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STATE OF MISSOURI

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PUBLIC SERVICE COMMISSION

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TRANSCRIPT OF PROCEEDINGS

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Evidentiary Hearing

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St. Louis, Missouri

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MARCIA EASON,)

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Complainant,)

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Vs.) File No. WC-2013-0010

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MISSOURI AMERICAN WATER)

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COMPANY,)

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Respondent.)

22

23

KENNARD JONES, Presiding

24

Senior Regulatory Law Judge

25

ROBERT S. KENNEY, Chairman

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

2

3 For American Water:

4 Mr. Timothy Luft

5 727 Craig Road

6 St. Louis, MO 63141

7 (314) 996-2279

8

9 For Staff of the Missouri Public Service Commission:

10 Ms. Tanya Alm

11 Public Service Commission

12 P.O. Box 360

13 Jefferson City, MO 65102

14 (573) 526-6715

15

16

17

18 REPORTED BY:

19 Angie Kelly, CCR, CSR

20 Midwest Litigation Services

21 711 N. 11th Street

22 St. Louis, MO 62101

23 (314) 644-2191

24

25

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

2 JUDGE JONES: Let's go on the record. Case no
3 WC-2013-0010. Marcia Eason verse Missouri American Water. My
4 name is Kennard Jones. I'm a regulatory law judge presiding
5 over the matter. To my left is Chairman Robert Kenney.
6 Chairman, do you have anything you'd like to say?

7 CHAIRMAN KENNEY: No, thank you.

8 JUDGE JONES: At this time, we'll take entries of
9 appearance beginning with Marcia Eason.

10 MS. EASON: Marcia Eason.

11 JUDGE JONES: And you are the complainant?

12 MS. EASON: Yes.

13 JUDGE JONES: Staff for the commission?

14 MS. ALM: Tanya Alm on behalf of the Public Service
15 Commission. P.O. Box 360, Jefferson City, Missouri 65102.

16 JUDGE JONES: And for Missouri American Water?

17 MR. LUFT: Timothy Luft, corporate counsel, 727 Craig
18 Road, St. Louis, Missouri.

19 JUDGE JONES: Thank you. At this time we'll take
20 opening statements. Miss Eason, you can make your statement.

21 MS. EASON: I'm here today in regard to a bill matter
22 of my bill my water bill being extremely abnormal to me for a
23 residential area. I've been trying to get some resolve on this
24 since I want to say March of 2012, I've had -- it has not yet
25 been established or determined that there's negligence on my

1 part as far as water, use usage of the water, and that's the
2 reason I'm here today because I still do not understand how I'm
3 being charged.

4 It was determined no leaks on my property, no
5 movement on the meter, I don't understand, but it's still -- I'm
6 having this extraordinary bill. I just feel like there's
7 something's not adding up. It's not -- there's some
8 inaccuracies somewhere. It wasn't moving on my part because
9 when they came out they sent out three representatives here each
10 time they came no movement on the matter. I don't understand
11 how if there's no movement, if I have a leak, if I have any type
12 of problems going on it should be determined somehow, yet it
13 wasn't each time they came randomly at my request. My request,
14 I -- I initiated all of this because I want to get to the bottom
15 of why am I being charged this amount. I'm at work all day. I
16 got information I'm at work from 11:45 up until 8:30, but
17 there's constant -- they're telling me I'm using 86,000 gallons
18 of water, but then their representative come out there's no
19 movement on the meter. If there's leakage going on somehow, it
20 should have been detected. It wasn't detected as far as what I
21 have, but then they're steadily sending me these bills.

22 So my main concern is we need to get to the
23 bottom. I've had a plumber to come out, the public commission
24 came out, nobody can detect movement on the meter but I'm steady
25 being charged. They changed the meter, then there's no

1 movement. I'm continuously getting no movement. The first
2 representative she came into my bathroom to see if there's a
3 concern, no concern. So where's the usage coming from?

4 I've asked the water company. I contacted them
5 several times can you provide me a date and time as to when this
6 usage is occurring, nobody could do that but they're still
7 telling me this is what's been charged through they meter.
8 Through the meter. Every time a representative comes out,
9 there's no movement. If I had leaks there was no soft spots
10 they came out to determine that there was no puddles, no
11 anything on my property. So I don't understand. So when they
12 suggested that good will, I just couldn't accept that because
13 that means I'm accepting some negligence but that's not the case
14 because you haven't proven that, that's why I'm here.

