

In the Matter of:

**WILLIE J. HARRIS, JR.**

v.

**MISSOURI-AMERICAN WATER COMPANY**

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**WC-2021-0129, VOL. V**

*May 05, 2021*

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BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

HEARING VIA WEBEX

MAY 5, 2021

JEFFERSON CITY, MISSOURI

Volume 5

Willie J. Harris, Jr.            )  
Complainant,                    )  
v.                                 ) File No. WC-2021-0129  
Missouri-American               )  
Water Company,                 )  
Respondent.                     )

JANA C. JACOBS, Presiding

REGULATORY LAW JUDGE

REPORTED BY:

Cynthia P. Lakin, CCR No. 323

TIGER COURT REPORTING

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

2   FOR THE COMPANY:

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8

9   FOR THE COMMISSION:

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14

15   ALSO PRESENT:

16   Willie J. Harris, Jr.           Debbie Bernsen

17   Cherlyn Voss                   David Roos

18   Dianna Vaught                 Tracie Figueroa

19   Holly Burton-Aro

20   Tim Luft

21   Nancy Dippell

22   Kristy Manning

23   Suzie Mankin

24   Mark Johnson

25   Kim Burton

P R O C E E D I N G S

1  
2 JUDGE JACOBS: So it is now 1:00 PM.  
3 We will go back on the record in our hearing  
4 in this case, which is WC-2021-0129. This  
5 concerns Mr. Willie Harris, Junior's  
6 complaint against Missouri-American Water  
7 Company.

8 When we ended our session  
9 earlier today we were wrapping up  
10 Miss Bernsen's testimony, and I see that  
11 Miss Bernsen is with us again. I think where  
12 we left off was we were getting ready for  
13 Miss Bretz to do any redirect that she may  
14 have for Staff.

15 Did anyone have anything they  
16 wanted to discuss before we proceed with  
17 Miss Bernsen's testimony?

18 MS. BRETZ: Judge, maybe one quick  
19 thing. We may ask Miss Bernsen to read from  
20 customer service notes, and if it would be  
21 helpful to the Commission and the other  
22 parties I can provide a copy of those notes  
23 right now.

24 JUDGE JACOBS: I think that makes  
25 the most sense, please.

1 MS. BRETZ: Okay. And then the next  
2 thing -- sorry, this is getting complicated.  
3 The customer service notes, there is about  
4 14 pages of them, and she is going to read  
5 from two pages of them.

6 Would you like me to e-mail the  
7 complete or just the two pages that she's  
8 going to read from?

9 JUDGE JACOBS: Well, this is what  
10 I'm going to say. I'm going to say give us  
11 the 14 pages, and I would like Miss Bernsen  
12 to remain available at least for the rest of  
13 the day in case after people have a chance to  
14 look at those we have additional questions  
15 based on what we see there.

16 MS. BRETZ: Okay. So I will e-mail  
17 that right now to everybody.

18 JUDGE JACOBS: Mr. Harris, I  
19 remember from yesterday you were using  
20 another device to review e-mail during the  
21 hearing. So I'm assuming that today you'll  
22 be able to receive e-mail to look at  
23 documents; is that right?

24 And I need you to -- I just  
25 unmuted you, so if you want to make sure

1 you're unmuted and then answer my question.

2 MR. HARRIS: Okay.

3 JUDGE JACOBS: Sir, will you be able  
4 to access e-mail today?

5 MR. HARRIS: Yes, I can.

6 JUDGE JACOBS: Thank you very much.  
7 So Miss Bretz is sending some documents, and  
8 it looks like I have already received an  
9 e-mail, so you'll want to check your e-mail.

10 So my e-mail that I received  
11 has a red locking symbol over the PDF, and so  
12 for some reason my e-mail is not letting me  
13 retrieve that.

14 MR. HARRIS: That's the same way  
15 with me.

16 JUDGE JACOBS: Okay.

17 MS. BRETZ: I think -- I take this  
18 off EFIS. The two-page version I printed  
19 out, it might be easier to read. Maybe I  
20 could send the two-page version now.

21 JUDGE JACOBS: Yes, let's do that;  
22 let's do that.

23 MS. BRETZ: And then at a break I'll  
24 send the full.

25 JUDGE JACOBS: I have now received

1 that e-mail message and I was able to open  
2 the PDF attachment, which is two pages.

3 MR. HARRIS: I still can't get  
4 anything.

5 JUDGE JACOBS: Okay. Did you  
6 receive a second e-mail message, sir?

7 MR. HARRIS: No.

8 JUDGE JACOBS: Okay. Then you need  
9 to wait until that second e-mail message  
10 comes in.

11 MS. HERNANDEZ: I just received it  
12 as well, and I can open it.

13 MR. HARRIS: I've got it now.

14 JUDGE JACOBS: I am also sharing my  
15 screen, if that is helpful in this process.

16 So Miss Bretz, were you  
17 planning to ask some questions of  
18 Miss Bernsen based on these two pages?

19 MS. BRETZ: Yes, yes.

20 JUDGE JACOBS: Okay.

21 MS. BRETZ: And I would like to  
22 note, too, that Missouri-American has marked  
23 these as confidential, so at the point that  
24 we get to my questions about this e-mail, the  
25 CR response, I would ask that we go in

1 camera.

2 JUDGE JACOBS: Okay. I think that  
3 they -- the Company pretty much marks  
4 everything confidential, right?

5 MS. BRETZ: Yes.

6 JUDGE JACOBS: Okay.

7 MS. BRETZ: These are customer  
8 service notes about Mr. Harris's account.

9 JUDGE JACOBS: Yes. So let's talk  
10 to Mr. Harris about these documents first and  
11 then we'll decide if there is something on  
12 here that would require us to keep it  
13 confidential.

14 Mr. Harris, were you able to  
15 get the e-mail? You're on mute, sir, so I  
16 won't being be able to hear you.

17 MR. HARRIS: Yes, I got it. It's on  
18 my cell phone, yes.

19 JUDGE JACOBS: Okay. So the e-mail  
20 that was sent with two pages of material, so  
21 have you had a chance to look at that or do  
22 you need some more time?

23 MR. HARRIS: No, I'm looking at it.

24 JUDGE JACOBS: So when I reviewed  
25 this, these documents, I don't see an address



1 indicated here. I'm seeing account numbers,  
2 I see some phone numbers, but Mr. Willis had  
3 previously -- I'm sorry, Mr. Harris had  
4 previously told us he was not concerned about  
5 maintaining the confidentiality of his phone  
6 numbers.

7                   So I'm not seeing anything else  
8 on here that would require confidentiality  
9 unless, Mr. Harris, there is something here  
10 that you're concerned about.

11                   MR. HARRIS: No.

12                   JUDGE JACOBS: Okay. So then I  
13 think that it wouldn't be necessary to go in  
14 camera unless, of course, the Company or  
15 Staff has something additional that they want  
16 to point out here that we should be concerned  
17 about.

18                   MS. BRETZ: Staff has nothing else.

19                   JUDGE JACOBS: And Miss Hernandez?

20                   MS. HERNANDEZ: No, Judge. We had  
21 the responsibility to maintain  
22 confidentiality of the customer's  
23 information, but ultimately it's the  
24 customer's information and if he has no  
25 problem with it being public than neither

1 will we.

2 JUDGE JACOBS: Okay. Thank you very  
3 much.

4 So Miss Bretz, did you want to  
5 proceed to ask questions about these two  
6 pages at this point?

7 MS. BRETZ: I'm going to leave that  
8 towards the end of my redirect.

9 JUDGE JACOBS: Okay.

10 MS. BRETZ: I have just a little bit  
11 before then.

12 JUDGE JACOBS: Okay.

13 REDIRECT EXAMINATION

14 QUESTIONS BY MS. BRETZ:

15 Q. Good afternoon, Miss Bernsen.

16 JUDGE JACOBS: Miss Bernsen is still  
17 muted so we'll get her unmuted and we can get  
18 going.

19 THE WITNESS: Right, I'm sorry.

20 MS. BRETZ: No, that's fine, thanks.

21 Miss Bernsen, Judge Jacobs  
22 asked you about possible causes of high --  
23 possible reasons to explain the high usage.  
24 Is theft of service a possible cause of high  
25 usage?

1 THE WITNESS: I think in these kinds  
2 of cases I think you have to consider a broad  
3 range of things that could happen. And  
4 obviously that's something that shouldn't be  
5 ruled out, should at least be considered and  
6 looked into.

7 BY MS. BRETZ:

8 Q. Thank you. You said also that you  
9 typically ask for three years of past  
10 billing. In this case you got between four  
11 and five years of past billing. You got  
12 billing going back to February of 2015?

13 A. Yes.

14 Q. February of 2015. Is there any  
15 reason why you don't ask for more billing  
16 than what you have here?

17 A. As I said, we typically look at at  
18 least three years. In this case I went a  
19 little farther because it's quarterly  
20 billing, and also the residents were not  
21 always there, or most of the time were not  
22 there, so I wanted to get a little bit more.

23 It sometimes is not very useful  
24 to go eight- to ten-year's worth of billings  
25 to look at usage as situations can change

1 within a family. A number of things could  
2 just change their habits, and that helps  
3 define what usage is. So the three- to  
4 five-year span seemed to be a good -- give me  
5 a good representation.

6 Q. Okay. Thank you. How long have you  
7 worked at the PSC?

8 A. I don't remember exactly, but it's  
9 over 30 years. I started here as a graduate  
10 school intern.

11 Q. How many meter testings do you think  
12 you've been involved in during that time?

13 A. When I started with the Commission I  
14 was a consumer services person in the  
15 St. Louis office. So part of my  
16 responsibilities included occasionally  
17 witnessing a meter test because we didn't  
18 have anyone with a technical knowledge in  
19 St. Louis, so I would have to do it. And it  
20 was for all types of utilities, including  
21 electric, and gas, and water.

22 I really -- that was a long  
23 time ago. I don't remember, I can't tell you  
24 how many I've done. I have done less of them  
25 in the last probably ten to 15 years.

1                   I think I've done one in the  
2 last year or two that was on a formal  
3 complaint, but I was accompanied by a member  
4 of the water service staff, one of the  
5 engineers. So I'm not an expert on them, but  
6 at least I have served as a witness in the  
7 past.

8           Q. Would you guess it's been more than  
9 a hundred?

10          A. Oh, gosh, no, certainly not in the  
11 water area.

12          Q. Okay. You said earlier that in your  
13 experience as -- if a meter is going to run  
14 incorrectly the meter will run slowly, right?

15          A. I believe for my understanding of  
16 how a meter works, which is certainly not  
17 from an engineering standpoint, but it  
18 always -- I was always told by the folks that  
19 did know that meters characteristically would  
20 slow down as opposed to speed up.

21                   The gears and things were such  
22 that it would slow down maybe from corrosion,  
23 things of that nature. So that's my very  
24 simplistic understanding of it.

25          Q. Have you ever seen a meter read more

1 quickly than it should have?

2 A. No, I haven't. As I said, I don't  
3 do that many meter tests anymore, but I have  
4 never seen one that read over.

5 Q. Thanks. I would like to direct you  
6 to Staff Exhibit 103, which is the billing  
7 for the -- well, two billings.

8 JUDGE JACOBS: Are these the  
9 documents, the statements with the billing  
10 date October 8, 2020, and the billing date  
11 August 6, 2019?

12 MS. BRETZ: Yes. I would direct the  
13 Commission and Miss Bernsen to the second  
14 one, the billing date August 6th, 2019.

15 JUDGE JACOBS: And if it's helpful  
16 it looks like that was page 28 of the  
17 documents that Staff attached to its exhibit  
18 disclosure. Is that right, Miss Bretz?

19 MS. BRETZ: Yes.

20 Judge Jacobs asked you earlier  
21 about Mr. Harris's first contact after he  
22 received this high bill. Do you recall that,  
23 Miss Bernsen?

24 THE WITNESS: Yes, I believe the  
25 Judge did ask me about that.

1 BY MS. BRETZ:

2 Q. And is this the first high billing  
3 after -- well, this is that high billing,  
4 isn't it?

5 A. Yes. This bill was for a period of  
6 May 3rd through August 1st of 2019.

7 Q. And then when was the bill mailed  
8 out?

9 A. Bills always include a billing date,  
10 and normally the bills are mailed out the day  
11 of that billing date or the day after.  
12 Customers typically get those bills within  
13 two to three days at the most.

14 Q. And the --

15 A. And the billing date -- I'm sorry,  
16 go ahead.

17 Q. So Mr. Harris would have received  
18 that bill, I didn't look at when the weekend  
19 falls, but August 8th or 9th possibly?

20 A. That's what my guess would be from  
21 that billing date, and I believe our mail  
22 service was a little faster back then.

23 Q. Okay. And then I would direct the  
24 Commission, the parties to that two pages  
25 that I just e-mailed to everybody.

1                   Did you go through,  
2 Miss Bernsen, the customer service notes to  
3 see -- to look at the contact that Mr. Harris  
4 had with Missouri-American?

5           A. Yes, I did.

6           Q. And so what was the first contact  
7 that Mr. Harris had with Missouri-American  
8 after he received this high bill; when was  
9 that?

10          A. The contact that I had of course  
11 came out of the document that you're  
12 referring to, the Response to Data Request  
13 No. 3, and this contact showed at 9-20-2019,  
14 and it showed a time, 17:51. They use  
15 military time on it.

16          Q. Okay. And according to the account  
17 notes we received this is the first contact  
18 that Mr. Harris had with Missouri-American  
19 after he got the \$1,800 bill; is that  
20 correct?

21          A. That's true. That's what I found,  
22 at least what I was provided in the response  
23 to asking for all the account notes. So  
24 based upon this that's what I believe was the  
25 first time.



1 Q. So Mr. Harris waited over a month  
2 after receiving this bill before he contacted  
3 Missouri-American, according to this?

4 A. According to the information I was  
5 provided, yes.

6 Q. Could you read aloud the paragraph  
7 after it says, "Notes"?

8 A. And the first name I'll be saying is  
9 I think the customer service rep's name that  
10 took this call, if that helps.

11 Q. Sure.

12 A. "Britt took call. Customer has an  
13 extremely high water bill. No AMI. Customer  
14 does not believe that he has a leak. Tried  
15 for several minutes to do the high bill  
16 script and customer continued ranting that it  
17 is impossible for that amount of water to be  
18 used.

19 "Customer thinks that AWW made  
20 these prices up in order for us to get into  
21 the property to change his meter, at which  
22 time I advised customer that this was not  
23 the case in any means."

24 Q. Could you keep going a bit too,  
25 please?

1           A. "Tried to schedule an ILK. Customer  
2 is not happy with the timeframes. Customer  
3 became even more upset when I could not  
4 provide him my personal direct line.

5                         "Customer has an extremely high  
6 bill. No AMI. Went through high bill  
7 script. Please check meter for movement for  
8 possible service line leak and drop off  
9 paperwork." And the last line is, "Approved  
10 by Brittany."

11           Q. Thank you. Do you know what an ILK  
12 is?

13           A. You know, I think it's a category --  
14 an acronym that the Company uses. I see it  
15 throughout some of their notes, and it's  
16 usually like a service order.

17                         And of course the witness from  
18 Missouri-American Water might be able to give  
19 a better definition. But it seems like every  
20 time I see that it looks like they're trying  
21 to schedule a visit to a premises.

22           Q. All right. Thank you.

23                         Judge, I would ask this to be  
24 admitted as Staff Exhibit 111.

25                         JUDGE JACOBS: These two pages have

1 been offered into evidence as Staff's  
2 Exhibit 111. Are there any objections?

3 MS. HERNANDEZ: No objection.

4 JUDGE JACOBS: Okay. This -- I'm  
5 sorry, I apologize. I was distracted by  
6 something else happening on the screen. This  
7 exhibit will be admitted as Exhibit 111. And  
8 if you'll just give me a moment.

9 Forgive me, I'm having some  
10 technical problems, and rushing to solve it  
11 is actually making it worse. I apologize.  
12 Give me one more minute. Thank you.

13 (A brief recess was taken.)

14 JUDGE JACOBS: Okay. Thank you for  
15 your patience with me. I believe where we  
16 are is we admitted for the record Staff  
17 Exhibit 111, which is the two pages  
18 Miss Bretz had e-mailed to everyone.

19 And Miss Bretz, did you have  
20 additional recross for Miss Bernsen?

21 MS. BRETZ: That's all my recross.

22 I should have brought this up  
23 earlier. Over the break I e-mailed the  
24 parties the entire DR response, DR-10, which  
25 would prospectively be Exhibit 108.

1 JUDGE JACOBS: Right. And that was  
2 also provided with Mr. Harris as well, right?

3 MS. BRETZ: Yes.

4 JUDGE JACOBS: Okay. Let's see, so  
5 here is the document, is this the document  
6 that you're talking about, Miss Bretz, that  
7 I'm sharing?

8 MS. BRETZ: Yes.

9 JUDGE JACOBS: Okay. So it appears  
10 that this is the response to request to  
11 information from the Company, and it's  
12 reciting a service call and then a visit to  
13 the house essentially.

14 MS. BRETZ: Yes.

15 JUDGE JACOBS: Okay. And this was  
16 supposed to have been attached in the Staff's  
17 exhibit disclosure and it just got missed,  
18 right?

19 MS. BRETZ: Right, I included the  
20 wrong sheet.

21 JUDGE JACOBS: And this is supposed  
22 to be 108, then?

23 MS. BRETZ: Yes.

24 JUDGE JACOBS: Okay. And  
25 Mr. Harris, you should have received this

1 document in your e-mail today over the break.

2 MR. HARRIS: Yes, I have it.

3 JUDGE JACOBS: All right. So  
4 Miss Bretz, you're offering this as 108 now?

5 MS. BRETZ: Yes.

6 JUDGE JACOBS: Okay. Any objections  
7 to this document being admitted into the  
8 record?

9 MR. HARRIS: No.

10 MS. HERNANDEZ: No objection.

11 JUDGE JACOBS: Hearing no objection  
12 that document will be admitted as  
13 Exhibit 108.

14 All right. So you indicated  
15 you didn't have any additional questions for  
16 Miss Bernsen. There was a possible -- you  
17 were going to provide essentially the  
18 14 pages of customer contacts at some point.

19 MS. BRETZ: Yes, I'll do that at the  
20 break. I'll print it out and scan it and  
21 then e-mail it.

22 JUDGE JACOBS: Okay. Okay. Then I  
23 believe we are ready to move on with  
24 Mr. Roos.

25 And Miss Bernsen, because there

1 could be questions based on those customer  
2 contacts please remain available for any  
3 follow-up questions.

4 THE WITNESS: I will.

5 JUDGE JACOBS: I appreciate your  
6 testimony today, ma'am. Thank you very much.

7 MS. BRETZ: Next Staff calls David  
8 Roos. Mr. Roos, are you there?

9 MR. ROO: I'm here.

10 MS. BRETZ: Okay. Thank you.

11 JUDGE JACOBS: Okay. Mr. Roos, it  
12 appears that we can see you and we can hear  
13 you. Could you raise your right hand for us,  
14 please?

15 DAVID ROOS,  
16 of lawful age, being first duly sworn to tell  
17 the truth, the whole truth, and nothing but the  
18 truth, testifies as follows:

19 JUDGE JACOBS: Thank you very much.

20 And I'm sure that Miss Bretz  
21 would ask you, but if you could state and  
22 spell your name for the record and then  
23 Miss Bretz can take over.

24 THE WITNESS: David Roos, R-O-O-S.

25 JUDGE JACOBS: Thank you very much.

1                   You may proceed Miss Bretz.

2 Thank you.

3                   MS. BRETZ: Thank you.

4                   DIRECT EXAMINATION

5 QUESTIONS BY MS. BRETZ:

6                   MS. BRETZ: I would like to say at  
7 the onset I mistakenly said in my opening  
8 statement that Mr. Roos is a professional  
9 engineer. He's an engineer, but he's not a  
10 professional engineer.

11                   Mr. Roos, where are you  
12 employed and what's your position?

13                   THE WITNESS: I'm an associate  
14 engineer with the Missouri Public Service  
15 Commission.

16 BY MS. BRETZ:

17                   Q. Are you the same David Roos that  
18 contributed to Staff's report, which has been  
19 numbered Exhibit 101?

20                   A. I am.

21                   Q. Do you have any changes to your part  
22 of the report?

23                   A. Yes, I have one correction.

24                   Q. And what is that?

25                   A. On page seven of the report in the

1 customer section, second paragraph, strike  
2 the word Peabody and insert the word Neptune.

3 Q. Everyone sees that okay?

4 A. Okay.

5 Q. Okay.

6 JUDGE JACOBS: I was able to find  
7 that mention. I guess it's on page seven,  
8 you said, under customer meter in the second  
9 paragraph; is that right?

