Yes.

13 Q. What did you review as part of your  
14 investigation?

15 A. Well, first I reviewed his complaint to make  
16 sure I understood what issues he brought up. Then I  
17 talked to Mr. Scott for clarification and sent data  
18 requests to Missouri-American Water concerning those  
19 issues and also sent supplemental data requests to  
20 Missouri-American Water and reviewed all the responses  
21 and filed them in the Staff Report.

22 Q. And is that the typical process that Staff  
23 follows when conducting an investigation?

24 A. Yes, sir.

25 Q. Now, following your review of Mr. Scott's

1 complaint, responses from Missouri-American Water via  
2 data requests, what were Staff's conclusions as to Mr.  
3 Scott's allegations?

4 A. That Missouri-American Water billed Mr. Scott  
5 for actual usage. Each billing statement stated actual  
6 usage that his payments were posted on his statements,  
7 that the payments he made were posted on the statements  
8 and that Staff believes that Mr. Scott requested enough  
9 to have his meter tested and that Missouri-American  
10 Water needed to do that.

11 Q. And to your knowledge, did Missouri-American  
12 Water ever test the meter?

13 A. Yes.

14 Q. What were the results of that meter test?

15 A. That the meter was accurate, the meter was  
16 accurate.

17 Q. And then why did Staff file a supplemental  
18 report in this matter?

19 A. Staff had a couple additional questions  
20 concerning if there were additional phone calls that the  
21 company might have and also that information on meter  
22 testing and if the meter had ever been tested and the  
23 policy required for a customer to have their meter  
24 tested.

25 Q. How, if any, did Staff's Supplemental Report

1 affect Staff's conclusions in its initial report?

2 A. It did not.

3 Q. Besides the Staff's conclusion that the meter  
4 test was not connected, Staff did not find evidence to  
5 sustain any other part of Mr. Scott's allegations?

6 A. That is correct.

7 Q. And what is Staff's position now that the  
8 meter test has been conducted?

9 A. That Mr. Scott has been billed accurately and  
10 that Missouri-American Water has billed him accurately  
11 and that his payments have been posted to his account.

12 Q. What was that last part, Mr. Glasgow?

13 A. That his account is accurate. I'm sorry.

14 MR. PRINGLE: Not a problem, sir. Thank you,  
15 Mr. Glasgow. At this time I have no further questions  
16 and I tender the witness for cross-examination.

17 JUDGE JACOBS: Thank you. Do we have any  
18 cross-examination from the Company?

19 MS. HERNANDEZ: Yes, Your Honor.

20 CROSS-EXAMINATION BY MS. HERNANDEZ:

21 Q. Mr. Glasgow, would you agree with me that the  
22 customer request for a meter check and the customer  
23 request for a meter test are two different things?

24 A. Possibly.

25 Q. What do you mean by possibly?

1           A.    That in this case, for instance, Mr. Scott  
2 requested that someone come out and make sure that he's  
3 not being billed for his neighbor's usage and to check  
4 the meter, and the company did that and in July of 2019  
5 he said his meter was defective and needs to be  
6 replaced. So even though he did not say test, he did  
7 say that his meter was defective and needed to be  
8 replaced. So I think those two things are different.

9           Q.    When you say "two things," you mean the  
10 verbiage meter check and meter test?

11          A.    A check or test, yes. I think you could have  
12 it checked, which the company did in March, but when a  
13 customer says replace and it's defective, I would think  
14 that would warrant a test.

15          Q.    Okay. Are you aware of the cost of a meter  
16 test?

17          A.    I'm not.

18                MS. HERNANDEZ: No further questions. Thank  
19 you.

20                JUDGE JACOBS: Okay. We can now take any  
21 questions that we may have from Commissioners. If you  
22 are on a phone line, you may need to press \*6 in order  
23 to make sure that we can hear you on this end of the  
24 hearing. And I do have some questions on behalf of the  
25 Commission for Mr. Glasgow.