15 JUDGE JONES: Opening statements from staff.

16 MS. ALM: Good morning, staff agrees with most of the
17 facts as outlined in Miss Eason's opening statement, however,
18 we'd like to add a couple facts that are important to this case.
19 She had previously filed an informal complaint with the
20 commission this was in a formal complaint on July 6 for us, and
21 in which she attached a plumber's report, staff completed an
22 investigation they looked at February, May and August quarterly
23 bills, Miss Eason is billed quarterly, that's for the year 2012.
24 During staff's investigation, they witnessed the meter being
25 tested, it tested within permissible limits, and staff filed

1 it's recommendations and investigation report and
2 recommendations on October 6, 2012.

3 Subsequent to that in December, December 12, 2012,
4 her service was temporarily terminated that was an additional
5 informal complaint and since then, she filed that informal
6 complaint dealing with the events of the termination and
7 restoration of service for December 12 that was amended the
8 complaint was amended at that time. That was in February, and
9 she disputed the water that was being used that day, since it
10 was in conjunction with the termination of service and turning
11 on that's an issue in the case so that amount of water usage
12 which we found to be approximately one unit of water or 1257
13 gallons was used in that event.

14 We'll have testimony here today regarding -- to see
15 if there's a leak, their investigation of the premises
16 possibilities for where that water went if the commission is
17 interested and staff's conclusions as far as whether or not that
18 water passed through the meter, and the rate in which the tariff
19 rate that Miss Eason's was billed.

20 Additionally, there was an allegation regarding
21 customer service calls, customer service calls in which we've
22 had staff investigate some of those issues. We'll provide
23 testimony today regarding that. That's all staff has.

24 JUDGE JONES: Thank you and opening from the company?

25 MR. LUFT: I would just add staff conducted a very

1 thorough investigation into this matter, and there's no question
2 usage went up last year. There's going to be evidence of what
3 happened. We sent somebody there six times to the house.
4 They've been there I think at least three times. There was high
5 usage with a old meter, they replaced it with a new meter, still
6 the same consistent high usage.

7 I think on one visit, the evidence will show on one
8 visit there was some movement on the meter but nothing was
9 determined what was causing that, but I think Missouri American
10 is in complete agreement with all of staff's findings. The
11 report is very thorough in this. I think the discovery requests
12 of Miss Eason asked her if she had any problems with this, she
13 said no except for there was one suggestion that folks weren't
14 let inside the home because of the dogs, but.

15 But other than that, I think we all pretty much
16 are in agreement on the staff's report. I think the issues that
17 were filed in this case regarding the stipulation were her bills
18 just and reasonable based upon the tariff, and then was the
19 termination of her service last year on December 12 lawful and
20 reasonable. We have said that we should not have turned off her
21 water on December 12. The faucet was apparently left on in the
22 kitchen, that ran all day. We calculated the use that ran
23 through that use that day, three dollars would more than cover
24 the water that was used that day. It's reason it was turned off
25 is we put a hold somebody's account when they have a formal or

1 informal complaint. That holds is six months or whatever, and
2 the hold usually these are resolved by then. This wasn't. It
3 was a mistake on our part we readily admit that we believe
4 that's an issue that should be on the table, but I think you
5 know, the evidence will show that we were at her house the very
6 next day that she called the first time. We've been there five
7 separate times, and I don't think we'll see any evidence of the
8 problem with her water. I think Missouri American has responded
9 appropriately to the formal complaints with the exception of
10 that shut off.

11 JUDGE JONES: Okay. Miss Eason, if you have evidence
12 you would like to present.

13 MS. EASON: Well, just a question. I did address and
14 it could have been a miscommunication I'm not understanding,
15 that when Missouri Public, something about they couldn't get in
16 because of my dogs, and I don't know if that was a
17 misunderstanding on their part.

18 JUDGE JONES: Let me stop you.

19 MS. EASON: Okay.

20 JUDGE JONES: First let me have you raise your right
21 hand.

22 (Witness sworn)

23 JUDGE JONES: You may proceed. For our purposes, it
24 may be a good idea to go chronologically on how things occurred,
25 and whatever documentation you have to back up the statements

1 that you intend to make.