10 THE WITNESS: Correct.

11 JUDGE JACOBS: Okay.

12 BY MS. BRETZ:

13 Q. Does that come up anywhere else in  
14 the report?

15 A. It does not.

16 Q. You have any other changes to your  
17 report?

18 A. No.

19 Q. Is your part of the report true and  
20 correct to the best of your belief and  
21 knowledge?

22 A. Yes.

23 Q. So Exhibit 101 has already been  
24 entered into evidence.

25 At this time if it's okay,



1 Judge, I'd like to go over Mr. Roos's two  
2 exhibits, which is the photograph that was  
3 entered yesterday as Exhibit 100, and then  
4 also to briefly go through his spreadsheets,  
5 which are pages 22 through 24 in Staff's  
6 exhibits that have been filed.

7 JUDGE JACOBS: Okay. So what are  
8 you going to start with? If you're going to  
9 talk about that image I'd like to share it on  
10 the screen. If you're going to start with  
11 the spreadsheets then I won't do that yet.

12 MS. BRETZ: Let's go through the  
13 pictures first.

14 JUDGE JACOBS: Okay.

15 BY MS. BRETZ:

16 Q. Mr. Harris (sic), can you tell when  
17 the picture was taken?

18 A. Is that a question for me?

19 Q. Yes. Mr. Roos, can you tell when  
20 the picture was taken?

21 A. No, I can't.

22 Q. Could you determine that if you had  
23 the opportunity?

24 A. I believe I could. I would have to  
25 go through Google Earth and it would take me

1 some time to do that. I'm not proficient in  
2 Google Earth.

3 Q. And what is -- what can you tell  
4 from that picture speaking generally?

5 A. Okay. So Mr. Harris's house is  
6 noted with the little red balloon in his  
7 address. And as he has previously described,  
8 it's sort of a trapezoidal shape with a  
9 little bit cut out at the back.

10 As far as elevation, the house  
11 to the left of Mr. Harris is at a higher  
12 elevation than the houses to the right.

13 JUDGE JACOBS: Mr. Roos, how are you  
14 able to tell the elevation difference, sir?

15 THE WITNESS: Through street view.  
16 If you look briefly at the --

17 JUDGE JACOBS: Okay. So we have  
18 actually -- we're using just this still  
19 image.

20 THE WITNESS: Okay.

21 JUDGE JACOBS: So please respond to  
22 the question in regard to this image.

23 THE WITNESS: Mr. Harris's --  
24 Mr. Harris's people testified to that fact.

25 \*\*\*\*\*

1 BY MS. BRETZ:

2 Q. I'll ask you some questions about  
3 that in a moment.

4 A. Okay.

5 Q. But what else do you see in this  
6 picture, the big picture?

7 A. I see a swimming pool in a backyard  
8 two houses down from Mr. Harris's house.

9 Q. Can you tell anything else about the  
10 vegetation there?

11 A. Sure. It looks greener than  
12 Mr. Harris's yard. In fact both of the yards  
13 look greener. And if you look along the  
14 property line between Mr. Harris's house and  
15 the house to the right of him you can see  
16 that there is a green patch going to the road  
17 that isn't really on Mr. Harris's property  
18 but is just adjacent to his property.

19 Q. And if you look to the smaller map  
20 to the top left is that the street view?

21 A. That is the street view, yes.

22 Q. What can you tell from that?

23 A. The white house is first of all at a  
24 higher elevation than Mr. Harris's house, and  
25 secondly the house, the white house in that

1 photo has looks like a very well watered and  
2 fertilized front yard.

3 Q. So do these pictures in the whole  
4 tell you anything about the possibility that  
5 a neighbor -- possibility that Mr. Harris was  
6 the victim of water theft?

7 A. I think it's a possibility. I think  
8 this sort of shows a motive for filling  
9 swimming pools and for watering grass.

10 Q. Okay. Thank you. I'd ask you to  
11 next turn to your two spreadsheets, which are  
12 numbered 22 through 24 in our filed exhibits.

13 A. Okay.

14 Q. And you compared these spreadsheets  
15 based on information you received from  
16 Missouri-American; is that correct?

17 A. There's two sources for  
18 Missouri-American, and also on a later  
19 exhibit Mr. Harris.

20 Q. Could you please walk us through  
21 your tables, and then when you get to the  
22 information from Mr. Harris be sure to point  
23 that out?

24 A. Sure. So the first, first table  
25 I've got just is labeled Staff Exhibit XX.

1 It's Missouri-American's response to Staff  
2 DR-6, and this is meter reading data. What  
3 this is is a summary of the, of the data that  
4 was given us in DR-006. I put it into an  
5 Excel spreadsheet.

6 There is also meter reading  
7 codes and MR types. I provided the types  
8 that were pertinent to this case that are  
9 shown up above in the table.

10 Q. And then what's the next sheet?

11 A. The next sheet is a calculation  
12 worksheet. It shows how I calculated usage  
13 in gallons, and then a gallons per day and a  
14 gallons per minute for the two periods of  
15 high water flow.

16 Q. And then the third sheet?

17 A. The third sheet is a series of  
18 tables. The first table is really a reprint  
19 of the data from the last two exhibits in a  
20 table format. The second, second table  
21 showed the customer usage and billing,  
22 billing units. I also have a billing total  
23 by year.

24 At the bottom it shows that the  
25 -- during occupancy, average use during

1 occupancy excluding outliers was about 2.7  
2 billing units. The next table is the same  
3 customer usage. This is I converted it to  
4 gallons, and we have a yearly total, and then  
5 an average of during occupancy of  
6 1,995 gallons, and that's the average use  
7 during occupancy excluding the outliers.

8 Final table is a comparison  
9 between Mr. Harris's photographs he provided  
10 and Missouri-American's meter readings for  
11 the dates listed. And then I do a simple  
12 subtraction to come up with a usage, and then  
13 showing it in billing units.

14 Q. Thank you.

15 Judge, I would ask this to be  
16 admitted as Staff Exhibit 102.

17 JUDGE JACOBS: Staff Exhibit 102,  
18 which is Mr. Roos's spreadsheets, have been  
19 offered in evidence. Are there any  
20 objections?

21 MS. HERNANDEZ: No objection.

22 JUDGE JACOBS: Mr. Harris?

23 Hearing no objection exhibit --  
24 and what number, I'm sorry, did you say was  
25 that going to be, 112? No, you skipped it,

1 you reserved that number. So 102?

2 MS. BRETZ: Yes.

3 JUDGE JACOBS: Exhibit 102 will be  
4 admitted into the record.

5 MS. BRETZ: That's all we have now,  
6 and I tender the witness for cross-examination.

7 JUDGE JACOBS: Are there any  
8 questions for Mr. Roos from the Company?

9 MS. HERNANDEZ: Yes, I have a few,  
10 Your Honor.

11 CROSS-EXAMINATION

12 QUESTIONS BY MS. HERNANDEZ:

13 Q. Were you present earlier when Miss  
14 -- well, before the break when Miss Bernsen  
15 was testifying as to I asked her a couple  
16 questions about if a meter was to run slower  
17 or faster if it malfunctions?

18 A. Yes.

19 Q. Okay. And I believe she said that  
20 you might have more knowledge on that so I'm  
21 going to ask you the question. If a meter  
22 was to malfunction in your experience would  
23 it run slower or faster?

24 A. It would run slower.

25 Q. Okay. And if it runs slower is that

1 to the benefit of the customer or the  
2 Company?

3 A. The customer.

4 Q. And in your experience would a meter  
5 malfunction and then self-correct without  
6 some type of maintenance to that meter?

7 A. That would be highly improbable.

8 Q. Okay. I think that's all the  
9 questions I have. Thank you.

10 JUDGE JACOBS: Mr. Harris, do you  
11 have any questions for Mr. Roos?

12 MR. HARRIS: Yes.

13 CROSS-EXAMINATION

14 QUESTIONS BY MR. HARRIS:

15 Q. Why did you Google the house that  
16 had the swimming pool in it?

17 A. I started out Googling your  
18 property and I was looking up the location of  
19 the house and see if I could see any type of  
20 water damage or anything like that from the  
21 outside.

22 First I entered your address,  
23 found it in Google Maps, and then switched to  
24 satellite view. I had to then increase the  
25 -- I had to magnify the image, get closer to



1 your house to see it. And as I zoomed into  
2 your house I saw your neighbor's swimming  
3 pool.

4 Q. Okay. But now if water was running  
5 from the upper level of my property compared  
6 to the level of the swimming pool, which is  
7 two yards or three yards down, wouldn't my  
8 particular grass be greener than the grass  
9 that appears in my yard?

10 A. Well, it depends on how that water  
11 was conveyed to those other properties.

12 Q. But it still would be running  
13 downhill; is that correct?

14 A. It could be running downhill in a  
15 garden hose.

16 Q. But now a pool of that size would  
17 not even accommodate 342,000 gallons. It  
18 would only accommodate anywhere from about  
19 five to 2,000 gallons period.

20 A. I would looking at it thinking it  
21 might hold about 10,000 gallons. But that's  
22 not really, you know, the volume of the pool  
23 isn't so much the issue. I've had an  
24 above-ground pool for a while. And first  
25 there is filling the pool and then there's

1 keeping it clean to swim in it. And the easy  
2 way to do that is dump the water out  
3 periodically and fill it up with tap water.

4 Q. But that's pure speculation, isn't it?

5 A. Well, I'm telling you how I have  
6 used water with a swimming pool.

7 Q. But isn't that personal, that's the  
8 way you do it, right?

9 A. It's my personal experience.

10 Q. Right.

11 A. Very easy to put the garden hose  
12 into the pool and let it run.

13 Q. But we're talking about  
14 342,000 gallons of water.

15 A. Sure, we're talking 300 --

16 JUDGE JACOBS: So gentleman, we're  
17 not going to engage in a back and forth  
18 debate. Mr. Harris, did you have any  
19 additional questions to ask Mr. Roos?

20 MR. HARRIS: Well, no, I guess not.

21 JUDGE JACOBS: You're certainly  
22 entitled to ask your questions, and Mr. Roos  
23 can answer your questions and nothing more,  
24 and Mr. Harris can ask additional questions.

25 So Mr. Harris, did you have any

1 other questions, sir?

2 MR. HARRIS: No.

3 JUDGE JACOBS: Okay. The floor is  
4 always open to hear from Commissioners if  
5 Commissioners would like to ask questions of  
6 Mr. Roos.

7 EXAMINATION

8 QUESTIONS BY JUDGE JACOBS:

9 Q. Mr. Roos, Mr. Harris asked you why  
10 you were Googling the property. I would like  
11 to ask you when you Googled the property to  
12 produce the picture that has been shared now  
13 and included in the record in this case?

14 A. Okay. That particular screen shot,  
15 I Googled it yesterday.

16 Q. Is there a reason that that  
17 information is not included in Staff's report  
18 in this case?

19 A. We had some internal discussions  
20 about the -- first of all, it is a very large  
21 volume of water, and where did this water go.  
22 And we left in the report that Staff doesn't  
23 know. I originally Googled this,  
24 Mr. Harris's house, looking for location  
25 thinking that I might visit the house. So

1 I've Googled it several time over the last  
2 few months.

3 Q. And so why wasn't it included in  
4 Staff's report?

5 A. We didn't want to over speculate on  
6 what might have happened to the water.

7 Q. And is that because you don't know  
8 when that picture was generated?

9 A. That's part of it, yes.

10 Q. So if you thought it was useful  
11 potentially in this case, is there a reason  
12 why you didn't try to figure out exactly when  
13 that picture was generated?

14 A. I didn't think it was necessary.

15 Q. Is there a reason why you did not  
16 visit the Garham Drive house?

17 A. Yes. Originally in the initial  
18 filing in this case the complaint sounded  
19 more like a billing complaint than anything  
20 technical about a water meter. The initial  
21 complaint only referenced the first spike of  
22 water that occurred about a year and five  
23 months before the filing of the formal  
24 complaint.

25 So there didn't seem to be --

1 based on that information there didn't seem  
2 much reason to go out there and look at  
3 something that happened a year and five  
4 months ago. It wasn't only until later that  
5 we got the information that there was a  
6 second spike that occurred later.

7           Also Missouri-American had  
8 disconnected the water and there wasn't  
9 anybody living there at the time. So also  
10 the seasons had changed by that time, we're  
11 probably talking about December or so, and I  
12 think any real physical evidence would be  
13 sort of changed over by winter weather.

14           In addition there we were  
15 spiking with the COVID virus, that sort of  
16 entered into my decision making as well.

17           Q. When you look at that image it seems  
18 that you have concluded that what you can see  
19 in the yard is in fact a swimming pool.

20           A. Correct.

21           Q. Do you know it is a swimming pool?

22           A. I haven't seen the swimming pool  
23 physically.

24           Q. So do you, in fact, know that what  
25 you can see in that picture is a swimming

1 pool?

2 A. Based on Googling my own swimming  
3 pool looks very similar to that, but I don't  
4 know for certain.

5 Q. And whatever it is, do you know how  
6 tall it is or how much water it can hold?

7 A. No, I do not.

8 Q. So even if you knew it was a  
9 swimming pool, if you didn't know how tall it  
10 was would you be able to figure out what the  
11 volume could possibly be?

12 A. It might be possible. I could  
13 assume about four-foot depth.

14 Q. You couldn't determine the volume if  
15 you didn't know how tall the sides were,  
16 could you? I mean your answer is you'd have  
17 to make an assumption.

18 A. That's correct.

19 Q. And it seems like that really quite  
20 a few assumptions are applying here in the  
21 determination that that's a swimming pool.

22 A. Yes.

23 Q. Okay. And we do not know when the  
24 picture was taken so we don't know how long  
25 ago that was, do we?

1 A. That's correct.

2 Q. You also mentioned that you thought  
3 it was some evidence of motive; is that  
4 correct?

5 A. Correct.

6 Q. In your role of investigating  
7 consumer complaints do you believe it's your  
8 job to figure out if there is a motive for  
9 something?

10 A. Generally no.

11 Q. So Mr. Harris's complaint involved,  
12 I think, what most people would consider to  
13 be an extraordinary amount of water.

14 A. Yes.

15 Q. In your experience in reviewing  
16 consumer complaints how often have you seen a  
17 complaint where a customer was charged for  
18 more than 300,000 gallons of water over three  
19 months?

20 A. I can't think of one.

21 Q. And how often do you see a complaint  
22 where a customer received a bill for more  
23 than \$1,800 for water service over three  
24 months?

25 A. I can't think of one.

1 Q. If it had been possible for you to  
2 access the house at Garham Drive to  
3 investigate this case what would you have  
4 wanted to look at to figure out what was  
5 happening?

6 A. I would want to look at the water  
7 meter. I would want to take a look at the  
8 basement and other areas of the house for  
9 leaks. I would like to inspect the  
10 appliances.

11 Along with the amount of flow  
12 that is indicated by the leak there would  
13 have been a large leak, so I'm not sure how I  
14 would do that if the water was turned off.

15 Q. So in your experience can you just  
16 identify what the major causes of unexplained  
17 water usage would be, just identify the  
18 categories?

19 A. You mean as far as leaks in pipes  
20 and appliances?

21 Q. I would say, I guess what I'll do is  
22 I'll approach it this way. It seems like  
23 there may be major categories of possible  
24 sources of unexplained water usage. Many  
25 people who have testified here would have



1 referenced leaks. So would you agree that a  
2 leak is one explanation for high water usage?

3 A. Yes.

4 Q. Okay. And then of course there is  
5 the possibility of actually using the water,  
6 either someone who is entitled to use it or  
7 someone who's not entitled use it. That's  
8 another way that water use could increase.

9 A. Yes.

10 Q. Okay. And then the other  
11 possibility seems to be some kind of  
12 dysfunction with the meter. Is that a  
13 possible source of a problem?

14 A. It's possible.

15 Q. Okay. And it seems like the general  
16 testimony that I've been hearing is that  
17 meter failure doesn't seem to be an  
18 explanation that is favored in Staff's  
19 analysis because of the conclusion that if  
20 the meter isn't working it's probably going  
21 to be to the customer's benefit.

22 A. Yes.

23 Q. So that is a kind of a rule of thumb  
24 broadly applied in general?

25 A. In general.

1 Q. Are you aware of instances when, in  
2 fact, a meter isn't working and it is to the  
3 disadvantage of the customer because it's  
4 working erratically or it is working  
5 improperly?

6 A. I am not.

7 Q. Why do you think the Commission's  
8 rules require any meter testing of meters are  
9 as reliable as some witnesses have suggested?

10 A. I think the meter rules have been  
11 around for quite some time, and I think  
12 that -- I think they're a good standard  
13 because the correct amount should be billed,  
14 billed to the customer. There shouldn't be  
15 an advantage either for the customer or for  
16 the utility.

17 Q. Was it possible in the way that this  
18 investigation was conducted in this case for  
19 Staff to determine whether leaks were the  
20 cause of the high water bill?

21 A. Only by accepting the testimony of  
22 Mr. Harris.

23 Q. So your investigation wouldn't have  
24 included Mr. Harris's testimony? I'm asking  
25 about what Staff was able to do to figure out

1 what was happening here. Were you able to  
2 determine whether leaks were a potential  
3 cause or not?

4 A. No.

5 Q. And were you able to determine  
6 whether a problem with the meter was a  
7 potential cause or not?

8 A. In the meter reading data I  
9 concluded that the meter was reading  
10 accurately.

11 Q. And I think we heard testimony that  
12 there is no indication that this meter has  
13 been tested; is that right?

14 A. That's correct.

15 Q. So did your conclusion there then  
16 assume the meter is working appropriately?

17 A. I looked at the data and concluded  
18 that from the data.

19 Q. So can you explain to me how the  
20 data would support the conclusion that the  
21 meter has been working appropriately through  
22 these two periods of time when the Harris's  
23 were billed for high water use?

24 A. Sure. Basically we have five years  
25 of data, and first three years of data show

1 general usage for the customer and the data  
2 also shows that after a high, high usage in  
3 August of 2019 the meter also measured low  
4 usage or normal usage for about a year after  
5 that.

6 Q. So does that mean that you don't  
7 think it's possible for the meter to be  
8 dysfunctional for a period of time, register  
9 very high water use, possibly  
10 inappropriately, and then when the use of  
11 water ceases to go back to functioning  
12 normally?

13 A. I don't think that the meter itself  
14 would have malfunctioned or broken and then  
15 somehow repaired itself later on.

16 Q. So is it your understanding then if  
17 a meter starts not working appropriately it's  
18 just going to continue not working  
19 appropriately and even at low water usage  
20 there's going to be a problem?

21 A. Yes.

22 Q. Okay. Are you able to explain how  
23 the touch pad system works to allow  
24 Missouri-American to read the meter at the  
25 Garham Drive house?

1           A. Yes. The touch pad has a -- if I  
2 could use that photograph that's in Staff  
3 exhibits?

4           Q. You'd like to use a photograph of  
5 the meter?

6           A. Of Mr. Harris's meter.

7           Q. So I will attempt to pull up that  
8 and share it.

9                        Okay. So this one is a little  
10 blurrier than the second one.

11          A. Okay.

12          Q. Would you like to look at the second  
13 one?

14          A. Sure, the second one. That's good.

15          Q. Okay. Is that the view that you  
16 were hoping for?

17          A. Yes.

18          Q. Okay.

19          A. Okay. So Mr. Harris's meter has two  
20 parts, a mechanical meter and then the  
21 electronic reading device that converts that  
22 mechanical register to a -- to a value that  
23 can be read outside the house.

24                        So what you're looking at, you  
25 see where that warning stamp is?

1 Q. Yes, I'm sure we all do.

2 A. Okay. That's where the -- where the  
3 interfaces between the electronic portion  
4 that reads the meter reading and registers  
5 the value.

6 When a Missouri-American  
7 customer -- you can also see the wire then  
8 that comes out of the -- that little black  
9 box, and it looks like it's taped to some  
10 conduit and runs up into that conduit up to  
11 the touch pad.

12 So when a Missouri-American  
13 meter reader comes by he goes to the touch  
14 pad with a reader. And there is a coil of  
15 wire in that touch pad, there is also a coil  
16 of wire in his reader.

17 And when he touches that or  
18 gets it close to the touch pad he induces an  
19 electronic signal, and that signal then  
20 provides the meter reading for -- to  
21 Missouri-American meter reader.

22 Q. Okay. Thank you. Is it possible to  
23 use that remote reading system to manipulate  
24 the dials and the meter in the Garham Drive  
25 house?

1 A. No.

2 Q. Okay. I have a question for you  
3 about this picture. As we can see there is a  
4 bar code, it looks like a sticker that's  
5 stuck to the face of the meter.

