

1 STATE OF MISSOURI
2 PUBLIC SERVICE COMMISSION
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5 TRANSCRIPT OF PROCEEDINGS
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7 PREHEARING CONFERENCE
8
9 June 20, 2006
10 Jefferson City, Missouri
11 Volume 1
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14 The Staff of the Missouri)
15 Public Service Commission,)
16 Complainant,)
17 vs.) Case No. WC-2006-0363
18 Franklin County Service)
19 Company, Melody Lake Water &)
20 Sewer, L.L.C., Melody Lake)
21 Ranch Associates, Inc., and)
22 Gerald Johnston,)
23 Respondents.)

24 MORRIS L. WOODRUFF, Presiding,
25 DEPUTY CHIEF REGULATORY LAW JUDGE.

REPORTED BY:

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25 MIDWEST LITIGATION SERVICES

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15 FOR: Staff of the Missouri Public Service
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1 P R O C E E D I N G S

2 JUDGE WOODRUFF: Let's go ahead and go on the
3 record. Good morning, everyone. This is the prehearing
4 conference in Case No. WC-2006-0363, which is the complaint
5 of Staff against Franklin County Service Company, Melody
6 Lake Water & Sewer, L.L.C., Melody Lake Ranch Associates,
7 Incorporated and Gerald Johnston.

8 My name is Morris Woodruff. I'm going to be
9 taking Judge Jones' place today as presiding officer. And
10 we're going to begin today by taking entries of appearance,
11 beginning with Franklin County Service Company and the other
12 Respondents.

13 MR. DOWNARD: Your Honor, my name is Jonathan Loyd
14 Downard. I'm a licensed attorney, Bar No. 34585. I
15 represent the Melody Lake Water & Sewer as well as Gerry
16 Johnston, and -- and at this point Franklin County Service
17 Company.

18 With me today are my clients, Bob White and Gerry
19 Johnston.

20 JUDGE WOODRUFF: Nice to meet you, sirs.

21 Then for Staff?

22 MR. FRANSON: Robert Franson, Senior Counsel,
23 P. O. Box 360, Jefferson City, Missouri 65102, representing
24 the Staff of the Missouri Public Service Commission.

25 JUDGE WOODRUFF: Thank you, Mr. Franson.

1 And for Public Counsel?

2 MR. MILLS: Lewis Mills. My address is Post
3 Office Box 2230, Jefferson City, Missouri 65102, appearing
4 on behalf of the Office of the Public Counsel and the
5 Public.

6 JUDGE WOODRUFF: Thank you.

7 Now, are there any other parties?

8 (NO RESPONSE.)

9 JUDGE WOODRUFF: Is -- has natural resources been
10 made a -- made a party?

11 MR. FRANSON: Not that I'm aware of, no, sir.

12 MR. DOWNARD: Not that I'm aware of either, sir.

13 JUDGE WOODRUFF: Well, again, thank you all for
14 coming today. The purpose of the conference today is
15 basically so you can discuss how you want to proceed, and
16 is -- is there a question -- is there a need for a hearing,
17 can there be a stipulation to resolve these matters, you
18 know, leave that to your dis-- to your discretion.

19 Is there anything that anyone wants to bring up
20 while we're on the record?

21 MR. FRANSON: Actually there is, Judge.

22 JUDGE WOODRUFF: All right. Go ahead,
23 Mr. Franson.

24 MR. FRANSON: And I'm not sure that I want the
25 remedy that would be logical. This was a Staff complaint.

1 JUDGE WOODRUFF: Uh-huh.

2 MR. FRANSON: And it followed out of some other
3 cases; however, in the process, an application for transfer
4 of assets, that is certainly not unrelated, popped into this
5 case.

6 And that was filed by Mr. Downard. And, quite
7 frankly, we welcome that. However, ordinarily that would be
8 a separate case. And I have not -- I don't know how it got
9 in there exactly. And I guess Judge Jones left it alone for
10 now.

11 But my question may be -- and I'm not asking for
12 any relief at this point. But if this case isn't resolved,
13 then I would want that application out of this case and --

14 JUDGE WOODRUFF: And into its own case?

15 MR. FRANSON: Right.

16 And the rea-- and I didn't file anything because I
17 didn't really think that was appropriate. It was because,
18 you know, it was put in here, and it's probably fine leaving
19 it there for now.

20 But ultimately if this were to go on to litigation
21 of a complaint, I would want the complaint to stand on its
22 own, and that one out of there.

23 JUDGE WOODRUFF: Sure.

24 MR. FRANSON: But I'm not asking for that at this
25 point. It's probably just as well it's in there for the

1 moment.

2 JUDGE WOODRUFF: Well, it certainly is something
3 you can discuss today during your discussions.

4 MR. FRANSON: We will. I just wanted you to --
5 bring that up to bring it to your attention that they are
6 certainly related. But if we were to go to litigation, I --
7 that would not have a place in this case.

8 JUDGE WOODRUFF: All right. Anything else anyone
9 wants to bring up?

10 (NO RESPONSE.)

11 MR. DOWNARD: No, Judge. On behalf of the
12 Franklin County Service Company, Melody Lake Water & Sewer
13 and my client, Jar-- Gerry Johnston, we are optimistic, and
14 hopefully we can resolve this matter. And hopefully we can
15 do it by stipulation.

16 JUDGE WOODRUFF: Okay. Very good.

17 Well, what I'd like to have you do, then, is to
18 file a report next -- a week from today would be the 27th, I
19 believe, kind of just explaining what sort of resolution, if
20 any, you've -- you've made -- been able to reach in this
21 case. And -- and we'll go from there.

22 MR. FRANSON: Thank you, Judge.

23 JUDGE WOODRUFF: All right. If there's nothing
24 else, then with that we are adjourned.

25 Thank you.

1 MR. DOWNARD: Thank you, Judge.

2 JUDGE WOODRUFF: And I'll leave you to your
3 discussions.

4 WHEREUPON, the on-the-record portion of the
5 prehearing conference was concluded.

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