2 MS. EASON: Okay. To my knowledge, I had three
3 representatives to come out from American Water that I spoke
4 with in person. There's information regarding that each time
5 they came out and stood with me for 20 minutes to observe no
6 movement on the meter and I have the information regarding that.
7 Several times I've tried to contact -- I've contacted American
8 Water several times trying to resolve the issue hopefully by
9 phone to where we didn't -- asking to speak with a supervisor or
10 somebody. I even spoke with someone on December 7 before they
11 shut off my water to let them know they we were in dispute
12 because they kept sending me letters, disconnection letters, and
13 I spoke with someone, she was in Illinois, Shandra -- Samantha
14 in collections on 12/7 at 3:34 in Illinois regarding the notices
15 that I was sent advising them that we were -- myself and the
16 company were in a dispute, and she told me that she would do
17 what needed to be done, yet still my water was turned off. When
18 my water was turned off, I contacted Missouri Public Commission
19 and I spoke with a Fred Gay. She at that time.

20 JUDGE JONES: Just for the record, it's Gay Fred.

21 MS. EASON: I'm sorry. At that time, she talked to me
22 and she apologized and everything, and she contacted me by way
23 of e-mail telling me that they were going to come back out and
24 restore my services, but at the time if they detected any water
25 on, they would contact me before they turned my water on.

1 When I got home that night, my water was running full
2 service. I called the representative the next morning and she
3 said my service was restored at 1:30. So from 1:30 until 9:30,
4 my water was running in my kitchen faucet full service, full
5 blast. Thank goodness it was just running down the drain,
6 however, my question is: If the meters are accurate, how was it
7 that it detected that there was water on in my home before they
8 restored my services and left them like that. They were
9 supposed to contact me, they never contacted me, but when I got
10 home, water was running full service. I'm like why didn't they
11 detect that water was on in this house before they restored my
12 services.

13 JUDGE JONES: The papers that you have right there, is
14 that something you want us to have in the record?

15 MS. EASON: Well, I didn't understand if I needed to
16 provide this because this is an evidentiary hearing, so I just
17 brought things, I don't know, things that I have.

18 JUDGE JONES: Do you want to have that in the record?

19 MS. EASON: Sure, yes. This goes with the time, this
20 is my schedule, when I'm at work.

21 JUDGE JONES: Let's do one thing at a time.

22 MS. EASON: Okay, this is from American Water when
23 they came out.

24 JUDGE JONES: What is this?

25 MS. EASON: Those are just receipts of the time when

1 they made the visit, documentation as to what they did, what
2 they observed.

3 JUDGE JONES: Are those your only copies?

4 MS. EASON: No.

5 JUDGE JONES: Do you have copies of this?

6 MS. EASON: Yes.

7 JUDGE JONES: This is your original. Do you want us
8 to have a copy?

9 MS. EASON: You can have a copy.

10 JUDGE JONES: Let us have a copy, you keep the
11 original.

12 MS. EASON: Okay.

13 JUDGE JONES: These are documents just showing visits
14 from Missouri American Water?

15 MS. EASON: Yes.

16 JUDGE JONES: And the result of that visit?

17 MS. EASON: Yes.

18 JUDGE JONES: There's a third piece of paper that
19 you've handed me?

20 MS. EASON: I'm sorry, that's from a plumber.

21 JUDGE JONES: We'll deal with that in a minute. I'm
22 going to mark these documentation notes of the visits as Eason
23 Exhibit 1, because there are two pieces of paper, I think I'll
24 do the first one Exhibit 1-A and second one Exhibit 1-B.

25 (Exhibits 1-A & 1-B marked for identification)

1 Are there any objections to the admission of these
2 into the record? Hearing none, Eason exhibits 1-A and 1-B are
3 admitted into the record.

4 Do you have any other documentation you'd like to
5 submit?

6 MS. EASON: I have a note from the plumber when they
7 came out, came inside to examine to see was there any leaks on
8 the property outside. He even observed that there was no
9 movement on the meter when they came out. Took off the little
10 box, we looked at it, and watched it and no movement.

11 JUDGE JONES: This is a document from Drain Master's
12 Plumbing, looks like it's dated June 5, 2012, and in the comment
13 section it states that there are no water leaks, and that the
14 meter is not moving and the water is shut off. I'll mark this
15 Eason Exhibit 2. Are any objections to Eason Exhibit 2? Would
16 you like to look at this?