6 A. Yes.

7 Q. And it has a number on top of it.  
8 And anyone who has spent any time with the  
9 documents in this case recognizes the number  
10 on the bar code, which appears to correspond  
11 to the number on the meter reading log.

12 Are you familiar with the  
13 document that I've been referring to as the  
14 meter reading log?

15 A. Yes.

16 Q. Okay. So does that include a device  
17 number on that log?

18 A. A device for the meter?

19 Q. Well, okay. The meter reading log,  
20 which is included as DR-6, it's been admitted  
21 into evidence as I think Staff's 106. And  
22 it is the log that shows the meter readings  
23 from February 3rd, 2015, to October 8, 2020.

24 A. I see. That's the same serial  
25 number that's on that meter.

1 Q. Okay. So you see that it says a  
2 device number on the log; do you see that?

3 A. Yes, I do.

4 Q. Okay. So my question for you is  
5 every meter is supposed to have a serial  
6 number, right?

7 A. Correct.

8 Q. Okay. So where is the serial number  
9 for this meter?

10 A. I'm looking at it, the tag.

11 Q. And I see a number right here. Do  
12 you see that?

13 A. I see, yes.

14 Q. Okay. So is it your understanding  
15 that the number 87918668 is the serial number  
16 for the meter, or is it the serial number for  
17 the remote reading device which is attached  
18 to the meter?

19 A. From what I'm looking at it looks  
20 like it might be a different number. Is that  
21 899? I don't know.

22 MS. HERNANDEZ: What was he pointing  
23 to? I couldn't see where you were directing  
24 him to look at.

25 JUDGE JACOBS: Unfortunately the



1 picture is not very good, but above the  
2 warning sticker and above the black object is  
3 a plate that includes a number; and the  
4 Commission's rules require that each meter  
5 have a number.

6 So Mr. Roos, did Staff's  
7 investigation determine whether the device  
8 number that's listed is associated with the  
9 remote reading device or with the meter?

10 THE WITNESS: I assumed it was with  
11 the meter.

12 BY JUDGE JACOBS:

13 Q. And so that was the assumption that  
14 the Staff's review operated under?

15 A. There was one device number and it  
16 was the meter and the electronic device.

17 JUDGE JACOBS: Does anyone need to  
18 continue to see this image? Okay. I'm going  
19 to stop sharing the scene.

20 Okay. Mr. Roos, are you able  
21 to explain the process of installing and AMI  
22 device on a meter?

23 THE WITNESS: No, I'm not.

24 BY JUDGE JACOBS:

25 Q. Was it your understanding that

1 Missouri-American was planning to install a  
2 new meter at the Garham Drive address or a  
3 new type of remote reading device?

4 A. My understanding is that they were  
5 going to replace the meter and the reading --  
6 and replace it with an AMI device.

7 Q. Can you tell us anything about  
8 whether billing on Mr. Harris's sewer account  
9 would help figure out what happened in regard  
10 to the high water bills?

11 A. I know that my understanding is that  
12 Missouri-American gives usage data to MSD for  
13 billing purposes for the sewer, and that  
14 those months of usage are typically  
15 non-summer months. They're typically spring  
16 and winter months of usage.

17 Q. So typically your sewer bill is not  
18 going to fluctuate as much as your water  
19 bill?

20 A. It may not.

21 Q. And I thank you for your patience,  
22 sir. I'm looking back through my notes and  
23 making sure I've covered everything.

24 Does Staff currently have the  
25 ability to test water meters? And I'm asking

1 because the Commission actually has a rule  
2 that allows customers and the Company to ask  
3 for a Commission-conducted test. But I don't  
4 know if, in fact, that is something that's  
5 ever invoked and if Staff, in fact, has the  
6 ability to test meters at this time.

7 A. I don't know that we have that  
8 ability at this time.

9 Q. Did Staff recommend that the Company  
10 test the meter at the Garham Drive house?

11 A. We did not.

12 Q. And one thing that I've been  
13 wondering about is service was terminated at  
14 Garham Drive on September 29th, 2020, and at  
15 that time another high period of usage was  
16 noted.

17 A. Yes.

18 Q. Okay. So that potentially could  
19 indicate that if something was going wrong  
20 with the meter it may have been occurring at  
21 that time?

22 A. Yes.

23 Q. Okay. So is it possible that if the  
24 meter were evaluated that might tell us  
25 something about whether or not there was a

1 meter problem when the high water usage was  
2 registering?

3 A. It might.

4 Q. Did you observe that this meter has  
5 registered a fairly low amount of water usage  
6 in its life?

7 A. I'm sorry, lifetime how much water  
8 has flown through the meter or?

9 Q. Yeah. I can try to give you a  
10 better question there.

11 The Commission's rule requires  
12 testing every ten years or 200,000 cubic feet  
13 I believe; is that right?

14 A. Okay, yes.

15 Q. Has this particular meter registered  
16 200,000 cubic feet as of the picture that's  
17 dated September 30th, 2020?

18 A. No, it has not.

19 Q. And of course the rule requires the  
20 test every ten years or every 200,000 cubic  
21 feet, whichever occurs first?

22 A. Correct.

23 Q. Right. Okay. So the Company has  
24 filed an affidavit for its witness,  
25 Miss Figueroa, which has cited some meter

1 studies going back quite a few years; 1960,  
2 1968, 1972, 1990, 1995 and 2012.

3 Did you consult any meter  
4 studies to try to figure out what might be  
5 happening with Mr. Harris's property in this  
6 case?

7 A. I did not.

8 Q. Have you ever reviewed any meter  
9 studies that the Company has provided to the  
10 Commission?

11 A. I've reviewed them, I don't know  
12 that they provided them to the Commission.  
13 But I have reviewed some that they've  
14 provided to PSE Staff.

15 Q. Okay. And I guess, I suppose when I  
16 say the Commission I was including Staff as  
17 part of that. So has the Company filed those  
18 studies officially with the Commission for  
19 purposes of Staff's review?

20 A. They -- we've looked at them for our  
21 review and comment.

22 Q. So have you reviewed -- as I said,  
23 there is multiple studies starting in 1960.  
24 Have you reviewed studies going back that  
25 far?

1 A. No, I haven't.

2 Q. Okay. Are you familiar with the  
3 2012 meter study that was provided by the --  
4 referenced by the Company and has been filed  
5 in a different case?

6 A. I -- no.

7 Q. Okay. Does the -- are you aware  
8 whether the Company has a variance or a  
9 waiver granted by the Commission that excuses  
10 them from compliance with the meter testing  
11 rule?

12 A. My understanding -- I'm sorry, go  
13 ahead.

14 Q. I was going to identify the rule,  
15 but I believe we're aware of what we're  
16 talking about. It's 20 CSR 4240-10.030  
17 section -- subsection 38.

18 A. My understanding is they do not have  
19 a waiver at this time.

20 Q. And your previous testimony has  
21 affirmed that the Commission's rules do  
22 include a requirement to test water meters,  
23 we just talked about the ten year or 200,000  
24 cubic foot requirement?

25 A. Yes.

1 Q. Okay. And I believe you already  
2 told me there was no meter test that was  
3 reviewed in this case or that was provided by  
4 the Company for the meter at Garham Drive?

5 A. Correct.

6 Q. Okay. And I believe the main thing  
7 that Staff looks at when it's investigating a  
8 case is whether there has been a violation of  
9 tariff or Commission rule; is that fair?

10 A. That's fair, yes.

11 Q. So in this case the indication is  
12 that there is no meter test and there hasn't  
13 been a meter test, but Staff also didn't  
14 observe that that is a violation of the  
15 Commission's rule. Can you explain that to  
16 me?

17 A. The Company contacted Mr. Harris to  
18 perform those, either to replace the meter or  
19 -- well, to replace the meter. And they were  
20 denied access to the -- to his residence.  
21 And that occurred, I think communications  
22 began in 2018 and they were denied access  
23 for, you know, up until present.

24 And so they haven't had the  
25 opportunity to examine the meter or remove

1 the meter, test the meter, replace the meter.

2 Q. So because of the facts in the case  
3 indicated that Mr. Harris was not willing to  
4 grant access Staff determined that there  
5 isn't a violation of the rule?

6 A. Of this Rule 38?

7 Q. Yes.

8 A. Yes.

9 Q. And when you -- did you spend some  
10 time looking at the two-meter images that  
11 Mr. Harris provided to the Commission?

12 A. Yes, I did.

13 Q. And were you able to view those in a  
14 digital format so that you could see the  
15 information that's generated when an image is  
16 taken digitally, you can figure out exactly  
17 when it was taken, information like that?  
18 You can zoom in and look more closely at  
19 things, or were you looking at copies of  
20 documents that were sent in on paper?

21 A. I was looking at any documents that  
22 had been placed into EFIS.

23 Q. Okay. And so if Mr. Harris in fact  
24 mailed those documents in in paperwork you  
25 were looking at scans of those pieces of



1 paper?

2 A. Correct.

3 Q. So then you wouldn't be able to zoom  
4 in on an image necessarily to take a closer  
5 look at the condition of the meter or to  
6 determine whether there was another number  
7 assigned to that meter?

8 A. Yeah, I could zoom in but I would  
9 lose resolution as well, so that's what I was  
10 working with were those photographs as  
11 provided in EFIS.

12 Q. Does Staff use any kind of rule of  
13 thumb or baseline average amount of water to  
14 figure out if the bill looks extreme or not?

15 A. I'd say we've used a hundred gallons  
16 per person per day, just average.

17 Q. And is that just based on industry  
18 understanding of what's reasonable, or what  
19 is that based on?

20 A. That's based on industry of what's  
21 reasonable. We also -- again, that's why we  
22 also look at historical data to see what, you  
23 know, that customer has been using in the  
24 past.

25 Q. And are you the person, I believe

1 you previously testified with Miss Bretz and  
2 confirmed because you prepared those tables,  
3 you are the person who performed the  
4 calculation that uses the example of a garden  
5 hose or exterior tap that's left running; is  
6 that right?

7 A. That's correct.

8 Q. Okay. And where did you get the  
9 information about how much water can be  
10 produced from an open water spigot?

11 A. I measured it from my house and had  
12 several other people measure from their  
13 houses. We also looked at data that we had  
14 just past experiences of going to customers  
15 and measuring water that way. I think we  
16 also do an Internet search. So based on peer  
17 review I came up with that. I think there is  
18 a range of flows.

19 Q. Okay. And did you feel like that  
20 example was especially helpful to the  
21 Commission in understanding this case?

22 A. I thought it was because it showed  
23 that even though it's a large amount of water  
24 that physically it could have occurred, and  
25 that it could have occurred through outside

1 faucets.

2 Q. I mean one of the other examples  
3 that we've heard as possible sources of high  
4 water bill would be a leak or a running, you  
5 know, broken faucet or something like that.

6 Is it possible for something  
7 like a toilet running, it sounds like if  
8 every single toilet had been running full  
9 steam in that house for three months it's not  
10 clear that would have produced this kind of  
11 water use.

12 A. Okay. I looked into that, and to  
13 give you some ideas, say the toilet example.  
14 You can either have say a leaking flapper or  
15 a running toilet that's wide open and  
16 flowing.

17 To give you an example for the  
18 leaking flapper, there is an indication that  
19 there is up to 200 gallons of water per day.  
20 That would be 6,000 gallons a month. And I  
21 believe we've seen customer complaints where  
22 that's been the case and it's been in the  
23 range of 6,000 gallons a month.

24 And it appears that that could have  
25 been the case. We're talking much larger

1 flows than that so I can discount, I would  
2 not use the leaking flapper as an example.

3 The other example is that if  
4 you had that flapper wide open or removed so  
5 that toilet is running constantly at full  
6 force or full flow that could reach in the  
7 volumes that we're talking about.

8 I've got an example here that  
9 4.5 gallons a minute. That's 300 gallons an  
10 hour or 6,480 gallons per day. And then I  
11 have another calculation, this is information  
12 I just pulled off the Internet. It's a good  
13 third-party view of things.

14 And in this calculation it  
15 calculated on a 21-day basis, on 21 days of  
16 that toilet running full force you're talking  
17 90,720 gallons. So now we're talking about  
18 in the range of volumes and times that would  
19 have had to occur for a leak at the property.

20 Q. And then of course that example  
21 requires that nobody hears or notices that  
22 this toilet is nonstop full-throated just  
23 running like crazy?

24 A. 24 hours a day.

25 Q. But assuming that's what happens and

1 it doesn't get noticed, at least on a volume  
2 basis, it isn't mathematically impossible?

3 A. Correct.

4 Q. So if this were your house that this  
5 happened in what would you have done to try  
6 to figure out what was going on?

7 A. First thing I would do is I'd shut  
8 the water off to the house and then check for  
9 leaks and things. When we turn the water  
10 back on I would check the different fixtures  
11 and things.

12 I'd go out and call the water  
13 company and have them shut off my line, see  
14 if there's a leak in between the -- my meter  
15 is outside of the house. So checking to see  
16 if there is somehow a leak between the meter  
17 and the house.

18 Also check and see if my faucet  
19 outside could be left open, because I have  
20 left them running overnight at times.

21 Q. Okay. Mr. Roos, those were the  
22 questions that I had for you and I appreciate  
23 your going through all of that with me.

24 We can go on to any recross  
25 that we might have from the Company.

1 MS. HERNANDEZ: Thank you, Judge.

2 RECROSS-EXAMINATION

3 QUESTIONS BY MS. HERNANDEZ:

4 Q. Mr. Roos, in order for  
5 Missouri-American to test a meter that would  
6 require Mr. Harris to allow Missouri-American  
7 access to the home, correct?

8 A. Correct.

9 Q. And let me see if I can share the  
10 screen, the same picture that Judge Jacobs  
11 shared with you and you were referencing, a  
12 picture of the meter.

13 Okay. Can you see this  
14 picture?

15 A. I can.

16 Q. Okay. And would you agree with me  
17 that I've essentially inverted the picture so  
18 it's upside down?

19 A. Yes.

20 Q. And if you look at that number plate  
21 again where the judge was asking you to look,  
22 I'm scrolling across that now.

23 A. Okay.

24 Q. Blowing it up a little bit as well.  
25 Can you see where that number -- whether you

1 can read that number?

2 A. If you could keep it.

3 Q. Quit moving my screen.

4 A. Hold on a minute, please.

5 Q. Sure.

6 A. Yes, it's the same, same serial

7 number.

8 Q. Okay. And during your questioning  
9 you responded to a question that a standard  
10 is a 100 gallons per person per day. Do you  
11 remember that response?

12 A. I do.

13 Q. And does your response assume that  
14 all appliances within the home are working  
15 properly?

16 A. Correct.

17 Q. And that would be including toilets?

18 A. Yes.

19 Q. And is it your understanding that an  
20 older toilet uses more than a more modern  
21 toilet in terms of water used per flush?

22 A. Yes. The calculations that I was  
23 providing was based on a standard 1.5 gallon  
24 toilet, which would be a modern toilet.

25 Q. Okay. And were you present for

1 Mr. Harris's testimony yesterday?

2 A. Yes, I was.

3 Q. And do you recall him testifying  
4 that he has not replaced any of the toilets  
5 or appliances within the home?

6 A. Yes, I do.

7 Q. And you would agree with me that the  
8 home was built around 1960?

9 A. Yes.

10 Q. And do you have a way to look at the  
11 reference to the code of state regulations  
12 that the Judge was asking you to answer  
13 questions to? If not I can pull it up and  
14 screen share again.

15 A. If you give me a moment here.  
16 Subsection 38?

17 Q. Correct. So I think the language  
18 the Judge was directing you to was, "Unless  
19 otherwise ordered by the Commission, each  
20 water service meter shall be periodically  
21 removed, inspected, and tested in accordance  
22 with the following schedule," and then she  
23 was referencing that paragraph, or  
24 subparagraph A for the five-eighths inch  
25 meter.



1 A. Yes.

2 Q. If you can go up paragraph 38  
3 directly above that A, what does the, "or as  
4 often as the results obtained may warrant to  
5 insure compliance with provisions of Section  
6 37 of this rule," what does that language  
7 mean?

8 A. First of all I'm not an attorney,  
9 so, but my interpretation.

10 JUDGE JACOBS: Mr. Roos, have we  
11 lost you?

12 THE WITNESS: No, I'm sorry, I'm  
13 just thinking.

14 JUDGE JACOBS: That's okay.  
15 Thinking is allowed. I just wanted to make  
16 sure you were still there.

17 THE WITNESS: I apologize.

18 As I'm reading it I got hung up  
19 on, "or as often as the results obtained may  
20 warrant," and what results are they referring  
21 to. And it looks like they're referring to  
22 results in Section 37. So okay, I'm sorry,  
23 could you repeat the question?

24 Q. Sure. And maybe a more clear  
25 question might be helpful.

1 Do you understand the language  
2 to include the meter test that  
3 Missouri-American provided to Staff?

4 JUDGE JACOBS: I think you were  
5 interrupted right after meter,  
6 Miss Hernandez, the audio cut.

7 MS. HERNANDEZ: I'll stop sharing,  
8 maybe that's taking up a lot of...

9 My question was do you  
10 understand that "often as the results  
11 obtained may warrant," do you understand that  
12 language to include Missouri-American's  
13 various meter tests that have occurred over  
14 the years?

15 THE WITNESS: Yes.

16 BY MS. HERNANDEZ:

17 Q. And would you agree with me that  
18 Neptune meters are guaranteed by Neptune to  
19 read accurate for 15 years?

20 A. Yes.

21 MS. HERNANDEZ: I think that's all  
22 the questions I have. Thank you.

23 JUDGE JACOBS: Okay. So it will be  
24 time to take a break here. Let's take a  
25 15-minute break. We will come back at

1 2:50 PM. We are off the record until 2:50 PM  
2 when we will wrap up with Mr. Roos. Thank  
3 you.

4 (A brief recess was taken.)

5 JUDGE JACOBS: Good afternoon. We  
6 will go back on the record in file number  
7 WC-2021-0129. We were just wrapping up with  
8 Mr. Roos's testimony.

9 I believe that we had finished  
10 questions from the Company; is that correct?

11 MS. HERNANDEZ: Correct, Judge.

12 JUDGE JACOBS: Okay. And so then we  
13 would be possibly getting any additional  
14 redirect from -- sorry, there is too many  
15 things happening on my screen.

16 Okay. So Miss Bretz, did you  
17 have any -- actually, I misspoke.  
18 Mr. Harris, did you have any questions, any  
19 additional questions for Mr. Roos?

20 MR. HARRIS: Yes, I do.

21 JUDGE JACOBS: Okay. And please  
22 make sure that you ask questions. And  
23 Mr. Roos, please make sure that you just  
24 answer the question, okay?

25 Go ahead, Mr. Harris.

1                   REXCROSS-EXAMINATION

2           QUESTIONS BY MR. HARRIS:

3           Q.    Could you tell me when you stopped  
4           using -- or when you started using the  
5           Neptune meters?

6           JUDGE JACOBS:  Mr. Harris, Mr. Roos  
7           works for the Public Service Commission, so  
8           what is your question?

9           MR. HARRIS:  Oh, okay.  Well, I was  
10          asking about the Neptune meter.

11          JUDGE JACOBS:  So would you like to  
12          ask the Company about when they started using  
13          that particular kind of meter?

14          MR. HARRIS:  Yes.

15          JUDGE JACOBS:  Then you could ask  
16          the Company witness that question.  Did you  
17          have any questions for Mr. Roos?

18          MR. HARRIS:  Oh, no, I don't have  
19          any questions for him.

20          JUDGE JACOBS:  Okay.  Thank you.

21                   All right.  And now we can go  
22          ahead and proceed to any redirect that  
23          Miss Bretz may have.

24          MS. BRETZ:  Just briefly.  Thank  
25          you.

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REDIRECT EXAMINATION

QUESTIONS BY MS. BRETZ:

Q. Mr. Roos, could you turn to what's been marked as Staff Exhibit 101, specifically to the pictures of the Neptune meter?

A. Yes.

Q. Maybe why don't we look at the second picture, it's substantially more clear.

A. Okay. So this is a photograph of Mr. Harris's meter.

Q. Maybe -- could you explain in layman's terms how a water meter works, and then reference this meter picture?

A. Sure. So inside the meter at the very heart of it is a spinning wheel or a disk, sometimes it's a turbine. And it spins at a speed that's -- which is an exact ratio of how much water is flowing through the meter.

So if there is more water flowing through the meter the disk or the turbine is spinning faster. And every time the turbine spins around it creates a little

1 mark, or what have you.

2           In this particular meter you  
3 see a red dial. That is sort of like a sweep  
4 secondhand on a watch, a clock. It's  
5 actually rotating around, and you can see  
6 that the numbers such as is like .2, .3, it's  
7 reading in tenths of cubic feet.