1 QUESTIONS BY JUDGE JACOBS:

2 Q. Sir, are you able to look at the complaint and  
3 the attached documents that Mr. Scott filed in this  
4 case?

5 A. I am.

6 Q. Okay. And did Mr. Scott attach part of a  
7 Staff Report in a different case to his complaint?

8 A. He did.

9 Q. Okay. And could you take a look at that and  
10 tell us what you understand that Staff Report to be  
11 saying about Mr. Scott's water usage?

12 A. What Staff's research was an average resident  
13 of Missouri would use in a day's time and Staff's  
14 research was around 80 gallons a day. And in the  
15 analyzation of Mr. Scott's bills and usage, he was using  
16 under 50 gallons a day. So his usage was below what the  
17 average -- what an average Missouri resident would use  
18 minus irrigation or pools, just regular usage.

19 Q. This was an observation that was made by Staff  
20 in its investigation of a previous complaint that  
21 Mr. Scott had against Missouri-American?

22 A. Yes.

23 Q. So if I understand your testimony, Staff has  
24 listened to a recording of a call that Mr. Scott had  
25 with Missouri-American's customer service; is that



1 right?

2 A. That is correct.

3 Q. Was that the July 30, 2019 call that's  
4 reflected in the customer service notes?

5 A. Yes, ma'am.

6 Q. Okay. And I believe you just told us that  
7 during that call Mr. Scott told the company that he  
8 believed his meter was defective?

9 A. Yes, ma'am.

10 Q. Were those Mr. Scott's words?

11 A. Yes.

12 Q. Okay. Did Staff receive audio of the February  
13 26, 2019 phone call with customer service as well?

14 A. No, ma'am.

15 Q. Okay. So was that audio requested? I think  
16 in the first Staff Report filed in this case there were  
17 some pending requests for audio.

18 A. We requested all phone calls between Mr. Scott  
19 and Missouri-American Water that were on file.

20 Q. Okay. So at no point did the company provide  
21 that February 26, 2019 call?

22 A. To my knowledge, no.

23 Q. Do you know why that might be?

24 A. To my knowledge, the company will keep  
25 recorded phone calls for 12 months and the first formal

1 complaint was in January of 2020. Data requests would  
2 have gone out later that month. I'm not sure they had  
3 record -- kept record of that phone call. It wasn't  
4 provided so.

5 Q. So is it correct that Staff concluded it  
6 wasn't available?

7 A. That is the conclusion Staff came to.

8 Q. Okay. At the time that Staff filed its  
9 initial report in this case, Staff had listened to that  
10 July 30, 2019 phone call?

11 A. Yes, ma'am.

12 Q. Okay. There are some documents attached to  
13 Staff's Supplemental Report filed in this case, right?

14 A. I'm sorry. Will you repeat that, Judge?

15 Q. Sure. There are documents attached to the  
16 Supplemental Report that Staff filed in this case on  
17 November 6, 2020?

18 A. Yes, ma'am, I believe there are.

19 Q. Okay. Could you tell us what those documents  
20 are?

21 A. Bear with me. The first attachment is what is  
22 now I believe Exhibit 100 with the meter test that was  
23 performed on September 21, 2020 and the subsequent  
24 witness card and the results of that test and the second  
25 was the second attachment or maybe that's the only

1 attachment.

2 Q. I'm aware of only one page attached to that.

3 A. Yes, that's the only one.

4 JUDGE JACOBS: Okay. Thank you. I believe  
5 those were the only questions that I have for you at  
6 this time. Once again, if Commissioners have questions,  
7 they can go ahead and speak up. And we can proceed to  
8 any recross from the Company.

9 MS. HERNANDEZ: Yes.

10 RECROSS-EXAMINATION BY MS. HERNANDEZ:

11 Q. Mr. Glasgow, for argument sake if the company  
12 violated its tariff by not testing Mr. Scott's meter,  
13 has it corrected that violation in quotations at this  
14 point?