17 (Exhibit 2 marked for identification)

18 MR. Luft: Yes. Okay, no objection.

19 JUDGE JONES: Does staff wish to view this?

20 MS. ALM: No objection.

21 JUDGE JONES: I hear no objection for Eason Exhibit 2.
22 Eason Exhibit 2 will be admitted to the record.

23 Miss Eason, do you have any other documents you'd like
24 to submit?

25 MS. EASON: Not at this time.

1 JUDGE JONES: Okay. And now we'll have
2 cross-examination from the staff of the commission. Miss Alm.

3 C R O S S E X A M I N A T I O N

4 By Ms. Alm:

5 Q. Good morning. You talked about the disconnection you
6 received letters, is that correct?

7 A. Yes.

8 Q. And were those letters comes from Missouri American
9 Water Company?

10 A. Yes, they were.

11 Q. You've talked about receiving some phone calls; is
12 that correct?

13 A. No, I didn't receive any phone calls.

14 Q. What did you say about collections?

15 A. I contacted collections.

16 Q. Okay.

17 A. I contacted collections. They didn't call me, I
18 called them. I initiated the phone call because they were
19 sending the notices that they were going to shut off my water.

20 Q. How many notices did you receive?

21 A. I'm not exactly sure, but I do have -- I don't have --
22 I don't know how many, but I do have the notice that they put on
23 my door, so, I don't know exactly how many.

24 Q. And what was your understanding from the phone call
25 the last phone call you had mentioned December 7?

1 A. I spoke with Samantha. She was supposed to be looking
2 into it for me. I explained everything that was going on as far
3 as the dispute. She's in collections, that's it.

4 **Q. Was it ever discussed what amount was in collections?**

5 A. No. Wait, let me go back. I'm not positively sure as
6 to everything that was discussed at the time, it could have
7 been, I'm not saying, I'm not really sure, but I did allow her
8 to know, I did advise her that we were in dispute at the time,
9 and that she would find out my services shouldn't be shut off.

10 **Q. You had mentioned high water usage on your bills, is**
11 **there an amount of water that you're disputing?**

12 A. I'm disputing the amount that I'm being charged for
13 the usage. My bills started to increase and I was wondering why
14 I'm not doing anything different. There's nothing different on
15 my property, why, what's going on, and I spoke with someone and
16 they suggested that it could be an accounting error. The first
17 person that came with that document, and that's the reason I
18 kept trying to speak with someone in customer service to see if
19 we could resolve the issue. Maybe there's a mistake somewhere,
20 maybe there's some calculations going on. That's the reason I
21 was so adamant about contacting customer service, because I was
22 hoping maybe there was some type of issue that we could resolve
23 from the statement that was made to me. Okay, so I continued to
24 contact them and when I didn't get any type of resolve, that's
25 when I contacted.

1 **Q. Can you clarify something, who suggested what you just**
2 **said -- who was that someone?**

3 A. Well 86,000 gallons of water when she came out, a
4 young lady. She was just giving possibilities as to what could
5 have been going on.

6 **Q. From Missouri American?**

7 A. Yes.

8 **Q. So is it fair to say that you're disputing the entire**
9 **bill up to when you amended your complaint?**

10 A. I'm disputing the extraordinary amount of water that
11 I'm being accused of using 86,000 gallons. I'm not even home
12 during the day where is this coming from, I'm at work. My job
13 can verify I work from 11:45 up until 8:30, that's the most
14 portion of my day, however, what's so ironic this last bill that
15 I just got, you know how much usage on it, \$50. Nothing has
16 changed so that's another question I have, nothing has changed I
17 do my laundry every Saturday, I take baths every day, same thing
18 but now I have a bill that's amount of usage \$50 dollars, that
19 also I've never had a \$50 bill since I've been owning my home, I
20 don't understand, I'm not the expert, I'm just wondering to me
21 something is not adding up, and I don't know what it is.

22 **Q. Have you repaired or caused to be repaired or**
23 **rectified any -- anything in the home that may have caused the**
24 **high usage?**

25 A. Within the timeframe of when I was charged, no.

1 **Q. And you did say that you retained the services of a**
2 **plumber and detection service that was your last exhibit?**

3 A. Uh-huh.

4 **Q. And no leak was found?**

5 A. That's correct.

6 **Q. And has Missouri American Water Company contacted you**
7 **to determine an amount of dispute?**

8 A. They contacted me to offer a good will adjustment. I
9 spoke with a Chelsea, and at that time, I declined because
10 nothing was resolved, I didn't feel like I should accept it,
11 because we still hadn't got to the bottom of the issue, how is
12 this occurring, what if this occurs again, that's the reason I
13 declined, yes.