8           Also if you look at that little  
9 red triangle to the left, that little  
10 triangle rotates when water is flowing  
11 through the meter, so that's sort of a second  
12 visual clue. At low flows if you're  
13 wondering is this thing is working or not  
14 that little triangle is sometimes helpful.

15           So this turbine is connected to  
16 a gear box sort of like a clock, and it's  
17 clicking off cubic feet that every rotation  
18 of the -- of the red needle is going to be  
19 one cubic foot. So in this case the four  
20 would go to a five.

21           So I'm looking at this meter  
22 and I'm reading 69534, that would be in cubic  
23 feet. So what's happening is that the remote  
24 reader is only providing units in hundreds of  
25 cubic feet. So it dropped the first two

1 digits on those dials, the three and the  
2 four, so this would be read at 695.

3 Q. Okay. Thank you. I don't have  
4 anything else, then.

5 JUDGE JACOBS: Okay. Thank you very  
6 much, Mr. Roos. I appreciate your testimony  
7 here today and I know the Commission does as  
8 well. We can -- you will be excused. I am  
9 going to ask if you could stick with us for  
10 the rest of the hearing just in case we have  
11 to call you back for some reason. And I  
12 apologize for that but it's possible.

13 Okay. So Miss Bretz, I know  
14 you did e-mail a document out that appears to  
15 include the responses to DR-3; is that right?

16 MS. BRETZ: Yes.

17 JUDGE JACOBS: Okay. And you had  
18 initially offered a couple pages of this that  
19 Miss Bernsen had an opportunity to testify  
20 about. And you asked me if I wanted all of  
21 it, and I thought it was helpful to see the  
22 whole thing to make sure that some earlier  
23 contacts with the Company hadn't been  
24 excluded.

25 So should I propose that this

1 be a Commission exhibit, or would you like to  
2 offer it as a Staff's exhibit?

3 MS. BRETZ: I would ask that it be  
4 entered as Staff's Exhibit 112.

5 JUDGE JACOBS: Okay. Thank you. So  
6 this document would have been e-mailed to  
7 you, Mr. Harris. Can you confirm for us that  
8 you've received it?

9 MR. HARRIS: I only have two pages  
10 of it.

11 JUDGE JACOBS: So this was sent at  
12 2:47 PM, so you would probably -- you would  
13 have a subsequent e-mail that would include  
14 the full document.

15 MR. HARRIS: Okay. Yes, I have it  
16 now.

17 JUDGE JACOBS: Okay. So would you  
18 like to take a minute to look over that, sir?

19 MR. HARRIS: I'm going to print it  
20 out first.

21 JUDGE JACOBS: Okay. Please do so  
22 quickly and we will come back and talk to you  
23 about this document, okay?

24 MR. HARRIS: Okay.

25 JUDGE JACOBS: So if you can ask for



1 some help getting that printed and then I  
2 will double back and ask you if you've had a  
3 chance to look at it, okay?

4 MR. HARRIS: Okay.

5 JUDGE JACOBS: All right. So  
6 Miss Bretz, we're going to table the issue of  
7 112 because it is whatever, 12 pages or  
8 whatever, and we're going to make sure that  
9 Mr. Harris can look at it.

10 Okay. Mr. Harris, the next  
11 thing that we would be doing here is  
12 proceeding to hear from the Company's  
13 witness. So I'm assuming that you've asked  
14 for some assistance in getting that printed  
15 and you're able to pay attention to the  
16 hearing as we go forward now?

17 MR. HARRIS: Yes, I can.

18 JUDGE JACOBS: Okay. Does anyone  
19 else have anything preliminary to talk about  
20 before we go ahead with mister -- I'm sorry,  
21 with the Company's witness, Miss Figueroa?  
22 Okay.

23 All right. So let's --  
24 Ms. Figueroa, I see you on the screen and I  
25 recognize you. If you would like to just

1 state your name and spell it for the record I  
2 will then swear you in and turn you over to  
3 Miss Hernandez.

4 MS. FIGUEROA: My name is Tracie,  
5 T-R-A-C-I-E, Figueroa, F-I-G-U-E-R-O-A.

6 JUDGE JACOBS: Thank you. And could  
7 you raise your right hand, please?

8 TRACIE FIGUEROA,  
9 of lawful age, being first duly sworn to tell  
10 the truth, the whole truth, and nothing but the  
11 truth, testifies as follows:

12 JUDGE JACOBS: Thank you very much.  
13 Miss Hernandez, you may proceed.

14 MS. HERNANDEZ: Thank you, Judge.

15 DIRECT EXAMINATION

16 QUESTIONS BY MS. HERNANDEZ:

17 Q. Miss Figueroa, where are you  
18 employed?

19 A. At Missouri-American Water.

20 Q. And what is your position with  
21 Missouri-American Water?

22 A. I'm a business service specialist,  
23 but I mainly handle customer experience,  
24 that's my speciality.

25 Q. All right. And can you explain some

1 of the duties that you perform in your  
2 position with Missouri-American?

3 A. Sure. I handle all incoming  
4 customer complaints, either through the PSC,  
5 the Better Business Bureau, the Attorney  
6 General. They may also be escalations from  
7 our call center, or through government  
8 officials.

9 Q. All right. And in your position do  
10 you review account usage?

11 A. Yes.

12 Q. Okay. How long have you been  
13 employed with Missouri-American?

14 A. I've been with Missouri-American for  
15 three years. However I worked for American  
16 Water for a total of 19-and-a-half years.

17 Q. And are you the same Tracie Figueroa  
18 that prepared, or caused to be prepared an  
19 affidavit filed on April 26th, 2021?

20 A. I am.

21 Q. And have you looked at the records  
22 that are attached and Bates stamped 000007  
23 through 000031?

24 A. Yes, I have.

25 Q. And are these records kept by

1 Missouri-American Water Company regarding the  
2 Complainant's account and water meter?

3 A. Yes.

4 Q. And you are familiar with the  
5 records of Missouri-American Water Company  
6 and the system under which they are made?

7 A. Yes.

8 Q. And if I could, instead of stating  
9 all the zeros just reference 7 through 31  
10 would you understand what I'm referring to?

11 A. Yes.

12 Q. So pages 7 through 31 attached to  
13 your affidavit, those are records kept by  
14 Missouri-American Water Company in the  
15 regular course of its business?

16 A. Yes.

17 Q. And it was in the regular course of  
18 business of Missouri-American for an employee  
19 or representative of the company with  
20 knowledge of the act, event, condition,  
21 opinion, or diagnosis recorded to make the  
22 record or to transmit the information thereof  
23 to be included in the record?

24 A. Yes.

25 Q. And the records were made at or near

1 the time of the act, event, condition,  
2 opinion, or diagnosis?

3 A. Yes.

4 Q. And the records attached to your  
5 affidavit are the original exact duplicates  
6 of the original or accurate reproductions of  
7 the original records?

8 A. Yes.

9 MS. HERNANDEZ: At this time I'd  
10 move for the admission of the affidavit of  
11 Tracie Figueroa, which I believe will be  
12 Missouri American's Exhibit 200.

13 JUDGE JACOBS: Did you want to make  
14 all of the attachments part of that single  
15 exhibit, or just the affidavit at this time?

16 MS. HERNANDEZ: Yes, that's fine. I  
17 think if someone needs to ask a question  
18 about that exhibit they can refer to the  
19 Bates stamp number at the bottom.

20 JUDGE JACOBS: Okay. Miss Hernandez,  
21 I'm sorry. Right after I asked that question  
22 I got a bunch of hazard symbols on a bunch of  
23 screens and I didn't hear what you said. I  
24 apologize.

25 I asked if you were going to

1 offer the affidavit and all of the  
2 attachments and then your answer? I  
3 apologize.

4 MS. HERNANDEZ: No problem. Yes,  
5 correct. I was envisioning it just being  
6 Missouri-American Exhibit 200.

7 And for ease of reference if  
8 anyone wants to refer to the exhibit there  
9 are Bates stamp numbers at the lower right,  
10 which should make it easy to refer to a  
11 particular page if someone has questions.

12 JUDGE JACOBS: Okay. I really  
13 appreciate you Bates stamping them. For  
14 purposes of writing an order, however, I will  
15 have to use all the page numbers every time I  
16 cite something, so I was hoping that we could  
17 make different exhibits of your attachments,  
18 because that actually just saves a lot of  
19 time for me in drafting an order.

20 MS. HERNANDEZ: Okay.

21 JUDGE JACOBS: Okay. So with your  
22 indulgence then I will accept that you've  
23 offered, the affidavit, as Exhibit 200, and  
24 ask for any objections.

25 No objections? So Exhibit 200

1 will be admitted, and that is the affidavit  
2 that was filed by the Company. It's  
3 Miss Figueroa's affidavit filed on  
4 April 26th. And attached to that is  
5 Attachment A, and that is what looks to me  
6 like an account ledger.

7 MS. HERNANDEZ: Correct.

8 JUDGE JACOBS: So could Attachment A  
9 be offered as 201?

10 MS. HERNANDEZ: Yes, Judge. I would  
11 move to offer Attachment A as  
12 Missouri-American Exhibit 201.

13 JUDGE JACOBS: Thank you very much.  
14 I appreciate this.

15 Does anyone have any objection  
16 to admission of 201, the account ledger?  
17 With no objection 201 is admitted.

18 MS. HERNANDEZ: And I move to admit  
19 Missouri-American's Attachment B as  
20 Missouri-American Exhibit 202.

21 JUDGE JACOBS: Okay. So Exhibit 202  
22 would be comprised of the meter reading log  
23 and the reason code and type code keys.

24 Does anyone have any objection  
25 Exhibit 202? Hearing no objections 202 is

1 admitted.

2 MS. HERNANDEZ: Thank you, Judge. I  
3 move to admit Attachment C as  
4 Missouri-American's Exhibit 203.

5 JUDGE JACOBS: Thank you very much.  
6 This proposed exhibit is a letter to  
7 Mr. Harris dated August 6th, 2019, a letter  
8 to Mr. Harris dated August 7th, 2019, and  
9 then attached to that are also some  
10 disconnection notices issued in the case as  
11 well as final discontinuance notices issued  
12 on the account.

13 Is there any objection to those  
14 documents being admitted as 203? Okay. No  
15 objections, 203 will be admitted.

16 MS. HERNANDEZ: And I would move to  
17 admit Attachment D to the affidavit as  
18 Missouri-American's Exhibit 204.

19 JUDGE JACOBS: Okay. 204 appears to  
20 be a screen shot from -- with the date of  
21 November 30th, 2009, related to a service  
22 call, and then the next page is another  
23 screen shot that has the same service order  
24 number on it.

25 Is there any objection to



1 admission of these two documents as  
2 Exhibit 204?

3 MR. HARRIS: Yes, I have an  
4 objection to it.

5 JUDGE JACOBS: Okay. Sir, and I  
6 believe this is -- one of these documents is  
7 the same document that you had objected to  
8 when Staff offered it.

9 MR. HARRIS: Right.

10 JUDGE JACOBS: Okay. And could you  
11 state your objection for us, please?

12 MR. HARRIS: Well, it has my name on  
13 it, and I never initiated this in the first  
14 place.

15 JUDGE JACOBS: Okay. Sir, are you  
16 questioning the veracity or the truthfulness  
17 of the document?

18 MR. HARRIS: Absolutely.

19 JUDGE JACOBS: So Miss Hernandez,  
20 would you like to talk to Miss Figueroa about  
21 where these documents come from, please, to  
22 help us perhaps explain to Mr. Harris where  
23 they came from, and then you can make a legal  
24 argument if you'd like to as well.

25 MS. HERNANDEZ: Sure. And perhaps

1 in reverse order, I prior and as part of  
2 Miss Figueroa's testimony, I asked her about  
3 these documents and laid the foundation that  
4 these are business records of  
5 Missouri-American Water Company, that the  
6 records were -- that she's knowledgeable  
7 about the way the records were kept, that  
8 they were made at or near the time of the  
9 occurrence, and it's the normal practice of  
10 Missouri-American Water Company to hold such  
11 records and they are either originals or  
12 duplicates or exact copies of originals.

13 JUDGE JACOBS: Thank you.

14 Miss Hernandez, I've noted that you've  
15 restated that business records argument  
16 there.

17 What I was hoping for in  
18 addition to that was just something specific  
19 about these documents to explain it to  
20 Mr. Harris, and then we'll move on as quickly  
21 as we can.

22 MS. HERNANDEZ: Sure.

23 So Miss Figueroa, are you able  
24 to look at your affidavit?

25 THE WITNESS: Yes.

1 BY MS. HERNANDEZ:

2 Q. Okay. And in particular Attachment D  
3 at the bottom right has a Bates stamp of  
4 000028.

5 A. Yes.

6 Q. And going on to the next page, with  
7 stamp number ending 29.

8 A. Yes.

9 Q. What are these records?

10 A. So these are screen shots of a  
11 service order. This is our old system that  
12 we had in 2013. We moved to a new, it's  
13 actually our archive system.

14 This is a screen shot of what  
15 the service order would look like. The first  
16 image shows the service order information  
17 such as what type it was, the phone number  
18 for the customer, the name of the customer,  
19 the date and time it's scheduled, and then it  
20 goes into what district and crew it would be  
21 assigned to.

22 The second screen shot is the  
23 notes that were entered. So on this it  
24 actually -- it gives an out reading from the  
25 old meter, which is 3052, and then the new

1 meter with the meter ID number was so it  
2 started at zero. They changed the meter,  
3 they verified it was reading okay. They  
4 found the service on when they went there and  
5 they left the service on. And then the  
6 remote I did, entered, it matches the meter  
7 number, but that would be when the touch pad  
8 was installed as well.

9                   So in looking at this I -- it  
10 appears that and again, these are archived  
11 records so some things because it's no longer  
12 a live environment it's difficult for me to  
13 see certain things.

14                   However reviewing the notes on  
15 the account it looks like somebody actually  
16 had -- was reaching out and following up  
17 because we needed to change out the meter, so.

18                   So it may have not been, and I can't  
19 say for sure, maybe not Mr. Harris initiating  
20 it but we initiated it in speaking with him.  
21 But it will --

22           Q. Okay.

23           A. It was requested by because that's  
24 where the customer name goes and that's our  
25 contact person.

1 JUDGE JACOBS: So Miss Figueroa,  
2 these documents would have been created at  
3 the time a service order was initiated?

4 THE WITNESS: Yes, Judge.

5 JUDGE JACOBS: And that indicates  
6 that that was back in November of 2009?

7 THE WITNESS: Yes.

8 JUDGE JACOBS: Okay. Mr. Harris, do  
9 you continue to object to admission of these  
10 documents, sir?

11 MR. HARRIS: Absolutely. Because  
12 the only way that we can understand this is  
13 that the crew, which is in the bottom  
14 right-hand corner, the number 35N15, who is  
15 that? Is that the crew that replaced the  
16 meter?

17 JUDGE JACOBS: Okay. So I'm going  
18 to overrule the objection. We have testimony  
19 that this is the kind of document that is  
20 routinely generated in the ordinary course of  
21 business. And so it can be admitted into the  
22 record to be consulted by the Commission in  
23 making its decision. So that is Exhibit 204.

24 MS. HERNANDEZ: Thank you, Judge.  
25 And the last two pages from the affidavit

1 stamped 000030 through 31 don't appear to  
2 have attachment labels on them, so I can  
3 refer to them just as those Bates stamped  
4 pages.

5 JUDGE JACOBS: I see Attachment E up  
6 in the corner.

7 MS. HERNANDEZ: Okay. Mine must be  
8 cut off, I apologize. Attachment E then, I  
9 offer Attachment E as Missouri-American Water  
10 Company's Exhibit 205.

11 JUDGE JACOBS: Okay. And these  
12 appear to be letters dated January 9, 2018,  
13 and May 31st, 2019, addressed to Mr. Harris  
14 at the Garham Drive address, in regard to a  
15 remote reading device installation that the  
16 Company was proposing to do.

17 Is there an objection to  
18 admission on the record of these documents as  
19 Exhibit 205?

20 Okay. Hearing no objection  
21 Exhibit 205 is admitted, and I appreciate  
22 everyone indulging me in making those  
23 separate exhibits and making my life a little  
24 easier down the road.

25 MS. HERNANDEZ: I do have a few more

1 questions for Miss Figueroa.

2 JUDGE JACOBS: Feel free to go  
3 ahead. Thank you.

4 MS. HERNANDEZ: Thanks, Judge.

5 Miss Figueroa, there was some  
6 testimony earlier regarding a Missouri -- I'm  
7 sorry, a MSD sewer bill and how the sewer  
8 bill relates to the water usage recorded by  
9 Missouri American. Can you explain that?

10 THE WITNESS: Sure.  
11 Missouri-American has an agreement with MSD,  
12 or Metropolitan Sewer District, to provide  
13 usage. However MSD uses a winter average, so  
14 I believe it would be the bills that would  
15 come out in January, February, March, and  
16 April.

17 They take that, they make an  
18 average out of it, and then the customer in  
19 August will start being billed their new  
20 amount. So any summer months would not  
21 impact their sewer usage, or what they're  
22 being charged.

23 So if a customer filled up a  
24 swimming pool in June or happened to have a  
25 leak or anything like that, maybe they wash

1 cars more, that increased usage is not going  
2 to reflect on their sewer bill.

3           However, if they had a leak in  
4 November -- or I'm sorry, in January, then  
5 that would, in fact, increase their sewer  
6 bill going forward. However if we provide a  
7 leak adjustment for the customer because they  
8 reported a leak to us then that information  
9 automatically would go to MSD.

10           So we report every month -- or  
11 quarter, in Mr. Harris's case he's a  
12 quarterly customer. So we would have  
13 reported that high usage back from MSD.  
14 However when the courtesy adjustment was done  
15 the usage that was adjusted off would have  
16 been reported to them as well.

17 BY MS. HERNANDEZ:

18           Q. All right. And from your review of  
19 the records when did Mr. Harris first contact  
20 Missouri-American about his -- the high usage  
21 in 2019?

22           A. So going through the records the  
23 first, we call it interaction records when  
24 the customer calls in, it's noted  
25 September 20th, 2019, was the first



1 indication that I have that he contacted  
2 Missouri-American regarding his high bills.

3 Q. And were you present earlier when  
4 Miss Bernsen testified to I believe what's  
5 now been marked as Staff's Exhibit 111, the  
6 service notes?

7 A. Yes.

8 Q. There was an indication on there of  
9 an acronym ILK. Do you know what that was  
10 referring to?

11 A. It's called a map code for a service  
12 order. The long definition of it is a  
13 re-read and inspect for high usage.

14 Q. And when was a visit scheduled with  
15 Mr. Harris to inspect for high usage?

16 A. Sure. So it appears that when  
17 Mr. Harris spoke to customer service on  
18 September 20th, 2019, they set a service  
19 order up for September 27th, 2019.

20 However Mr. Harris contacted  
21 customer service again on September 23rd,  
22 2019, and changed the service order date.  
23 Let me verify what the actual date was that  
24 it was changed to. I think it was  
25 October 18th.

1 Q. Of 2019?

2 A. Of 2019, yes. October 18th of 2019.

3 Q. And in order for Missouri-American  
4 to test the meter would Mr. Harris need to  
5 give Missouri-American access to his home?

6 A. Yes, because his meter is located  
7 inside and we would actually have to pull the  
8 meter to -- and take it back to the meter  
9 shop to test.

10 Q. And in your position are you  
11 familiar with meter tests?

12 A. I have witnessed them. I am not an  
13 expert by any means but yes, I've witnessed  
14 them.

15 Q. Well, let me ask --

16 A. And read the results. Sorry.

17 Q. No, you're fine. If a meter were to  
18 malfunction does it typically read slower or  
19 read faster?

20 A. It would read slower. Over time  
21 with the meter wheel that registers the water  
22 inside the meter housing it can, you know,  
23 have buildup just like your water pipes could  
24 have buildup over time, and it will slow down  
25 instead of speed up.

1 Q. And if a meter slows down is that to  
2 the advantage of the customer or to the  
3 Company?

4 A. To the customer, because not all of  
5 the water would be registering through the  
6 meter at that time.

7 Q. And in your experience have you seen  
8 a meter malfunction and then self-correct  
9 without some type of maintenance to that  
10 meter?

11 A. No, I have not.

12 Q. Okay. And in this instance I guess  
13 the meter would have malfunctioned in 2019,  
14 and then self-corrected, and then  
15 malfunctioned again in 2020, and then  
16 self-corrected again?

17 A. Correct, if that was possible. I  
18 don't know any instances or examples of that  
19 ever happening.

20 Q. Yesterday Mr. Harris mentioned he  
21 contacted Channel 2 and directed them to  
22 contact Missouri-American. Are you aware  
23 whether Channel 2 News contacted  
24 Missouri-American?

