

1 STATE OF MISSOURI
2 PUBLIC SERVICE COMMISSION
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5 TRANSCRIPT OF PROCEEDINGS
6 Evidentiary Hearing
7 July 8, 2008
8 Jefferson City, Missouri
9 Volume 2

10 The Staff of the Missouri Public)
11 Service Commission,)
12 Complainant,)
13 v.) Case No. WC-2008-0030
14 Suburban Water And Sewer Company,)
15 Inc., and Gordon Burnam,)
16 Respondents.)

17 COLLEEN M. DALE, Presiding,
18 CHIEF REGULATORY LAW JUDGE.

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1 P R O C E E D I N G S

2 (EXHIBIT NOS. 1 THROUGH 4 WERE MARKED FOR
3 IDENTIFICATION BY THE REPORTER.)

4 JUDGE DALE: Good morning. We are here in
5 the matter of the Staff vs. the Missouri Public Service --
6 the Staff of the Missouri Public Service Commission,
7 Complainant vs. Suburban Water and Sewer, Inc. and Gordon
8 Burnam, Respondents, Case No. WC-2008-0030.

9 It is July 8th, 2008, and I am Colleen
10 Dale. I have taken over this case from Judge Lane. And
11 we will begin with entries of appearance. Staff?

12 MS. BRUEGGEMANN: For Staff, Steve Reed and
13 Shelley Brueggemann, located at 200 Madison Street,
14 P.O. Box 360, Jefferson City, 65102.

15 MS. BAKER: Christina Baker for the Office
16 of the Public Counsel, P.O. Box 2230, Jefferson City,
17 Missouri 65102.

18 MR. HARRISON: For Respondent, Tom
19 Harrison, office 1103 East Broadway, Columbia, Missouri
20 65201.

21 JUDGE DALE: Thank you. It's my
22 understanding that we are going to handle mostly
23 housekeeping matters this morning as the Stipulation &
24 Agreement has been filed in this matter. I will turn it
25 over to you, Staff, to discuss what needs to happen.

1 MS. BRUEGGEMANN: This morning our plan,
2 your Honor, was to just go ahead and submit exhibits.
3 There are four that we've handed to the court reporter for
4 premarking, and we would ask that those be admitted into
5 evidence.

6 JUDGE DALE: Have any -- did Judge Lane
7 assign any numbers before we --

8 MS. BRUEGGEMANN: No, your Honor.

9 JUDGE DALE: Then we'll number them
10 sequentially 1 through 4, if you'll identify which is
11 which.

12 MS. BRUEGGEMANN: For Exhibit No. 1, that
13 is the deposition of Clyde Zelch. That also includes
14 Exhibits 1 through 16 attached to that deposition, which
15 one of those exhibits is his pictures. One of those
16 exhibits is a report he did. And another exhibit
17 included, I believe, is just a separate inspection report.

18 Exhibit No. 2 is the Staff Report of
19 Inspection originally for Case No. WC-2007-0452, dated
20 July 20th, 2007, by Martin Hummel and Jim Merciel of the
21 water and sewer department.

22 Exhibit No. 3 is another Staff report.
23 It's a follow-up report dated September 20th, 2007, filed
24 in this case.

25 And Exhibit No. 4 is one additional Staff

1 follow-up report filed -- or dated November 13th, 2007,
2 also prepared by those same gentlemen.

3 JUDGE DALE: Let's refer to the additional
4 exhibits attached to the deposition of Clyde Zelch as the
5 Zelch Attachments 1 through 16. Is there any objection to
6 the receipt of Exhibits 1 through 4?

7 MS. BAKER: No, your Honor.

8 MR. HARRISON: No objection.

9 JUDGE DALE: Thank you. Then those are
10 admitted into evidence.

11 (EXHIBIT NOS. 1 THROUGH 4 WERE RECEIVED
12 INTO EVIDENCE.)

13 JUDGE DALE: With the exception of the
14 deposition, have these all been previously filed in EFIS?

15 MS. BRUEGGEMANN: Yes, your Honor, actually
16 with the exception of Zelch Attachments 1 through 12 have
17 not been previously filed into EFIS.

18 JUDGE DALE: Thank you. Is there anything
19 else that needs to be admitted into the record?

20 MS. BAKER: No.

21 MR. HARRISON: Not as far as we're
22 concerned, your Honor.

23 JUDGE DALE: Is there any other
24 housekeeping matter that I need to attend to prior to the
25 stipulation hearing on Wednesday?

1 MR. HARRISON: No, I don't think so.

2 MS. BRUEGGEMANN: Not that any of us are
3 aware of.

4 JUDGE DALE: We will then recess until --
5 well, we'll just adjourn this hearing and reconvene on
6 Wednesday at one o'clock. The Commissioners will be here.
7 They would like to ask questions. It's my understanding
8 that we'll have Mr. Hummel and Mr. Burnam and Mr. Harris
9 or Harrison.

10 MS. BRUEGGEMANN: Possibly Bill Marshall.

11 MR. HARRISON: I think Bill Marshall's
12 going to be here. According to my client, he's going to
13 be here.

14 JUDGE DALE: He's the engineer who's
15 actually operating the system right now?

16 MR. HARRISON: No. He's the engineer who's
17 working on the engineering and design work for the
18 replacement standpipe, just to be accurate.

19 JUDGE DALE: Okay. Those of you who
20 practice here regularly know that the Commissioners will
21 have many questions undoubtedly. Please do what you can
22 to have people here who can answer substantive questions.
23 For example, if OPC has any misgivings, any technical
24 misgivings about the Stipulation & Agreement, please have
25 someone present who can answer those questions.

1 Is there anything else I need to address
2 before we go off the record?

3 MS. BRUEGGEMANN: No, your Honor.

4 MR. HARRISON: No.

5 JUDGE DALE: Thank you. Then we will go
6 off the record and we are adjourned.

7 WHEREUPON, the hearing of this case was
8 adjourned until July 9, 2008.

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1	EXHIBITS INDEX		
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1 C E R T I F I C A T E

2 STATE OF MISSOURI)
3 COUNTY OF COLE) ss.

4 I, Kellene K. Feddersen, Certified
5 Shorthand Reporter with the firm of Midwest Litigation
6 Services, and Notary Public within and for the State of
7 Missouri, do hereby certify that I was personally present
8 at the proceedings had in the above-entitled cause at the
9 time and place set forth in the caption sheet thereof;
10 that I then and there took down in Stenotype the
11 proceedings had; and that the foregoing is a full, true
12 and correct transcript of such Stenotype notes so made at
13 such time and place.

14 Given at my office in the City of
15 Jefferson, County of Cole, State of Missouri.

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17 Kellene K. Feddersen, RPR, CSR, CCR
18 Notary Public (County of Cole)
My commission expires March 28, 2009.

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