14 **Q. When you had requested a supervisor during phone**
15 **calls, were you able to speak with the supervisor?**

16 A. I spoke one time, let me make sure, on April 26, I
17 asked for a supervisor, and I spoke with an Anita at their
18 office, and that's it.

19 **Q. You had also previously stated that you were told that**
20 **if there was any movement in the meter, they you would receive a**
21 **phone call, I'm sorry, I'm referring to December 12 and at the**
22 **present timing to restore your service, that if there was any**
23 **movement they would give you a phone call?**

24 A. If they detected my water was on somehow in my house
25 before they restored my services, they're supposed to check to

1 make sure that there's no water, that the water is not left on,
2 because that can be easily done if the water is turned off you
3 can turn the faucet because the water is not on, you're not
4 aware that the facet is on. So that's yes, it's a Gay Fred or
5 whomever that is, she e-mailed me with that, told me that before
6 they restored my services, they need to make sure that may water
7 is not on.

8 **Q. And did you receive the phone call?**

9 A. No.

10 **Q. Did you provide your home phone number as your call**
11 **back number?**

12 A. They have the documentation, they've contacted me
13 before, yes. I hadn't spoke with anyone at that time with
14 American Water. I spoke with her, so she was like the middle
15 person. I didn't receive a phone call nor did I receive a
16 e-mail because I was at work, she e-mailed me at work.

17 **Q. Did you provide a cell phone or work number?**

18 A. Did I provide it to whom?

19 **Q. The company or whomever you expected to call you back**
20 **if it was detected the water was on before they restored your**
21 **service?**

22 A. I spoke with Miss Gay and she had that information. I
23 didn't speak with the company directly, I spoke with her. She
24 was like the middle person, so I didn't speak with American
25 Water at all. She's the one who contacted me.

1 Q. Do you have an answering machine?

2 A. No.

3 Q. So for the notices, do you recall an approximation
4 when your last notice was before your services were terminated?

5 A. All I know is I was getting notices and I contacted
6 them before they turned off -- I mean, I contacted them to let
7 them know it was an investigation. It was in dispute.

8 Q. You mentioned staff investigation, do you recognize
9 the two staff members? You had said that aside from perhaps a
10 misunderstanding about whether or not they could come into the
11 home, did you have any objections to this report?

12 A. I didn't have any objection, except that wasn't the
13 case. That was the only objection I said I just had the people
14 come into my home all the time. I have dogs, it's simple to put
15 them away, I don't know. That's the only objection I have, as
16 far as when they said I declined because I said they couldn't
17 come in because of my dogs. I don't know if they misunderstand
18 me, but that's not the case because I let American Water in, I
19 normally -- I got three little ankle biters, and I just put them
20 away.

21 Q. There's references to several phone calls you've made
22 to the company in order to try to resolve this high water usage
23 and the bills, during any of those phone calls, were you ever
24 offered any leak detection kit?

25 A. I don't want to say no, because I don't know. I don't

1 know, but she did come into my bathroom, the first
2 representative, she's the one that came into my bathroom, I'm
3 assuming to see if I had continuous something with my toilet.
4 Now I can't say no, that I wasn't offered that I'm not sure.

5 MS. ALM: There that's all that staff has.

6 JUDGE JONES: Any cross from Missouri American?

7 MR. LUFT: Just a few.

8 C R O S S E X A M I N A T I O N

9 By Mr. Luft:

10 **Q. Have you ever calculated an amount you think you were**
11 **overcharged last year?**

12 A. Have I calculated? Have I actually set down and
13 calculated, no, I just know what I was normally charged as far
14 as my bill for the years I've been living in the home, so I've
15 never really just sat down and gave a dollar calculation.

16 **Q. You testified that your bill is back down to a level**
17 **that's acceptable to you. How long, how many months do you feel**
18 **it was not where it should be?**

19 A. This started and lasted 2012, I want to say around
20 March is when I made the initial call.

21 **Q. March of last year?**

22 A. 2012, I say between February, March, around that time
23 because I had one bill, I was like okay, and I paid it, and I
24 was like what's going on here, you know.

25 **Q. And then it went back to normal when?**

1 A. I'm not even going to say this is normal. As I
2 stated, my last bill that I just received, the usage that I know
3 it says \$50, if I'm reading correctly, I'm doing the same thing.

4 **Q. You have a problem with your pipes a couple years ago**
5 **you had fixed?**

6 A. That was a couple years ago, never had a problem with
7 my water bill at that time, I had the same -- I mean, it wasn't
8 extraordinary like now.