25 A. So after Mr. Harris's testimony

1 yesterday I investigated, because so any news  
2 stations, media would contact our external  
3 affairs managers, however when it comes to  
4 customer issues they come to me.

5 So I was unable to find  
6 anything from that period of time where I was  
7 asked the question regarding Mr. Harris's  
8 account. I also reviewed all the notes on  
9 the account, all the interaction records, and  
10 I could not find any indication that Channel  
11 2 had called.

12 Q. There's been a lot of discussion  
13 about what are some possible reasons for the  
14 high usage in 2019 and 2020. Do you know of  
15 any possible reasons for this high usage?

16 A. Sure. So there's several. And  
17 looking at it typically when we see this high  
18 usage it's not essentially a vacant property.  
19 So that in reviewing it I understand somewhat  
20 where Staff was going with possible theft of  
21 service, that definitely is a possibility.  
22 Especially when it's a big home and it's both  
23 during the summer months.

24 Because historically Mr. Harris  
25 had never used anywhere near that kind of

1 water usage. But looking into it more,  
2 toilet leaks are the number one cause of high  
3 bills, like especially unexplained high  
4 bills. Irrigation is also up there, but  
5 usually people know when they're watering  
6 their lawns.

7 But I have seen and personally  
8 worked on cases. There's one that comes to  
9 mind, because I was trying to find an example  
10 of another quarterly customer and how much  
11 water they potentially used where there was a  
12 known toilet leak.

13 And I actually had a complaint  
14 where it was a quarterly customer. They  
15 didn't use quite as much as Mr. Harris,  
16 however in one quarter they used  
17 approximately 278,000 gallons of water. The  
18 quarter prior to that they used  
19 151,000 gallons of water.

20 And after we had come out it  
21 was a secondary bathroom that they never used  
22 that actually had a leak. And a lot of these  
23 leaks, especially an open one, just from  
24 experience and reading up on it because yes,  
25 I respond to complaints but I'm also a

1 customer advocate so I want to help give  
2 answers and suggestions to customers to help  
3 with high water bills.

4           So a running toilet doesn't  
5 necessarily make any noise. In fact it's  
6 quiet, which is why most people don't think  
7 they have a toilet leak.

8           Really the only way to discover  
9 a toilet leak is one, you're going to get a  
10 high water bill but two, you can perform a  
11 dye test where you can put a couple of drops  
12 of food coloring in your tank, let it sit for  
13 a couple of hours, and then come back in and  
14 see if that color has bled through.

15           Now, if you have some kind of  
16 like deodorizer or something that's colored  
17 that would, of course, maybe make it a little  
18 harder, depending on what color you used.

19           That's the biggest thing  
20 that -- it's almost like a hidden leak  
21 because so many people don't necessarily  
22 realize that they have it.

23           Because Mr. Harris's meter is  
24 inside it wouldn't be a service line leak.  
25 His service line could leak and it's not

1 going to impact his water bill because it's  
2 not registering through the meter.

3 I think based on Miss Tucker's  
4 testimony yesterday when she goes in and  
5 looks at the different faucets to see if  
6 anything is running, if a faucet had been  
7 left open obviously that's very quick to see  
8 that.

9 But that definitely could  
10 actually create a very high bill if a faucet  
11 is running full blast. Even a small trickle  
12 can increase your water bill.

13 So those are some things that I  
14 have seen. And I don't necessarily always  
15 want to put out there theft of service. That  
16 may be some of these neighbors stealing their  
17 water, but in the almost 20 years that I've  
18 been with the company I have actually seen  
19 that more -- probably about 20 times where  
20 neighbors are stealing water. At night they  
21 would hook up hoses at night when, you know,  
22 nobody was around.

23 So those are just some ideas.  
24 It's of course speculation because we really  
25 don't know where the water went. I can just

1 give you what I have seen historically in my  
2 experience.

3 Q. But for the meter to register usage  
4 the water has to flow through the meter,  
5 correct?

6 A. That is correct.

7 Q. You mentioned a running toilet and  
8 what you reference as a hidden leak. Do you  
9 know is there any numerical data on how many  
10 gallons per day a running toilet can use?

11 A. So again, trying to compile  
12 information just for customers in general to  
13 make them aware. A newer toilet uses less  
14 water when it flushes, they're more efficient  
15 than an older toilet.

16 So if a newer toilet has a  
17 leak, like a wide open flapper, it's just  
18 constantly going, it can use about  
19 4,000 gallons a day. Now an older toilet can  
20 be two to three times that. And again,  
21 that's if it's running open.

22 I have seen -- and when a customer  
23 has AMI it's very easy to see this. A  
24 customer is using like 200 to like 400,  
25 450 gallons an hour. Mr. Harris



1 unfortunately doesn't have AMI so it's hard  
2 to nail time exactly, what time period this  
3 was outside of that it was during a specific  
4 billing period.

5 But you can actually see on a  
6 gallon meter with AMI exactly how much water  
7 is going through that meter that ends up  
8 being a toilet leak.

9 So with what Mr. Harris was --  
10 the usage during that billing period it's  
11 definitely within the realm of possibility  
12 that a toilet leak could use that much water  
13 and you would never see it because it's going  
14 down the drain. So it's not a pool of water,  
15 there wouldn't be wet patches anywhere or  
16 damage, it's simply going to go down the  
17 drain.

18 Q. And you mention the AMI. Do you  
19 know when the company first contacted  
20 Mr. Harris to arrange installation of AMI?

21 A. I believe it was 2018, but I can get  
22 the specific date of the first letter. Just  
23 a moment.

24 So the very first letter that  
25 we sent was January 9th of 2018. And then

1 the second letter that we sent -- I  
2 apologize, my computer just froze up a little  
3 bit. I believe it was May 31st, 2019, but  
4 I'm trying to verify that.

5 JUDGE JACOBS: I believe those  
6 documents were offered as Exhibit 205 and  
7 they're part of the affidavit as well.

8 THE WITNESS: Yes, it was May 31st,  
9 2019.

10 BY MS. HERNANDEZ:

11 Q. So if Missouri-American would have  
12 been able to install the AMI would that have  
13 helped determine the source of the high  
14 usage?

15 A. We would not have been able to  
16 determine the source without physically being  
17 in there or watching, you know, trying to  
18 identify a leak. However, it would tell us  
19 the time period, the exact time period that  
20 water was being used, how much was going  
21 through per hour, if it was only at certain  
22 times.

23 So maybe there was only water  
24 being used from midnight to six AM, and then  
25 during the day there was no water being used.

1 So it can help us determine down to the hour  
2 of when it was being used, but we can't --  
3 it's not going to tell us for sure how it was  
4 used.

5 Also when a customer has AMI  
6 installed then they would go to monthly  
7 billing, and that will also reduce the amount  
8 of time. So as a quarterly customer if they  
9 have a leak and if it started at the  
10 beginning of the quarter it can run -- if  
11 they don't see something it could run that  
12 whole 90 days before they get a high bill.

13 So it's beneficial in alerting  
14 customers earlier that there are high bills,  
15 or high usage at the property. But as far as  
16 being able to tell a customer no, it would  
17 still be an assumption just, you know, based  
18 on experience of what can use that amount of  
19 water.

20 Q. So maybe a follow-up question to  
21 that is it can -- AMI can help both the  
22 customer and the Company narrow down where to  
23 look or the times of day to look for water  
24 usage that's higher than usual?

25 A. Yes. So for example, if somebody is

1 irrigating it's usually pretty evident. You  
2 can say well, you're using from four AM to  
3 eight AM approximately 1,500 gallons of water  
4 five times a week.

5           So some people, especially if  
6 they've never had an irrigation system, or  
7 they buy a new house even if they've had one,  
8 maybe the previous owner set it up to water a  
9 lot more and they don't realize how often  
10 it's actually going on.

11           Or you can see where every  
12 night, maybe there won't be any usage during  
13 the day when someone is typically at work,  
14 but then they come home and boom, it's -- the  
15 usage goes up. So that may be a toilet or an  
16 appliance that you're utilizing when you're  
17 home that maybe has a leak or is  
18 malfunctioning.

19           So it can definitely help us  
20 narrow down. We can't say exactly, but we  
21 can definitely narrow it down to help the  
22 customer investigate within their home.

23           Q. Okay. There was some questions  
24 about the -- the touch pad that's on the  
25 outside of Mr. Harris's home. Do you recall

1 when that was installed?

2 A. It would -- it was installed on --  
3 at the same time the meter was installed, so  
4 on November 30th, 2009.

5 Q. And from your review of the records  
6 has that touch pad remained at Mr. Harris's  
7 home through today?

8 A. Yes.

9 Q. And is there any way to manipulate a  
10 meter reading from the touch pad outside of  
11 Mr. Harris's home?

12 A. No, it's hooked directly to the  
13 meter. So the meter itself would have to  
14 possibly be manipulated. But I'm not even  
15 sure how that would happen because the unit  
16 is all enclosed. But it pulls right off of  
17 the meter, whatever the meter is reading is  
18 what it pulls.

19 Q. So I couldn't change the meter  
20 reading number by standing on the outside of  
21 Mr. Harris's house?

22 A. No.

23 Q. Okay. Were you present yesterday  
24 when I believe Miss Tucker testified to  
25 shutting off the water at certain appliances?

1 I think she mentioned the toilet.

2 A. Yes.

3 Q. Is there anywhere else that the  
4 water entering Mr. Harris's home can be shut  
5 off that would prevent any usage from  
6 entering the home?

7 A. Yes. So the main shut off valve,  
8 and I don't know if everyone remembers the  
9 image yesterday, it was actually one of the  
10 pictures of the meter that Mr. Harris had  
11 provided.

12 But there's a knob, it looks  
13 like an outside water spigot knob. That  
14 would be the main shutoff valve or the stop  
15 waste valve, it's also called. Typically we  
16 just call it the main shutoff valve.

17 So after the meter, so that  
18 would be on the outlet side. If that is shut  
19 off all water to the home would then be shut  
20 off if it's in working order. If it's in  
21 good working order it would shut off to the  
22 whole house.

23 Q. One moment, I'm just looking to see  
24 if I have any other questions.

25 Do you know whether a meter

1 reads more accurately at a high flow verses a  
2 low flow?

3 A. That I don't know.

4 Q. Okay. And I believe you said a high  
5 leak investigation was scheduled between  
6 Mr. Harris and a field service representative  
7 of Missouri-American for October 18th, 2018.

8 A. Yes.

9 Q. Have you reviewed the records for  
10 that particular visit to Mr. Harris's home?

11 A. Yes.

12 Q. Can you explain what occurred during  
13 the field service representatives's visit on  
14 October 18th, 2019?

15 A. In reviewing the notes the field  
16 service representative was able to obtain a  
17 read of 584 that day. And it's a little  
18 unclear of what all was done because he does  
19 note that Mr. Harris was very upset and  
20 believed that we were fabricating the  
21 readings, and that we have not been coming  
22 out to read.

23 But it does not indicate  
24 whether or not there was any movement on the  
25 meter. So I believe Mr. Roos was talking

1 about the red triangle that would be the leak  
2 indicator moving. However the field  
3 representatives, they're not plumbers so they  
4 don't really investigate plumbing issues.  
5 They can just really see if there is movement  
6 on the meter.

7                   Which it's -- if Miss Tucker  
8 had turned off appliances so water wasn't  
9 going anywhere they may not have seen  
10 movement on the meter that day, either,  
11 because nothing would be going through the  
12 meter.

13           Q. Okay. Well I believe that's all the  
14 questions I have. Thank you.

15           JUDGE JACOBS: Okay. I apologize,  
16 I'm so, so sorry. Does Staff have any  
17 cross-examination?

18           MS. BRETZ: Briefly, yes. Thank  
19 you.

20                                   CROSS-EXAMINATION

21           QUESTIONS BY MS. BRETZ:

22           Q. Good afternoon, Miss Figueroa.

23           A. Good afternoon.

24           Q. Your Exhibit 202 lists the different  
25 readings that were obtained going back to



1 February of 2015, correct?

2 A. Yes.

3 Q. Does Missouri-American have access  
4 to billing before February of 2015?

5 A. Yes.

6 Q. How far back does Missouri-American  
7 keep its billing?

8 A. So I currently if we go in, I'm  
9 looking at the archive records, I believe  
10 it's 2001.

11 Q. Okay.

12 A. Is when that system went into play.  
13 So before that -- I'm trying to see if, so it  
14 looks like there may have been something  
15 archived because the system -- very few  
16 people still have access to this. So it  
17 looks like the furthest bill that I can pull  
18 for Mr. Harris is from August 3rd, 2004.

19 Q. Okay. I believe that Miss Bernsen  
20 stated -- Miss Bernsen stated that  
21 Missouri-American is not required according  
22 to Missouri law or Missouri-American's tariff  
23 to provide the courtesy adjustment. That's  
24 correct, isn't it?

25 A. Yes.

1 Q. Does -- do you have any suggestions  
2 of how Missouri-American and Mr. Harris could  
3 move forward from this to try to reestablish  
4 service?

5 A. Sure. So I think that a good thing  
6 would be for us to be able to get in, let's  
7 go ahead and change the meter. If Mr. Harris  
8 would like us to test the meter at that time  
9 after we pull it we'll be more than happy to  
10 do so. If he wants to witness the test we  
11 can make arrangements to have him witness the  
12 test.

13 We set a new meter and install  
14 AMI. Especially with somebody not being  
15 there all the time there -- he has the option  
16 to set -- once AMI is installed he can  
17 actually set up an online account where he  
18 can review his usage.

19 So I believe at this time he  
20 can look at the previous 24 hours and then  
21 the last 36 months. So he could see if water  
22 was being used.

23 I also may be doing a little  
24 investigation as we're there and turning the  
25 water back on to see if there are any

1 appliances, toilets, faucets, anything that  
2 may be running or leaking. You know, things  
3 happen.

4 I will tell you I'm very  
5 hyperaware from working at the water company.  
6 If I think I hear a noise or a drip I, you  
7 know, I'm on it because I don't want a high  
8 bill. But I think that would help.

9 Also shutting off the main  
10 water if nobody is there, that way he  
11 wouldn't have to call. If he pops in, he and  
12 his wife come for the weekend he can turn the  
13 water back on in his house himself, he  
14 wouldn't have to call us. And that way  
15 nothing would go through.

16 As long as it's working fine  
17 than that would help alleviate any future  
18 high bills because the water would be turned  
19 off at the main shutoff valve.

20 The only thing is that he may  
21 have to do something with his hot water tank.  
22 That is not my area of expertise, I'm not  
23 sure how that works.

24 But those were some things and  
25 we can look at and definitely if there's --

1 we provided the courtesy adjustment say last  
2 year, billing 2020 went away. But in 2019  
3 because of his historical low usage and then  
4 this sudden jump the disputes department, or  
5 the account resolution team is their official  
6 title, we call them disputes.

7 But they look at -- this is the  
8 perfect example of when we would give an  
9 unexplained usage adjustment. He's never  
10 used that much water, it suddenly went up and  
11 it went right back down.

12 So, you know, it's a vacant  
13 property. All these things, you know, we  
14 can't tell a customer typically where the  
15 water went. So that's why we provided the  
16 adjustment.

17 In looking at this, you know,  
18 that's why there was an oddity that it  
19 happened the next year, which concerns me  
20 that going forward even if we -- that there  
21 is something going on and it's just maybe not  
22 realized.

23 So I don't know if that kind of  
24 answers your questions. I think to work  
25 together we can definitely revolve the issue

1 and if there is a leak then we can provide an  
2 adjustment for a leak.

3 But I do know that the water  
4 went through the meter, where it went I  
5 cannot tell you. So I think definitely those  
6 would be options to help resolve some issues,  
7 is to get in and change the meter out and  
8 install AMI.

9 Q. In your experience when customers  
10 have high usage like Mr. Harris did in that  
11 billing, are they eager to work with  
12 Missouri-American to get to the source of the  
13 leak?

14 A. Yes. And I mean you kind of run the  
15 gamut of people really wanting to know. I  
16 wouldn't say not working with, but there's  
17 some disbelief that there could be an issue  
18 in the house. That's usually the biggest  
19 hurdle.

20 I will tell you, so previous to  
21 working for Missouri-American I was a  
22 supervisor at customer service center, so I  
23 handled escalated calls for like  
24 16-and-a-half years of looking at billing.  
25 And then I was in the billing department for

1 a few years as the supervisor.

2 So looking at this and trying  
3 to identify and help customers figure out why  
4 their bill was so high, it really runs the  
5 gamut of there's a disbelief and then people  
6 that are eager and say you know what, I will  
7 go look.

8 And that's -- you know, we have  
9 a lot of tips online on the American Water  
10 website on how to find leaks. And I mean and  
11 then there's YouTube.

12 JUDGE JACOBS: I want to make sure  
13 that we can get everyone's testimony today,  
14 so if we can move on to the next question.

15 MS. BRETZ: That's all I have.  
16 Thank you.

17 JUDGE JACOBS: Okay. Did we have  
18 any questions for Miss Figueroa from  
19 Mr. Harris, please?

20 MR. HARRIS: Yes.

21 CROSS-EXAMINATION

22 QUESTIONS BY MR. HARRIS:

23 Q. Good morning, how are you -- or good  
24 afternoon, how are you?

25 A. I'm good, Mr. Harris. How are you?

1 Q. I'm okay. I see here that  
2 Missouri-American Water is supposed to change  
3 the meters within 15 years; is that correct?

4 A. We change out the meters, that's our  
5 meter change out schedule is every 15 years,  
6 yes.

7 Q. Okay. Now, from my understanding in  
8 1987 what meter was there?

9 A. So the meter number I can tell you  
10 would have been 19662107.

11 Q. Okay. And you allege that you  
12 changed the meter in 2009?

13 A. That is correct, sir.

14 Q. That's 22 years.

15 JUDGE JACOBS: Would you like to ask  
16 a question?

17 MR. HARRIS: No, I'm just saying.

18 JUDGE JACOBS: So was your question,  
19 why wasn't the meter changed within 15 years,  
20 Miss Figueroa?

21 THE WITNESS: Okay. Let me -- that  
22 I'm trying to find the records. And I know  
23 that that was asked by Staff as part of one  
24 of the (inaudible). So I apologize, I'm  
25 trying to find that.

1 THE REPORTER: Excuse me, did you  
2 say as one of VPR's? Your last answer you  
3 said "asked by Staff as part of one of the,"  
4 and I didn't understand the last part.

5 THE WITNESS: A DR, data request.  
6 I apologize.

7 JUDGE JACOBS: The court reporter is  
8 going to attempt to copy down anything that  
9 anybody is saying. Would it be  
10 appropriate -- are you ready to answer the  
11 question, or would it be appropriate to table  
12 this until you have a chance to look at it?

13 THE WITNESS: No, unfortunately I  
14 don't have an answer for that. I was just  
15 verifying that. And because our system is  
16 archived any meter inventory information, I  
17 don't have that available.

18 JUDGE JACOBS: Thank you.

19 THE WITNESS: Anything prior.

20 JUDGE JACOBS: Mr. Harris, did you  
21 have any other questions?

22 MR. HARRIS: Yes.

23 Do you have any readings for  
24 1965 on meter exchanges there in my  
25 residence?



1 THE WITNESS: No, sir.

2 BY MR. HARRIS:

3 Q. But my house was built in 1965.

4 JUDGE JACOBS: Do you have any  
5 additional --

6 BY MR. HARRIS:

7 Q. Was there a meter there?

8 JUDGE JACOBS: Mr. Harris, she just  
9 indicated she couldn't answer questions about  
10 before a certain time, and so now you've gone  
11 even later back to 1965. So now you just  
12 asked was there a meter in your house in  
13 1965, is that your question?

14 MR. HARRIS: Yes, it is.

15 JUDGE JACOBS: Okay. Miss Figueroa,  
16 can you answer that?

17 THE WITNESS: I don't know. I would  
18 assume that there is but I don't know because  
19 I can't produce the records from that time.

20 MR. HARRIS: My question here,  
21 Judge, is still the same. The meter that  
22 they have in my house was not installed on  
23 November 30th, 2009.

24 JUDGE JACOBS: We have heard your  
25 testimony on this issue, sir. Did you have

1 any additional questions?

2 MR. HARRIS: No.

3 JUDGE JACOBS: Okay. So we are  
4 about ten minutes from when we will be taking  
5 another short break. So unless anyone needs  
6 a break right now I will go ahead and get  
7 started with some questions for  
8 Miss Figueroa.

9 EXAMINATION

10 QUESTIONS BY JUDGE JACOBS:

11 Q. First of all, you mentioned  
12 something really interesting in regard to a  
13 dye test, and I just wanted to make sure I  
14 understood how that works for a toilet.