15 A. That was -- Staff believed so, yes.

16 MS. HERNANDEZ: All right. No further  
17 questions.

18 JUDGE JACOBS: Okay. Is there any redirect by  
19 Mr. Pringle?

20 MR. PRINGLE: No redirect, Judge. Thank you.

21 JUDGE JACOBS: Thank you very much. Thank you  
22 so much for your testimony today, Mr. Glasgow. You are  
23 now excused.

24 THE WITNESS: Thank you, Judge.

25 JUDGE JACOBS: Okay. So where that leaves us

1 is testimony has concluded. I did make my note about  
2 how exhibits will be treated. As I said, if it was  
3 filed initially confidential, it's going to stay that  
4 way. Did anybody have anything else that they would  
5 like to address right now in regard to exhibits? I  
6 think we're pretty straight on those. Those were pretty  
7 easy today. Staff has 200, 201. The Company has 100  
8 through 106, which we went over in detail. I don't  
9 think there are any questions about that. And then the  
10 Commission has a single exhibit which is Mr. Scott's  
11 complaint and attachments.

12 Okay. So is there any party who believes that  
13 it would be necessary to file any briefs in this case?

14 MS. HERNANDEZ: I would like the opportunity  
15 to do so, Judge.

16 JUDGE JACOBS: Okay.

17 MR. PRINGLE: I would just ask that it be  
18 voluntary, Judge.

19 JUDGE JACOBS: Okay. So transcripts should be  
20 available no later than June 7 is my understanding.  
21 That should be 10 business days if I can count. So I  
22 would say the earliest date for transcripts maybe June  
23 21 makes sense. If you're volunteering for transcripts,  
24 you can also volunteer for your due date, I suppose --  
25 I'm sorry, for briefs. Ms. Hernandez?

1 MS. HERNANDEZ: The June 21 date?

2 JUDGE JACOBS: I would just start the  
3 discussion there. That's two weeks after transcripts  
4 are in.

5 MS. HERNANDEZ: I think that should be fine,  
6 Judge.

7 JUDGE JACOBS: Okay. And do we want an  
8 opportunity to reply to briefs as well, parties?

9 MR. PRINGLE: Staff most likely won't be  
10 filing a brief, Judge.

11 JUDGE JACOBS: Okay.

12 MS. HERNANDEZ: I'm assuming -- I don't know  
13 Mr. Scott's involvement at this point. If he would file  
14 something, then I would reply. If not, then probably  
15 not file a reply.

16 JUDGE JACOBS: Two weeks from June 21 is right  
17 after the 4th of July. Would reply briefs July 9 or  
18 12th or 16th, something in there work?

19 MS. HERNANDEZ: Sure, either of those.

20 JUDGE JACOBS: How about the 12th for any  
21 reply?

22 MS. HERNANDEZ: That's fine.

23 JUDGE JACOBS: Mr. Pringle has suggested that  
24 briefs should be optional.

25 MR. PRINGLE: Yes, Judge.

1 JUDGE JACOBS: Yeah. I don't think that  
2 there's any reason why the Commission in this particular  
3 case would insist that all parties file something.

4 Okay. So I'll issue an order that reflects a  
5 June 21 date for initial briefs and July 12 for any  
6 reply briefs. Were there any other matters that we need  
7 to discuss before we close our hearing today?

8 MS. HERNANDEZ: No, thank you, Judge.

9 JUDGE JACOBS: Okay. Thank you, everyone, for  
10 being here with us today, and I hope you all enjoy the  
11 rest of your Friday and the weekend. We are now off the  
12 record.

13 MR. PRINGLE: Thank you, Judge.

14 MS. HERNANDEZ: Thank you.

15 (Off the record.)  
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CERTIFICATE OF REPORTER

I, Beverly Jean Bentch, RPR, CCR No. 640, Certified Court Reporter with the firm of Tiger Court Reporting, LLC, within the State of Missouri, do hereby certify that I was personally present at the proceedings had in the above-entitled cause at the time and place set forth in the caption sheet thereof; that I then and there took down in Stenotype the proceedings had; and that the foregoing is a full, true and correct transcript of such Stenotype notes so made at such time and place.

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