15 A. Sure.

16 Q. Did I understand you correctly that  
17 I toilet leak that can use a lot of water can  
18 be silent?

19 A. Yes.

20 Q. Okay. And so when a dye test is  
21 performed is the idea that you put dye in the  
22 toilet bowl and then the color dissipates and  
23 disappears, and that lets you know that the  
24 toilet is losing water down the drain? Or is  
25 the idea that colored water leaks all over

1 your house and you know you have a leak?

2 A. No. I would put the dye in the tank  
3 of the toilet and then it will seep into the  
4 bowl.

5 Q. Okay. Not a plumber over here,  
6 okay? So you put the dye in the tank and if  
7 you have any of that coming down into your  
8 bowl that means water from your tank is  
9 getting in your bowl, and then that water  
10 from your bowl just goes down the drain,  
11 right? It doesn't just sit there forever and  
12 ever, it will keep going down; is that right?

13 A. Yes.

14 Q. So it's possible then to have water  
15 moving through slowly, constantly filling the  
16 tank, constantly draining down the drain and  
17 coming out of your toilet?

18 A. Yes.

19 Q. Down the drain, down into the sewer  
20 where the water from the toilet goes?

21 A. Yes.

22 Q. Okay. And I had always thought a  
23 toilet leak was noisy because you hear the  
24 toilet firing up again to like refill. So  
25 what you're saying is is they can be not so

1 noisy?

2 A. Correct. I will tell you, Judge, I  
3 thought the same thing. I've learned a lot  
4 in the past 20 years, more about water and  
5 sewer than I had ever imagined.

6 But yes, certain types of leaks  
7 in the toilet are silent. Some, yes, you can  
8 hear it fill up and then it stops and you  
9 hear it fill up and it stops. It just kind  
10 of depends if it's wide open.

11 It's my understanding from what  
12 I've read and some of the technicians have  
13 given me the information over the years is  
14 that if it's wide open it just goes.

15 Q. Okay.

16 A. It really doesn't -- you can't hear  
17 anything.

18 Q. Does the Company ever perform dye  
19 tests for customers to figure out if they  
20 have a problem?

21 A. No, not regularly. I will say it's  
22 not required of the FSR and it's not within  
23 their job duties.

24 Q. Okay. I wanted to ask you, the  
25 testimony so far has indicated that

1 Mr. Harris's first contact with the Company  
2 about the high water problem in August of  
3 2019 was on September 20th, 2019. I think  
4 you confirmed that in your testimony.

5 A. Yes.

6 Q. And the documents in the case that  
7 have been admitted to the record indicate  
8 that the Company applied a credit to  
9 Mr. Harris's account on November 1st, 2019,  
10 for a great deal of that amount that had been  
11 charged to him?

12 A. Yes.

13 Q. So is it typical for it to take, I  
14 don't know, looks like September 20th to  
15 November 1st is maybe five or six weeks. Is  
16 that an acceptable amount of time to resolve  
17 an \$1,800 water bill on an empty house?

18 A. Well, we did not go out to the  
19 property until October 18th. So the disputes  
20 department would have not done any adjustment  
21 until that service order was completed.

22 Q. Okay. And so then if we consider  
23 from October 18th then until November 1st  
24 when the credit is applied that's a shorter  
25 period of time, more like half a month or a

1 couple weeks.

2 A. Yes. And I do think that they tried  
3 to get in contact with Mr. Harris a few times  
4 and were waiting for him to call back, if I  
5 remember from the interaction records.

6 Q. Okay. So is that amount of time  
7 typical for your company and acceptable in  
8 this situation, do you think?

9 A. Yes. So typically we would place a  
10 customer on hold for 30 days in order to give  
11 the disputes team time to review the case,  
12 create any service orders or anything that's  
13 needed, speak with the customer, and get it  
14 resolved within 30 days. Typically takes  
15 less than that, but that is the maximum it  
16 would take is 30 days.

17 Q. Okay. I want to ask you about some  
18 notations that are made in some of the  
19 customer service notes that Staff has offered  
20 into the record, and I believe that these are  
21 at DR-3 is probably the easiest way for some  
22 of you to find them, but I believe this was  
23 also offered on the record as what will be  
24 Exhibit 104.

25 And to help you, Miss Figueroa,

1 this appears in a customer note that looks  
2 like it's from December 19th, 2019. And it  
3 looks like it might be with the ART group.  
4 It is page 31 and 32 of Staff's exhibit  
5 filing that it made in this case on  
6 April 22nd. Did you locate it?

7 A. Yes.

8 Q. Okay. And so I noticed you get  
9 further down in the comments that are made  
10 here. The whole passage starts with, "Spoke  
11 with Willie and informed him." And then --

12 A. Yes.

13 Q. And then you get to the end of it,  
14 almost to the very end and it says, "Informed  
15 customer I could not go back to ten years."  
16 And several of the documents that Mr. Harris  
17 has filed in this case indicate that he had  
18 asked the Company for meter records going  
19 back pretty far, about ten years.

20 So and you just testified that  
21 there are some billing records available to  
22 2004. So do you know why Mr. Harris was  
23 informed that information couldn't be  
24 provided to him?

25 A. The system that I can look up, not

1 everybody has access to that. I have to  
2 periodically request to keep access just for  
3 formal complaints or complaints in general.  
4 So a typical CSR, even with the dispute team,  
5 wouldn't have access to our archived  
6 documents since they have -- when we  
7 transitioned it was May of 2013.

8           So the decision was made as a  
9 corporate decision that after I think it was  
10 three years pretty much everyone's access was  
11 revoked. And so we have enough history  
12 within the account. So she would not have  
13 had access to go back to those records.

14           Q. Okay. So are you able to go back  
15 and look at what the device number is for the  
16 meter readings on Mr. Harris's account in  
17 2009?

18           A. Before or after the meter change?

19           Q. Well, I'm assuming both. If you  
20 could do it in 2009 and the Company is  
21 indicating that there was a device change in  
22 2009, then I would assume that you would be  
23 -- there's no reason you suddenly can't get  
24 the records before November 30th.

25           So what I'm asking for would be



1 like there's the meter log that we've seen  
2 repeatedly in this case that was provided to  
3 Staff, and it started on February 3rd, 2015,  
4 and it has a device number on it.

5           So I'm wondering if you went  
6 back and looked at 2009 would we see a change  
7 from device numbers from before the Company  
8 has said a meter was installed and then  
9 after.

10           A. Yes. Sorry, I misunderstood what  
11 you were asking, Judge.

12           Q. I didn't -- I'm sorry, I probably  
13 made it really hard for you. Sounds like you  
14 understand what I'm saying.

15           A. Yes.

16           Q. Okay. Is that information that's  
17 available to you now or not?

18           A. So I can -- yes, I'm looking at it  
19 right now. I can see that where the old  
20 meter readings stopped and the new one starts  
21 in the log. It looks different than what you  
22 -- what has been provided.

23           Q. Okay. So what are the meter read  
24 dates and where does it change? Because the  
25 information that's on the record now

1 indicates a meter change on November 20th,  
2 2009. So I would assume there is a meter  
3 read before that and a meter read after it,  
4 and there is a device change that would be  
5 indicated.

6 A. So I have prior to November 30th,  
7 2009, the meter reading. The meter was read  
8 on October 29th, 2009, and the reading at  
9 that time was 3051, and the device number was  
10 19662107.

11 Q. Okay.

12 A. And then the meter reading after  
13 that was done on February 4th, 2010, and the  
14 meter reading stated zero. Which looking at  
15 Mr. Harris's usage there are periods,  
16 quarters where there was no usage. And the  
17 meter number for the device number is  
18 87918668.

19 Q. And that number corresponds to the  
20 device number that's listed on the meter  
21 reading log that's in evidence in this case,  
22 if you're familiar with that document.

23 A. Yes.

24 Q. Which was attached as Attachment B  
25 to your affidavit in that case, in this case;

1 is that correct?

2 A. Yes.

3 Q. Okay. Thank you very much. Do you  
4 happen to know specifically based on the  
5 device number when that specific device was  
6 acquired by Missouri-American and is that  
7 something that your outside management  
8 documents let you verify?

9 A. I could -- I don't have access to  
10 that in the system. There should be a meter  
11 card in the meter shop for the meter that's  
12 currently in there, so I could get it. I  
13 believe that that information is on there of  
14 when it was acquired.

15 Typically just from my  
16 experience we don't usually house meters.  
17 One, just we don't have the space to house  
18 them for a big length of time. Usually we  
19 order them and then we start setting them.  
20 But yes, I believe I could get that  
21 information.

22 Q. Okay. I think the main thing I'm  
23 wondering is if you're able to say when the  
24 Company started using, you know, what the  
25 model of meter that is and when that started

1 being used by the Company.

2           If you can specifically show  
3 when that meter was purchased by the Company  
4 that might also be helpful, just given  
5 Mr. Harris's questions about when this meter  
6 could possibly have been installed in his  
7 house.

8           But I think we'll table that  
9 for now as it sounds like it might take a lot  
10 of additional research that may not be  
11 worthwhile.

12           Okay. So what I'm going to do  
13 is we're going to take a 15-minute break and  
14 then we will come back and finish up with  
15 Miss Figueroa.

16           I can't remember if we have  
17 anything that we're supposed to be doing on  
18 this break. So what we'll do is just take  
19 our 15-minute break now, go off the record  
20 and regroup when we get back. That puts us  
21 at 4:25 to resume. Thank you.

22           (A brief recess was taken.)

23           JUDGE JACOBS: Okay, everyone, it is  
24 now 4:25. We will go back on the record in  
25 WC-2021-0129. This is we're in the middle of

1 the testimony of Miss Figueroa. I'm going to  
2 continue with some questions and then I'll  
3 see if anybody else had anything before we  
4 need to wrap up our hearing today.

5 I just want to confirm that the  
6 statements in this case indicate that the  
7 size of the meter at Mr. Harris's house is  
8 five-eighths; is that right?

9 THE WITNESS: That is correct.

10 BY JUDGE JACOBS:

11 Q. And the process that the Company  
12 used when Mr. Harris reported a very high  
13 bill and the Company determined that it would  
14 adjust that down, is that required by the  
15 Company's tariffs or Commission rules?

16 A. No, it is not.

17 Q. Okay. Does Missouri-American have a  
18 process for identifying excessively high  
19 water bills?

20 A. I just want to make sure I  
21 understand. Do you mean like notifying the  
22 customer or doing a bill adjustment?

23 Q. I guess for letting a customer know  
24 where they're being billed for water usage  
25 that seems to be significantly out of line

1 with their normal water usage?

2 A. Yes. So if it is six times the  
3 normal usage the system will look back a year  
4 at the previous year. If it's six times it  
5 will send a service order out to verify that  
6 the read was a good read.

7 And then at two times -- and it  
8 will send letters. If it's just two times  
9 higher it will send a letter alerting the  
10 customer that there's an increase in water  
11 usage.

12 The reasoning is that they  
13 don't, you know, we don't want to use  
14 resources, because somebody may have bought a  
15 new pool or got in a different appliance,  
16 whatever. So we send a letter letting them  
17 know. But if it's six times higher than  
18 their normal usage we'll send out a service  
19 order to verify the reading and send letters  
20 to the customer.

21 Q. Okay. Thank you. I think there are  
22 some letters attached to your affidavit that  
23 might be related to that process. I think  
24 they were attached as Attachment C, and so  
25 they were offered onto the record as, let's

1 see, I think 203. They were included with  
2 the discontinuance notice as well. They're  
3 an August 6th letter and an August 7th  
4 letter.

5 A. Yes.

6 Q. So do those letters to Mr. Harris  
7 reflect the process that you just described  
8 to me?

9 A. Yes, Judge.

10 Q. Okay. And then I did have a  
11 question about you said that a service call  
12 is initiated or a service order is initiated  
13 if there is six times normal usage?

14 A. Yes.

15 Q. Okay. And so what do they do when  
16 someone goes out to verify that, what  
17 happens?

18 A. Really all that they do is just  
19 verify the reading to ensure that we didn't  
20 get a misread that caused the high bill.

21 Q. Okay.

22 A. So that is auto-generated typically  
23 by the system. The system flags it that hey,  
24 there's something not right here. There is  
25 something out of the ordinary. And then they

1 will send a service order out, we call it an  
2 RBL is the code that it's a priority read.  
3 So just to make sure that we got an accurate  
4 read.

5 Q. Okay. I think we're losing some  
6 quality on your line. You might want to  
7 disconnect your video for us and just try to  
8 go audio. I think all the kids are gaming at  
9 this time of the day.

10 A. Can you hear me better, Judge?

11 Q. I think if it's -- I don't know if  
12 the court reporter needed to get your answer  
13 back but I understood what you said.

14 So during this case we've  
15 looked at what I've been calling the meter  
16 read log device number and then a meter read  
17 date and a meter read reason and type.

18 So your testimony just now  
19 indicated that after this high usage comes in  
20 there's going to be a service order issued  
21 automatically and that meter read is going to  
22 be verified. However I don't see an  
23 additional meter read until we get to  
24 October 18 on this log. Is there an  
25 explanation for that?



1           A. Yes, sorry. If the order -- if the  
2 order is generated and worked within period  
3 of time, so we do not prorate the bill.

4           Q. So I thought your testimony was that  
5 they were verifying the read to make sure  
6 it's correct?

7           A. Yes.

8           Q. Okay. I just didn't understand your  
9 answer, then.

10          A. Okay, sure. So we obtain the  
11 periodic reading, like the normal read,  
12 customer reading, on August 1st, 2019. That  
13 read was 583.

14                        When we went back out to verify  
15 the reading it was on August I believe 5th,  
16 and the reading at that time was 583. So it  
17 was the same reading, so they went with the  
18 periodic date of August 1st.

19          Q. Okay. So somewhere in Company's  
20 records there's something that shows every  
21 single time that someone walked up to  
22 Mr. Harris's house and used that touch pad  
23 device, but that isn't necessarily what we  
24 saw here in response to the data request.

25          A. That would only show up in the

1 service order comments. And that was a data  
2 request, I don't know the number off the top  
3 of my head, for all the service order  
4 records.

5 Q. Okay. So and also just to make sure  
6 I understand then, the service order was  
7 issued and someone would have arrived at the  
8 Garham Drive house, took the device up to the  
9 touch pad and confirmed a reading?

10 A. That is correct.

11 Q. Okay. All right. And I want to ask  
12 you about something that is mentioned in your  
13 affidavit that is at paragraph 11, and it  
14 states that it should be attached to your  
15 affidavit.

16 A. Okay.

17 Q. Yes, it's the end of the paragraph.  
18 And if you want to just read the last  
19 sentence of paragraph 11, I don't know if you  
20 have your affidavit in front of you.

21 A. Yes.

22 Q. Okay. Could you read the last  
23 sentence of paragraph 11?

24 A. "The adjustment was for \$1,822.19."  
25 In parentheses, "(See Attachment A)," end

1 parentheses, "and Missouri-American sent  
2 Complainant a revised statement showing the  
3 adjustment. (See Attachment C)."

4 Q. And when I look at Attachment C I  
5 don't actually find that revised statement,  
6 but I do believe it is in the record in this  
7 case. It was included in Mr. Harris's filing  
8 in this case, which is now part of the  
9 record. And I believe that's the only place  
10 that I found this statement that was issued  
11 November 1st.

12 So I don't know if you're going  
13 to need some help locating this, but this was  
14 filed in EFIS in this case on November 23rd,  
15 and it is a November 1 statement, and I  
16 believe that's what you're referring to in  
17 your affidavit. But it isn't actually  
18 attached to your affidavit.

19 A. I'm not sure why that is.

20 Q. I -- I find only discontinuance  
21 notices in that attachment, not a statement.  
22 So what I'm going to do is show it to you.

23 A. Okay.

24 Q. We'll see if that works.

25 Okay. I should be sharing with

1 you a page that comes from the November 23  
2 filing, and it's a statement.

3 A. Yes.

4 Q. Okay. Are you able to read that?

5 A. Yes.

6 Q. Okay.

7 A. I have a copy up, too.

8 Q. So we are literally on the same  
9 page.

10 A. Yes.

11 Q. So I believe that this is, based on  
12 my review of the documents this is the  
13 statement in which the Company let Mr. Harris  
14 know that a large credit had been applied to  
15 his account.

16 A. Yes.

17 Q. And that would be the revised  
18 statement that you were referring to in your  
19 affidavit; is that correct?

20 A. That is correct, Judge.

21 Q. Okay. Thank you. Okay. And then  
22 I'd like to look at the actual account ledger  
23 for this case, which is also included as an  
24 attachment to your affidavit. It was labeled  
25 as Attachment A, and it is now in evidence as

1 Exhibit 201.

2 A. I have that up, Judge.

3 Q. Thank you very much. So I believe  
4 that this -- what is the date of the last  
5 payment on this account that this ledger  
6 shows?

7 A. July 8th, 2019.

8 Q. Okay. And so would that have been a  
9 payment following Mr. Harris's last bill  
10 before the high bill issued in August 2019?

11 A. Yes.

12 Q. And that paid his balance in full  
13 through that, through that date; is that  
14 correct, of July 8th, 2019?

15 A. Yes.

16 Q. And then what is the balance that  
17 shows at the end of the ledger on October 8,  
18 2020?

19 A. It's \$759.76.

20 Q. Is that the amount that the Company  
21 alleges that Mr. Harris owes at this point?

22 A. Yes.

23 Q. Is that what he would need to pay if  
24 he wanted to return to service?

25 A. Yes.

1 Q. Okay. So I'd like to ask you about  
2 there are some letters also attached to your  
3 affidavit, and these were attached as  
4 Exhibit E. And these are the letters that  
5 reference an upgrade in remote reading for  
6 the meter. They were admitted into evidence  
7 as Exhibit 205.

8 I believe the oldest letter is  
9 January 9, 2018, and the more recent one is  
10 dated May 31st, 2019. Can you let me know --  
11 the first letter was 2018 in case I messed  
12 that up. Will you let me know when you find  
13 those?

14 A. Sure. I apologize, I have way too  
15 much stuff open on my computer. I do have it  
16 up.

17 Q. Okay. Thank you.

18 A. Um-hmm.

19 Q. So I've been confused in reading the  
20 documents in the case about whether the  
21 Company is -- was hoping to replace the meter  
22 at Garham Drive and add a new kind of remote  
23 reading device to it, or if they were simply  
24 going to replace the touch pad with a new  
25 remote reading device?

1           A. So depending upon certain factors of  
2 going out, we definitely want to go out and  
3 install the reading device. However not  
4 necessarily are all of the meters -- the  
5 meter may not be compatible and we have to  
6 change out the meter.

7                     Just it's not compatible to set  
8 up the advanced metering device. That it's  
9 not all one, it's not like a -- the meter  
10 itself does not transmit it. Just like the  
11 touch pad there's a separate box or device  
12 for the AMI. The meter is still just a water  
13 meter. But depending sometimes the device is  
14 not compatible with the existing meter, and  
15 so we will change it.

16                     Also if a customer is getting  
17 close to the time that the meter needs to be  
18 changed we'll go ahead and change it at that  
19 time, too, so we don't inconvenience the  
20 customer to say, you know, in a year or two  
21 oh, by the way, we need to get back in your  
22 house to change out the meter.

23           Q. Okay. I apologize, but in regard to  
24 this specific device that we now have  
25 confirmed we know what the number is for that

1 device in Missouri-American's records, the  
2 meter that's at the Garham Drive house, what  
3 is the plan for that meter as far as  
4 replacement goes?

5 A. At the time the letters were sent it  
6 appears that it was just to upgrade the  
7 reading device.

8 Q. Okay. So in January of 2018 and  
9 then in May of 2019 the Company was  
10 contacting Mr. Harris to get access to his  
11 house for purposes of putting a new kind of  
12 AMI technology on his existing meter?

13 A. Yes, that is my understanding.

14 Q. And it was not necessarily going to  
15 mean his meter itself would be replaced?

16 A. That is correct.

17 Q. In fact the first letter on  
18 January 9, 2018, I believe there's a sentence  
19 there, could you read the last sentence of  
20 the second paragraph?

21 A. "Your water service will not be  
22 interrupted during the AMI installation."

23 Q. So if you're going to remove a meter  
24 and put a new meter on does that always  
25 result in disruption of water service?



1           A. Yes, we would have to shut it off  
2 temporarily to swap the meters.

3           Q. Okay. What has changed about the  
4 Company's plans in regard to the Garham Drive  
5 meter since the last letter was sent on  
6 May 31st, 2019, and today when you've told us  
7 -- I believe you told us the Company would  
8 now replace the meter?

9           A. So the expected date to change out  
10 the meter, or the anticipated date would be  
11 2024. Since we're now into 2021 most likely  
12 it would just be changed out all at the same  
13 time.

14          Q. Okay. Thank you. I'm just looking  
15 at my notes.

16                   Do you know if the meter that  
17 Mr. Harris has on his -- the Garham Drive  
18 house right now is compatible with the remote  
19 reading device that the Company was proposing  
20 to -- it must be because the Company was  
21 proposing just to add that, right?

22          A. Yes.

23          Q. Okay.

24          A. Yes.

25          Q. Okay. And I believe you've

1 testified that, but perhaps not so I'll just  
2 ask the question, has the Company tested the  
3 meter at the Garham Drive house since it was  
4 installed in 2009?

5 A. No, it has not.

6 Q. And do you know how old the meter  
7 is? And my question here is its length of  
8 service, the time it's been at the  
9 Garham Drive house? Is that the same thing  
10 as its age or, you know, is it older because  
11 it was used somewhere else for a while or  
12 something like that. Do you know?

13 A. So length of -- what  
14 Missouri-American would consider length of  
15 service would be as it's set in the ground.  
16 However in looking at the overall account  
17 information this was a new meter.

18 And I know you had asked  
19 previously, Judge, if I could get the  
20 purchase date. So I was able when we were on  
21 break -- I was kind of spinning my wheels  
22 thinking where can I find this information.  
23 I had forgotten about a certain tab within  
24 the meter inventory that I could still get in  
25 contact with. And what it has is listed as

1 purchase date is October 2nd, 2009.

2 Q. Okay. Thank you.

3 A. You're welcome.

4 Q. So paragraph 13 of your affidavit  
5 cites multiple meter studies that were  
6 conducted by the Company over a period of  
7 many years dating back to as late as 1960; is  
8 that correct?

9 A. That is correct.

10 Q. And are these the same studies, do  
11 you happen to know, that were recently filed  
12 by the Company in another case before the  
13 Commission, which was WC-2020-0181?

14 A. I believe so, yes, Your Honor.

15 Q. Okay. And what was the purpose of  
16 pointing out these studies to the -- to the  
17 Commission in this particular case in your  
18 affidavit?

19 A. It's showing that the meters are --  
20 the different meter studies that we've had;  
21 that Mr. Harris's meter based on the studies  
22 is in the range of still working accurately.  
23 We don't believe the meter is at fault based  
24 on the studies that they -- they're still  
25 reading appropriately and measuring

1 appropriately.

2 Q. Okay. It looks like only the 2012  
3 study that you've cited in your affidavit  
4 would have been conducted after the Company  
5 purchased the meter at Garham Drive and  
6 installed it at Mr. Harris's property; is  
7 that right? The most recent meter studies --  
8 I'm sorry for interrupting you.

9 A. That's okay. That is correct.

10 Q. Okay. So there was a 1995 study,  
11 then there was a long period of time and then  
12 a 2012 study?

13 A. That is correct.

14 Q. Okay. Was the meter installed at  
15 the Garham Drive house included in the 2012  
16 study?

17 A. I'm not sure what you mean by that.

18 Q. Well, I'm asking if the meter was  
19 tested as part of the -- as the 2012 study?

20 A. Not that I'm aware of, I don't  
21 believe so. I'm not sure.

22 Q. Okay. So are you able to access the  
23 Excel file that was filed in the other case  
24 that I referenced? The 2012 study was  
25 actually filed in the form of an Excel file.

1 So I don't know if you have access to the  
2 study or you can otherwise pull it up on  
3 EFIS?

4 A. I don't believe I have access to  
5 EFIS.

6 Q. Okay.

7 A. To obtain that information.

8 Q. Okay. Do you have the 2012 study?

9 A. I do not believe I do.

10 Q. Okay.

11 A. It's not available to me.

12 Q. Okay. So can you describe to me  
13 what the purpose of the 2012 study was?

14 A. To go along -- to ensure that the  
15 meter is registering usage at the 15-year  
16 period of time.

17 My understanding is that the  
18 meters that were tested were actually ones  
19 that were pulled in the length of service,  
20 which for Missouri-American would be  
21 15 years, and showing that they were still  
22 functioning properly.

23 The Neptune meter that is in  
24 Mr. Harris's house and any Neptune meter,  
25 they're all warrantied for at least 15 years.

1 So those studies were done to make sure -- to  
2 ensure that they were accurate, is my  
3 understanding.

4 Q. So these studies are performed as a  
5 sample of other meters in use by the Company  
6 to see how they -- how meters of that type  
7 and age perform?

8 A. That is my understanding, yes.

9 Q. So the meter study isn't actually a  
10 conclusion about the performance of a  
11 specific meter necessarily?

12 A. No, not one specific meter.

13 Q. Okay. So have you ever looked at  
14 the 2012 study?

15 A. Not in-depth, only a high level,  
16 like what is outlined in that statement.

17 Q. Okay. So let's see here, there is  
18 something in particular that I want to look  
19 at with you, so I'm going to try to do it in  
20 a share screen format.

21 And once again, the meter  
22 studies were filed in that other case,  
23 WC-2020-0181, also attached in that case to  
24 an affidavit under your signature.

25 So let me share this now so

1 everyone can see what I'm doing, okay? So I  
2 have pulled up an EFIS affidavit and the  
3 attachments. The meter study is two Excel  
4 files, which I probably will now have to  
5 choose to share the Excel file that I just  
6 tried to open, unless can everyone see the  
7 Excel file or are you still looking at EFIS?  
8 Can anyone see?

9 A. I can see the Excel files.

10 Q. Okay. Great, all right. So it's an  
11 Excel file and it's got a bunch, it looks  
12 like some categories are year installed, the  
13 year it was removed, the length of service,  
14 the date it was tested, the meter number.

15 And Miss Figueroa, would you  
16 agree with me that it appears that included  
17 in this study were meters with a range of  
18 length of service listed?

19 A. Yes, Your Honor.

20 Q. Okay. So I'm seeing length of  
21 service ranging up as high as 20 years and  
22 then lower. Because this is an Excel file  
23 it's possible to sort them. So we can  
24 observe a couple things. Do you think it's  
25 accurate to conclude that 5,947 meters were

1 included in this study?

2 A. Yes, because it would have all been  
3 when we do length of service they're going to  
4 pull them out. You know, yes, sorry.

5 Q. I'm seeing 5,947 here on the side.  
6 It looks like it's just keeping track of the  
7 list of included meters; is that accurate?

8 A. Yes.

9 Q. Okay. And I -- testimony yesterday  
10 was Missouri-American has what, 470,000  
11 customers in Missouri, or what's that number?

12 A. Close to that, I think it's 471  
13 altogether.

14 Q. And I guess to be truly accurate we  
15 would really want to know how many customers  
16 they had in 2012, but I'm sure that's a  
17 matter of record somewhere officially with  
18 the Commission.

19 So this is clearly a very small  
20 sample of meters in service, would you agree?

21 A. Yes.

22 Q. Okay. And then if I sort it and I  
23 try to figure out okay, well, how many meters  
24 were in service for ten or fewer years that  
25 were included in this, because when this



1 problem arose for Mr. Harris if his meter was  
2 installed in 2009, then 2019 it was only in  
3 service for ten years at that point; is that  
4 right? Yeah.

5 A. 2012?

6 Q. So in 2009 his meter was installed.  
7 In 2019 when we had a high water bill that  
8 was ten years later, right?

9 A. Yes, um-hmm.

10 Q. Okay. But if the 2012 study is  
11 supposed to tell us anything at all about the  
12 performance of meters in that age range then  
13 I mean this is what we have to go with. So  
14 if I look at how many -- oh, it doesn't want  
15 to let me do it because it's a protected view  
16 so I have to authorize it.

17 Okay. So if I look at this and  
18 change the years of service to what  
19 Mr. Harris's meter is, or was back in 2019,  
20 then I discover that there was a sample size  
21 of six meters. Is that an accurate  
22 conclusion?

23 A. Yes.

24 Q. Okay. So is the sample size of six  
25 meters out of the hundreds of thousands of

1 meters in service something that will tell us  
2 anything at all about a specific meter?

3 A. I mean it's just going to be -- I'm  
4 not sure, Your Honor.

5 Q. Okay.

6 A. I mean I don't know.

7 Q. Okay. And the actual meter studies  
8 were not attached to your affidavit but they  
9 are on record with the Commission in another  
10 case, and so I would propose that we would  
11 make them exhibits in this case so if the  
12 Commission wants to look at those meter  
13 studies that you've cited they can go ahead  
14 and do so in this case.

15 Does any party have an  
16 objection to that?

17 MS. BRETZ: No objection.

18 MS. HERNANDEZ: No objection.

19 JUDGE JACOBS: Okay. Thank you.

20 So we have one, two, three,  
21 four, five, six meter studies that were filed  
22 in WC-2020-0181. Those will come in as  
23 Commission's Exhibits 300 to 306 in order  
24 corresponding to chronological order; one,  
25 two, three, four, five. So the last one,

1 306, will be the 2012 study.

2 Okay. The other thing I wanted  
3 to ask you about the studies is -- well,  
4 first of all, can you -- were all of these  
5 studies performed internally to  
6 Missouri-American, or did Missouri-American  
7 go out and get an independent group to  
8 conduct it?

9 THE WITNESS: I'm not sure.

10 BY JUDGE JACOBS:

11 Q. Okay.

12 A. As far as I know I believe -- I'm  
13 not sure about the early studies, the very  
14 early ones. But I know, I believe starting  
15 at least in 1995 they were done in-house,  
16 they were done by Missouri-American.

17 Q. Okay. So you would be confident  
18 today saying the 1995 and 2012 studies were  
19 done in-house?

20 A. Yes.

21 Q. Okay. Thank you. Do you happen to  
22 know if in the 1995 or 2012 studies that the  
23 Company found that any of the meters were not  
24 operating appropriately?

25 A. I don't -- I'm not sure.

1 Q. Okay.

2 A. I would have to go back and pull the  
3 data and look at it.

4 Q. Okay. Do you know when the Company  
5 intends to next perform another meter study,  
6 if any fact it intends to do so?

7 A. I'm not sure of that, Judge.

8 Q. Do you know how the Company decides  
9 if a meter study is necessary or needed at a  
10 particular time?

11 A. No, I don't.

12 Q. Okay. And then paragraph 18 of your  
13 affidavit indicates that the 2012-meter study  
14 tested or included 558 meters with 15-year  
15 service periods.

16 Can you tell me what does the  
17 15-year service period mean? Does it mean  
18 that they were meters that were being used  
19 for 15 years and then they were tested as  
20 part of the study?

21 A. Yes, that is my understanding, they  
22 had been in use for 15 years.

23 Q. Okay.

24 A. Prior to being pulled.

25 Q. Do you know if the meters were all

1 the five-eighths size meters?

2 A. I believe, yes, they were  
3 five-eighths inch meters.

4 Q. Okay. Do you know if the 558 meters  
5 that were studied that had a 15-year service  
6 period were the same make and model of the  
7 meter that is installed at Mr. Harris's house  
8 on Garham Drive?

9 A. That I don't know.

10 Q. Is it appropriate to conclude that  
11 Missouri-American has approximately the same  
12 numbers of meters in use as it does  
13 customers? Would they have to be the same  
14 thing most of the time?

15 A. Yes. The only difference would be  
16 commercial customers may have multiple  
17 meters.

18 Q. Okay. Do you have any idea how the  
19 Company decides which meters it's going to  
20 include in the study?

21 A. No, I don't.

22 Q. Okay. And there has been some  
23 discussion about the warranty on the meter,  
24 and that the meter that's installed at the  
25 Garham Drive house has a warranty of a

1 certain length.

2 A. Yes.

3 Q. Are you familiar with the warranty  
4 length on that meter?

5 A. Neptune meters, which is installed  
6 in Mr. Harris's property on Garham, it's  
7 warrantied to meet or exceed accuracy  
8 standards for 15 years.

9 Q. Okay. And so the warranty runs to  
10 the benefit of the company, right? The  
11 contract is not between Mr. Harris and  
12 Neptune, it's between Missouri-American and  
13 Neptune; is that right?

14 A. Correct.

15 Q. Okay. Because the meter is the  
16 Company's property?

17 A. Yes.

18 Q. Okay. So when a service is  
19 disconnected, or was disconnected at the  
20 Garham Drive house, it was necessary for the  
21 Company to send someone out to the property  
22 to do that disconnection, right?

23 A. Yes.

24 Q. Okay. And do you know how that  
25 disconnection was done at this particular

1 property? Were they able to -- did they -- I  
2 don't know if you know, so you can just  
3 describe the process to me if you do know.

4 A. So because Mr. Harris's meter is  
5 inside there would have been a stop valve out  
6 in his yard by a stop box. And the FSR would  
7 use a long key to turn the valve from the on  
8 position to the off position.

9 Q. Okay. Thank you. The next thing I  
10 want to look at is that meter log with the  
11 key that goes with it that explains the meter  
12 read reason and type.

13 A. Okay.

14 Q. So I wanted to look at the last two  
15 dates where reads are indicated. So the  
16 last, the very last one is October 28, 2020;  
17 is that correct?

18 A. Yes.

19 Q. And what is the meter read type  
20 that's indicated there?

21 A. That would be an estimated read --  
22 I'm sorry, meter type, yes, that's an  
23 automatic estimation.

24 Q. Okay.

25 A. So for some reason it didn't pull a

1 reading so the system estimated it.

2 Q. And of course at that point water  
3 service had already been turned off, right?

4 A. That is correct.

5 Q. Okay. And then the more mysterious  
6 type is the October 7, 2020, read, which is  
7 indicated as Type 4. Can you explain what  
8 that is?

9 A. That is -- it's called interpolated,  
10 and it's an estimated read based on actual  
11 readings. So the reason that it comes up as  
12 an estimated reading, the -- when we shut off  
13 a customer for nonpayment if a payment has  
14 not been made and an order to restore service  
15 has not been created within ten days the  
16 system automatically closes the account.

17 When it does that it will just  
18 pull the reading, the actual reading that we  
19 received at the time of the service order  
20 because the water should be off.

21 Q. Are you able to tell from looking at  
22 that meter read log whether someone from the  
23 Company went to the property on October 7th,  
24 2020?

25 A. No, they would not have.



1 Q. Okay. And then I'm sorry, I have to  
2 go back to our meter study issues. I want to  
3 go back to paragraph 18. And you've --  
4 there's a sentence there. Could you read the  
5 last sentence of paragraph 18 for me?

6 A. "From the data it was concluded that  
7 the service period of 15 years should  
8 continue to be used for five-eighth inch  
9 meters."

10 Q. And it was the Company that reached  
11 that conclusion; is that right?

12 A. Yes.

13 Q. Okay. Is there a service period  
14 that's specified by Commission rule at all?

15 A. Not that I can think off the top of  
16 my head.

17 Q. Okay. Is there a tariff term, a  
18 term of the Company's tariff that specified  
19 an acceptable service period for a meter?

20 A. I don't know that off the top of my  
21 head. There may be, but I'm not sure.

22 Q. Okay. And I want to make sure that  
23 I understand you. Is there -- does the  
24 Company at this time have in place a plan or  
25 schedule that meters are replaced every

1 15 years, or is it a different period?

2 A. It's every 15 years.

3 Q. Okay. And although the Commission's  
4 rule requires a test every ten years or if  
5 the meter is registering, of this size is  
6 registering 200,000 or more cubic feet, then  
7 a meter test would be required at that point.  
8 The Company hasn't sought a variance of that  
9 rule at any point; is that right?

10 MS. HERNANDEZ: Sorry, Judge, I'm  
11 going to have to -- she'll probably get to  
12 answer this question but I'm going to object  
13 based on it calls for a legal conclusion.

14 JUDGE JACOBS: Okay. So I will  
15 revise so that she won't be required to make  
16 a legal conclusion.

17 Miss Figueroa, have -- are you  
18 aware that the Company has ever sought a  
19 variance of the Commission's rule for testing  
20 water meters?

21 THE WITNESS: Since I've been here  
22 for the last three years with  
23 Missouri-American not that I'm aware of. I  
24 don't know if that happened prior.

25 \*\*\*\*\*

1 BY JUDGE JACOBS:

2 Q. Okay. I am getting very close to  
3 being done.

4 Okay. All right.

5 Miss Figueroa, if you could try to restore  
6 your video, maybe things would be better.

7 You can give it a shot if you want. I  
8 believe that those are all the questions that  
9 I have at this point. Of course if we have  
10 Commissioners who wanted to ask something  
11 they can speak up and do that, and I will  
12 open it up to any recross from Staff at this  
13 point.

14 MS. BRETZ: No, we have nothing,  
15 Judge. Thanks.

16 JUDGE JACOBS: Thank you. And will  
17 there be anything, any questions for  
18 Miss Figueroa from Mr. Harris?

19 MR. HARRIS: Yes.

20 CROSS-EXAMINATION

21 QUESTIONS BY MR. HARRIS:

22 Q. Could you tell me when the touch pad  
23 readings started?

24 A. For the current meter it would have  
25 started, I believe it was the first reading

1 after it was installed was February of 2010.  
2 But they would have tested the touch pad at  
3 the time of installation to ensure that it  
4 was reading, so that would have been November  
5 of 2009.

6 Q. Could you tell me why you only have  
7 the '15, start at '15 then; could you tell me  
8 that, the readings?

9 JUDGE JACOBS: So mister -- I  
10 apologize. I think, Mr. Harris, you're  
11 asking why the information the Company  
12 provided only started in 2015, right?

13 MR. HARRIS: Well, no. What I was  
14 asking is when first was the meters -- were  
15 the touch pad used on the Neptune meters.

16 JUDGE JACOBS: And she answered that  
17 question, and then you asked why something  
18 about 2015.

19 MR. HARRIS: Yeah. Well, what I  
20 asked was first I asked her when were they  
21 first started using the touch pad on the  
22 Neptune meters.

23 JUDGE JACOBS: So I think we should  
24 ask questions about your meter in particular  
25 so that she can answer questions about your

1 meter, okay? And I think that's what  
2 Miss Figueroa did.

3 MR. HARRIS: Well, see, my Neptune  
4 meter was not put in in 2009. My Neptune  
5 meter was put in in 1987. And that -- I used  
6 to see the meter man come by, so I was just  
7 asking when was it started with reading the  
8 Neptune meter from the outside with the touch  
9 pad.

10 JUDGE JACOBS: And I believe that  
11 Miss Figueroa answered that question when she  
12 said 2009.

13 MR. HARRIS: Well, then I didn't see  
14 any readings, or any readings for that amount  
15 of time. The only thing I seen was from '15  
16 on up to '19.

17 JUDGE JACOBS: Miss Figueroa, do  
18 your records include meter readings for the  
19 Garham Drive house before 2015?

20 THE WITNESS: Yes.

21 JUDGE JACOBS: And do those meter  
22 readings indicate that they were taken by  
23 touch pad?

24 THE WITNESS: Yeah.

25 JUDGE JACOBS: Have meter readings

1 been taken by touch pad at Mr. Harris's  
2 residence on Garham Drive since February of  
3 2010 according to your records?

4 THE WITNESS: Yes.

5 JUDGE JACOBS: And the reason -- and  
6 what is the reason why the Company didn't  
7 respond to Mr. Harris's request for his meter  
8 reading records going back for ten years?

9 THE WITNESS: Because the  
10 representative at the -- within the disputes  
11 team did not have access to the archive  
12 system.

13 JUDGE JACOBS: Okay. And Mr. Harris  
14 also sent in some letters when he asked for  
15 that information, so is it not set up to  
16 respond to that kind of request by letter?

17 THE WITNESS: I believe that they  
18 went to the customer service center and they  
19 would not have access to that.

20 JUDGE JACOBS: Okay. Did you have  
21 any other questions, Mr. Harris?

22 MR. HARRIS: It appears that my  
23 question is not being answered.

24 JUDGE JACOBS: So what you're doing  
25 is you're arguing the point that you have

1 made repeatedly here. So Miss Figueroa has  
2 answered the question that you've asked.

3 MR. HARRIS: Well, who would have  
4 access to that? Because if we only had the  
5 readings from -- for four years, five months,  
6 and 28 days, that's the maximum amount that  
7 the readings have been basically assessed.

8 JUDGE JACOBS: Miss Figueroa, I  
9 think your testimony has been that you do, in  
10 fact, have meter records for Garham Drive; is  
11 that right?

12 THE WITNESS: Yes.

13 JUDGE JACOBS: Okay. And I think  
14 that your testimony was that you have -- the  
15 question was billing records, and I believe  
16 your answer was that those go back to 2004.  
17 Is that what you said?

18 THE WITNESS: Yes.

19 JUDGE JACOBS: Okay. So if  
20 Mr. Harris wants to get that kind of  
21 information about his account is there any  
22 way that he can do that?

23 THE WITNESS: I mean I could provide  
24 it but typically if it was requested --

25 JUDGE JACOBS: I'm sorry, I'm going

1 to ask you to cut your video again. I'm  
2 going to ask you to cut your video again, I'm  
3 sorry. And then if you could pick that up  
4 from, "if it's requested." Thank you.

5 THE WITNESS: Is this better?

6 JUDGE JACOBS: That's better, thank  
7 you so much. That was my fault.

8 THE WITNESS: Uh-huh. So if it's  
9 requested through -- if a customer requests  
10 the records through the call center they will  
11 go back to 2013 when the new system started,  
12 which would be May. They may -- I think  
13 there are a few carryover readings from the  
14 old system to the new system, but there's not  
15 very many.

16 Like I said, typically that's  
17 most of what the customers ask for, it's  
18 usually the past few years. Anything beyond  
19 that they really can't provide. I mean if  
20 that's something that is really desired I  
21 could somehow get that together. Pulling  
22 that information out of the old system is a  
23 little labor intensive.

24 JUDGE JACOBS: Okay. So is there a  
25 Commission rule or tariff that you're aware



1 of that obligates the Company to provide that  
2 kind of account information upon request?

3 THE WITNESS: Not that I am aware of.

4 JUDGE JACOBS: Okay. Great.

5 Mr. Harris, any other questions?

6 MR. HARRIS: Judge, I'm not getting  
7 the information that I need. Because if the  
8 water company only wants to go back on  
9 payments for five years and only go back to  
10 readings for five years I'm not getting the  
11 information that I need from them. Because  
12 they only want to give me the information  
13 that provides their point, not mine.

14 So why is that?

15 JUDGE JACOBS: So your request has  
16 been noted, and that's the best that we can  
17 do at this stage of the process. You've been  
18 heard on that issue, okay?

19 MR. HARRIS: Okay.

20 JUDGE JACOBS: Okay. So the next  
21 thing that we would do is is there any  
22 redirect from the Company for Miss Figueroa?

23 MS. HERNANDEZ: Yes, Judge.

24 \*\*\*\*\*

25

1 REDIRECT EXAMINATION

2 QUESTIONS BY MS. HERNANDEZ:

3 Q. Miss Figueroa, let's -- when we were  
4 renumbering your affidavit to a different  
5 exhibit I failed to ask you a question in  
6 terms of Exhibit 200 and the facts therein.  
7 Are those facts in Exhibit 200 true and  
8 correct to the best of your knowledge,  
9 information, and belief?

10 A. Is Exhibit 200, can I just clarify  
11 that? Is that the affidavit or was that one  
12 of the attachments? I apologize.

13 Q. Yes, it's the affidavit only, the  
14 attachments started at 201 and continued.

15 A. Okay.

16 Q. So are the facts contained in  
17 Exhibit 200 true and correct to the best of  
18 your knowledge, information, and belief?

19 A. Yes.

20 Q. And you were asked a question  
21 regarding Exhibit 201, with the amount  
22 \$759.76 being owed to restore service. Do  
23 you remember that question?

24 A. Yes.

25 Q. Does that amount include any

1 reconnect fees that are authorized under  
2 Missouri-American's tariff?

3 A. No, there would be a reconnection  
4 fee of \$27.50.

5 Q. And do you know the cost of a  
6 service meter to the Company, a Neptune  
7 service meter to the Company?

8 A. No, I don't know what the cost is.

9 Q. Do you know whether the cost of  
10 Neptune meters are recovered in rates from  
11 customers?

12 A. I believe it is, I believe that's  
13 part of --

14 Q. I'm sorry, that's part of?

15 A. Going into the rate calculation is  
16 the cost of meters.

17 Q. You had a series of questions about  
18 the 2012 meter study in particular. Is it  
19 your understanding that meters that were in  
20 service for 15 years tested above the  
21 Commission's standard for accuracy?

22 A. Yes.

23 Q. And if a shorter replacement time  
24 for meters, such as ten years, was required,  
25 do you know what would happen to the

1 Company's expense levels for meters?

2 A. If they were -- if they were to be  
3 replaced and tested, all meters every ten  
4 years, the cost would go -- would be higher  
5 than it currently is, is my understanding of  
6 how that works.

7 Q. And all else remaining equal in  
8 terms of determining a rate calculation, is  
9 it your understanding that rates could  
10 increase for customers if we -- if we  
11 replaced meters more often than 15 years?

12 A. Yes.

13 Q. And in your professional opinion is  
14 it reasonable to replace a meter that --  
15 sorry, I'm just thinking of the question.

16 Is it reasonable to replace a  
17 meter that is still within its useful life?

18 A. No, because we don't keep those  
19 meters, we don't reset them. So they would  
20 essentially be scrapped after they're pulled  
21 and we'd have to replace it with a new meter.

22 So the value of that in looking  
23 at the rate -- in our rates and projected  
24 15 years, it would actually cost us more to  
25 pull meters before their life expectancy.

1 MS. HERNANDEZ: I believe that's all  
2 the questions I have. Thank you.

3 JUDGE JACOBS: Okay. I have to  
4 apologize because that has raised a couple  
5 more questions for me so I'm going to go  
6 ahead and try to do this quickly.

7 FURTHER EXAMINATION

8 QUESTIONS BY JUDGE JACOBS:

9 Q. Miss Figueroa, do I understand that  
10 all the meters that are included in a meter  
11 study are tested and then it's determined  
12 whether they're working properly or not. And  
13 even if they're shown to be still working  
14 properly they are not used again, they're  
15 scrapped?

16 A. That is correct.

17 Q. Okay. And I want to ask you about  
18 something in paragraph 18. It's the sentence  
19 right in the middle that provides a statement  
20 about what is the acceptable test range. It  
21 starts with, "The acceptable test range."  
22 Could you read that sentence for us?

23 A. "The acceptable test range is  
24 98.5 percent to 102 percent accuracy at two  
25 gallons per minute."

1 Q. Okay. And what -- where does the  
2 acceptable test range come from? Was that  
3 established by the Company or was that  
4 another source for that?

5 A. I believe it's from AWWA, which is  
6 American Water Works Association. That's  
7 part of the standards.

8 Q. So there's a professional  
9 organization that has some recommended  
10 standards?

11 A. Correct.

12 Q. Or an industry organization, maybe  
13 is what we should describe it as.

14 A. Yes. American Water Works  
15 Association.

16 Q. Do you happen to know if that  
17 standard meets or exceeds the standard that  
18 is stated in the Commission rule that I am  
19 flipping through the CSR right now to find?  
20 It's -- here it is. At 20 CSR 4240 10.030  
21 and it's stated at part 37. Are you at all  
22 familiar with that?

23 A. Vaguely. I think it's something  
24 about within 35 -- I don't remember it off  
25 the top of my head.

1 Q. Okay. Yeah, there's a standard  
2 there that talks about a certain error in  
3 measurement that can't be in excess of five  
4 percent at a certain rate, apparently.

5 So do you happen to know if the  
6 meter study acceptable test range is intended  
7 to exceed that standard under the Commission  
8 rule?

9 A. I'm not sure about exceeding it. I  
10 know it at least meets it, I'm not sure about  
11 exceeding it.

12 Q. Okay. Thank you.

13 And I will allow the parties to  
14 ask any additional questions because I posed  
15 some additional questions. Any questions  
16 from Staff?

17 MS. BRETZ: No.

18 JUDGE JACOBS: Any questions from  
19 Mr. Harris?

20 MR. HARRIS: Not at this time.

21 JUDGE JACOBS: Thank you, sir. And  
22 any final redirect from the Company?

23 MS. HERNANDEZ: No further  
24 questions. Thank you.

25 JUDGE JACOBS: Okay. Thank you so

1 much. So it is now 5:26 PM.

2 Miss Figueroa, thank you so  
3 much for your testimony today. We really  
4 appreciate your patience and your being here.

5 I would like a chance to talk  
6 to Staff and make sure that the exhibits are  
7 correct. Can our court reporter stick with  
8 us to go through that process and make sure?

9 Okay, good. I'm sorry for  
10 burdening you. Thank you for helping us out.

11 So that would be the last thing  
12 that I need to take care of before we can  
13 close this hearing. So I just wanted a  
14 chance, Miss Bretz, to make sure on the  
15 record that I got everything right.

16 MS. BRETZ: Sure.

17 JUDGE JACOBS: Okay. So if we're  
18 looking at your exhibit filing together, 101  
19 was the Google Earth image -- I'm sorry, 100  
20 is the Google Earth image, 101 is Staff's  
21 report with the attachments that you included  
22 with that report originally.

23 103 -- I'm sorry, 102,  
24 Mr. Roos's spreadsheets, that's 102. I had  
25 103 as the statements that were provided in



1 response to data request one. And I'm sure,  
2 Miss Bretz, you're going to jump in if I got  
3 something messed up, right?

4 MS. BRETZ: I will, yeah.

5 JUDGE JACOBS: Thank you. 104 I  
6 have as data request three, which is a couple  
7 pages of customer service notes. 105 was a  
8 single page, the response from the Company on  
9 the dates on the meter.

10 106 is the meter log and the  
11 two keys that go with it. 107 is the  
12 actually DR-7, I believe is what that is, and  
13 it's a single page.

14 All right. 108 is the document  
15 that you submitted by e-mail later on; is  
16 that right?

17 MS. BRETZ: Yes.

18 JUDGE JACOBS: Okay. And just give  
19 me a description of it so that I make sure I  
20 don't mess it up with the other -- the other  
21 things that were e-mailed. So when I pull  
22 this up it is DR-10 with the response  
23 included; is that right?

24 MS. BRETZ: Yes.

25 JUDGE JACOBS: Okay. Thank you.

1 And then 109 was withdrawn because of an  
2 objection. 110 is DR-13.

3 MS. BRETZ: DR-14 actually.

4 JUDGE JACOBS: DR-14, okay, yes,  
5 DR-14. And 111 is that, that must be the --  
6 no, what is 111? That's where I may have  
7 gotten messed up. It's a one-page service  
8 note or?

9 MS. BRETZ: It's two pages excerpted  
10 from DR-3.

11 JUDGE JACOBS: Oh, okay. That's  
12 what got messed up. Okay. So that will be  
13 in my e-mail as well; is that right? Is that  
14 the customer service notes that was just two  
15 pages that we talked about and then we talked  
16 about the issue of 112?

17 MS. BRETZ: Yes.

18 JUDGE JACOBS: Which is actually the  
19 longer version of that, and we were going to  
20 give Mr. Harris -- the intention there was to  
21 give Mr. Harris the opportunity to review  
22 that document, which I believe was 12 pages  
23 long.

24 MR. HARRIS: 14, 16 pages.

25 JUDGE JACOBS: Okay. It's longer

1 than that, okay.

2 So Mr. Harris, did you have a  
3 chance to look at that?

4 MR. HARRIS: Not all the way, no.

5 JUDGE JACOBS: Okay. Do you have  
6 concerns about it such that we need to wait  
7 for you to read the entire thing now or?

8 And to get a better description  
9 on this, Miss Bretz, it looks like this is  
10 the data request number three, and it's  
11 account notes and it appears to be 14 pages.  
12 Did I get that right?

13 MS. BRETZ: Yes, and then I included  
14 the question also.

15 JUDGE JACOBS: Okay. So there is  
16 essentially kind of a cover page that  
17 includes the actual, I see, the questions  
18 there. Okay. And then there is 14 pages in  
19 response. So it's a total of 16 pages.

20 Okay. Mr. Harris, the ball is  
21 in your court, we're waiting to hear from  
22 you.

23 MR. HARRIS: About the 16 pages, is  
24 that what you're asking me for?

25 JUDGE JACOBS: Yes, sir.

1 MR. HARRIS: Yeah, I've read over  
2 some of it and it doesn't really reflect  
3 anything other than me talking back and forth  
4 to the customer.

5 JUDGE JACOBS: Do you have any  
6 objection to those documents being included  
7 in the records in this case?

8 MR. HARRIS: No.

9 JUDGE JACOBS: Thank you, sir. And  
10 Miss Bretz, I believe you did offer these as  
11 Exhibit 112.

12 MS. BRETZ: I think so. I can do it  
13 again. Judge, I would ask that this be  
14 entered as Exhibit 112.

15 JUDGE JACOBS: Okay. Any objection  
16 to admitting these documents into the record  
17 as 112?

18 MS. HERNANDEZ: No objection.

19 JUDGE JACOBS: And Mr. Harris has  
20 already informed us he has no objection. 112  
21 will be admitted to the record.

22 Okay. So that takes care of  
23 exhibit issues, I believe, unless anybody has  
24 any other concerns. Does anyone have any  
25 concerns about exhibits or need to clarify

1 anything?

2 MS. BRETZ: No.

3 MS. HERNANDEZ: Judge, if I could  
4 just ask a question about the stipulation of  
5 facts that was filed in the case.

6 JUDGE JACOBS: Yes.

7 MS. HERNANDEZ: So the Commission  
8 will just take notice of that, or whether we  
9 need to make that a specific exhibit?

10 JUDGE JACOBS: We can certainly make  
11 it an exhibit. Because it has the status of  
12 the pleading I've always wondered whether  
13 that's necessary. I guess that's kind of a  
14 legal question to a certain extent and a  
15 philosophical question.

16 I'm fine with making it an  
17 exhibit. It's clearly a party stipulation,  
18 whether or not we call it an exhibit. So do  
19 you want to offer that as an exhibit? Or we  
20 could make it Commission's exhibit, to make  
21 life easier for everybody. Let's make it --  
22 I would propose that the stipulation would be  
23 Commission's Exhibit 307.

24 And this is the Stipulation of  
25 Facts, Mr. Harris, that you joined in with

1 the rest of the parties. Is there any  
2 objection to that?

3 MR. HARRIS: No.

4 JUDGE JACOBS: Thank you very much.  
5 Hearing no objection the Stipulation of Facts  
6 will be marked as Exhibit 307.

7 Any other concerns about  
8 exhibits or evidentiary issues?

9 MS. HERNANDEZ: Just to  
10 double-check, you have admitted  
11 Missouri-American Exhibits 200, 201, 202,  
12 203, 204, and 205.

13 JUDGE JACOBS: That is what I have  
14 for you. And for whatever reason I seem to  
15 have done a better job keeping up during that  
16 process. Probably because I was the one who  
17 requested it. So yes, I felt confident that  
18 I knew what was going on on there.

19 MS. HERNANDEZ: All right. I  
20 appreciate that clarification and  
21 double-check for my sanity.

22 JUDGE JACOBS: Yes. I would rather  
23 talk about it now than try to deal with the  
24 consequences later.

25 Okay. So it looks like we've

1 taken care of exhibit issues. I didn't have  
2 any other notations of stuff to talk to the  
3 parties about before we close today.

4 Transcripts are supposed to be  
5 available within ten business days and briefs  
6 have not been ordered in this case. I'm not  
7 sure that they would be helpful. Is there  
8 any party who believes briefing would be  
9 useful in this case?

10 MS. HERNANDEZ: I would like to file  
11 a brief.

12 JUDGE JACOBS: Okay. So one round  
13 of briefing, or do we need replies?

14 MS. BRETZ: One round, please, if  
15 that's okay with you Jennifer, Mr. Harris.

16 MS. HERNANDEZ: I'm just thinking in  
17 terms of.

18 JUDGE JACOBS: I would probably say  
19 any level of hesitation would indicate  
20 another round of briefings probably.

21 MS. HERNANDEZ: Yeah. I don't know,  
22 you know, I guess in terms of the basis of  
23 your question whether you're concerned about  
24 the time or just the amount of reading that  
25 you would have to do. But I think I would

1 like an opportunity to respond to anything  
2 that Mr. Harris may file.

3 JUDGE JACOBS: Okay. So I would  
4 say, I would just throw out there as a  
5 possibility that the initial brief could be  
6 due as early as June 3rd, and then I don't  
7 know what spacing is preferred for a reply,  
8 if you'd like to do it the next week or two  
9 weeks later. I don't have strong opinions  
10 about that.

11 So I'm just throwing that out  
12 there to get it going. If you're --

13 MS. BRETZ: Two weeks.

14 JUDGE JACOBS: Okay. And how did  
15 June 3rd sound, June 3rd or 4th?

16 MS. BRETZ: June 3rd is great.

17 MS. HERNANDEZ: You said ten  
18 business days for the transcript?

19 JUDGE JACOBS: Yes.

20 MS. HERNANDEZ: That's just a day  
21 over two weeks, I think, if we get it on the  
22 19th. We can make it work.

23 JUDGE JACOBS: Well, if it's too  
24 tight I don't -- I'm fine with that, really.  
25 I thought that was the earliest date that



1 would be reasonable.

2 MS. HERNANDEZ: If we could maybe  
3 go, maybe three weeks for the initial,  
4 assuming that the transcript is -- will take  
5 until the 19th, which if I'm doing my  
6 calculation right would be ten business days.

7 JUDGE JACOBS: I allowed that time  
8 and then a little bit of time to look at the  
9 transcript initially when it comes in. So  
10 are you suggesting June 10th?

11 MS. HERNANDEZ: Yes.

12 JUDGE JACOBS: Okay. And then  
13 June 24th would be replies.

14 MS. HERNANDEZ: That would be what I  
15 propose.

16 JUDGE JACOBS: How does that work  
17 for you, Miss Bretz?

18 MS. BRETZ: That's fine. Thank you.

19 JUDGE JACOBS: So what we're talking  
20 about here, Mr. Harris, is the opportunity  
21 for the parties to file legal briefs after  
22 the transcript comes in. So you can argue in  
23 writing, generally the briefs would address  
24 legal questions posed in the case. And those  
25 would be due June 10th with replies on

1 June 24th.

2 MR. HARRIS: Okay. Now are you  
3 saying that you're going to send me a copy of  
4 what transpired today and then I respond to  
5 it?

6 JUDGE JACOBS: So the transcript for  
7 this hearing will be prepared and it will be  
8 available in the case file, so.

9 MR. HARRIS: Will that be sent to me?

10 JUDGE JACOBS: I actually do not  
11 think that typically parties receive that  
12 other than through EFIS unless they make  
13 arrangements with the court reporter.

14 But it would be available to  
15 you by using the Commission's website, is one  
16 way that you could get it. And I'm --  
17 that -- what that allows you to do is simply  
18 read the transcript of the hearing.

19 So you were present for the  
20 entire hearing as well. But sometimes  
21 parties want to be able to refer to specific  
22 testimony in the transcript.

23 MR. HARRIS: That's what I'm talking  
24 about, yes.

25 JUDGE JACOBS: Okay. So you can get

1 access to that once the transcript is  
2 prepared.

3 MR. HARRIS: Okay.

4 JUDGE JACOBS: You may need some  
5 assistance with that, you might have to let  
6 the parties know that you're having  
7 difficulty getting a transcript and, you  
8 know, see what can be done to make sure that  
9 you have it. But I am confident that we can  
10 make sure that you have access to the  
11 transcript.

12 MR. HARRIS: Okay.

13 JUDGE JACOBS: Okay? But it will be  
14 your responsibility to pay attention to what  
15 is happening in the case.

16 And did you have a desire, sir,  
17 to file a legal brief, or do you want the  
18 option to do so?

19 MR. HARRIS: I'd like to have the  
20 option.

21 JUDGE JACOBS: Okay. So then I  
22 don't think an order that would come out of  
23 this discussion today would require you to  
24 file a brief, but would allow you to do so by  
25 a certain date if you decide you want to.

1 Does that make sense?

2 MR. HARRIS: Okay. But where does  
3 it go from here? Is this the last?

4 JUDGE JACOBS: So the Commission  
5 will make a decision on the case after the  
6 briefs are filed, unless of course the case  
7 takes another route for some reason.

8 But typically the next step is  
9 to get any argument that will be made in  
10 writing and then the case goes to the  
11 Commission for decision, and the Commission's  
12 decisions are made in writing and you would  
13 receive that.

14 MR. HARRIS: Okay.

15 JUDGE JACOBS: Okay. So I believe,  
16 Parties, we've come up with June 10 for  
17 initial post hearing briefs with replies  
18 June 24th. So I will put an order out that  
19 confirms that so everyone knows.

20 Did anyone have anything else  
21 before we go off the record this evening?

22 Okay. Well, I want to thank  
23 you everyone for your patience and tolerance  
24 during this process and I hope you all have a  
25 good evening. We are now going off the

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record. Thank you.  
(At 5:43 PM the proceedings were  
adjourned.)

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CERTIFICATE OF REPORTER

I, CYNTHIA P. LAKIN, a Certified Court Reporter, #323, 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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