9 **Q. Then other than that plumber coming out to check to**
10 **see if you had leaks, have you had any plumbers out the last**
11 **year?**

12 A. No, hadn't had a reason to.

13 **Q. Your adult son lived with you last year?**

14 A. My adult son visited my home. My younger son who is
15 now becoming an adult, he's in an out.

16 **Q. Who how many folks lived with you last year?**

17 A. Me and my young son. My adult son has been out of my
18 home for about almost seven years, he's married now.

19 **Q. Your young son, is he the one in the landscaping**
20 **business?**

21 A. No, that's my older son.

22 **Q. Before you mentioned that you were contacted on**
23 **December 7, before that, do you know when the last time you were**
24 **contacted by Missouri American?**

25 A. The last time I spoke with Missouri American was when

1 I spoke with Chelsea regarding this goodwill, is what I can
2 recall, this goodwill yeah, that's what I remember.

3 Q. Do you have an estimate as to how much time elapsed
4 between when you talked to Ms. Harmon on December 7?

5 A. Give me just a second, looks like I spoke with Chelsie
6 Harmon on 11/6/2012.

7 MR. LUFT: That's all I have. Thank you.

8 CHAIRMAN KENNEY: Thank you, Miss Eason. Thank
9 you for exercising your rights and bringing this complaint. I'm
10 sorry for your troubles I just have a few extra questions for
11 you that I hope won't take too much of your time.

12 Q. How long have you lived at the residence?

13 A. I moved there in 2000.

14 Q. Okay. And prior to the February, March 2012
15 timeframe, have you had any problems with your bill prior to
16 that?

17 A. I hadn't had any problems with my bills as far as
18 paying. I had a situation where a stop clock or something was
19 supposed to be repaired on my property, it was something that
20 was on the outside. We dealt with that, as far as me having
21 that repaired and they told, I forgot who I spoke with I would
22 have to get documentation on that, that's about the only thing I
23 had other than maintenance in my own home.

24 Q. When you filed your complaint in July of 2012, prior
25 to that you had contacted the company starting like February,

1 **March 2012; is that right?**

2 A. Yes, I just want to make sure I got the dates right.

3 Yes, I started around March, 2012.

4 **Q. And so the amount of water that you're using, not the**
5 **dollar amount but the amount that's in dispute 86,000 gallons.**

6 A. Yes.

7 **Q. When you filed your formal or informal complaint, did**
8 **the company provide you an opportunity to compare the number of**
9 **gallons you were using February, March 2012 timeframe versus any**
10 **time before that? So in other words, have you ever had an**
11 **opportunity to compare your gallon usage?**

12 A. As far as, no, as far as what I can recall I spoke
13 with Missouri Public, they were, the gentleman there was trying
14 to explain to me something in regard to usage and gallons he was
15 trying to explain a little bit to me.

16 **Q. Who are you pointing to?**

17 A. This man before.

18 JUDGE JONES: That's Jerry Scheible.

19 A. He tried to explain to me gallon usage.

20 **Q. (By Mr. Kenney) Did the Missouri person ever say here**
21 **was your usage for 2011, 2010?**

22 A. I haven't spoke to anybody regarding that.

23 **Q. Have you ever gone back and just looked at your old**
24 **bills and compared them?**

25 A. Yes.

1 Q. If you're like me, I save all my bills.

2 A. I save them.

3 Q. Did you go back and maybe look and see how many
4 gallons you used in 2010 versus 2011?

5 A. You know what? I did ask a question because I didn't
6 quite understand that as far as gallons and I did speak with
7 that in regard to that Missouri Public not Missouri Water,
8 because I representative I spoke with in person were those
9 representative that came out, yeah, they was trying to explain
10 to me, I still didn't get honestly a full understanding. My
11 main thing is I'm looking at the dollar amounts I'm like this
12 doesn't you know what I'm saying, that's what I understand.

13 Q. So did anybody ever indicate to you whether 86,000
14 gallons a quarter is average, above average, below average?

15 A. Normal, not really, as far as my usage I compared it
16 with other bills and different things my past year. I'm looking
17 at this, I'm doing the same thing. This is my routine.

18 Q. Sure.

19 A. And what's the difference here. If I'm having
20 problems, I can understand, but if you're not detecting any
21 problems then what's the difference, that's what I was going by.

22 Q. You said most recently your bill was \$50, but that
23 that was unusually low?

24 A. Yes.

25 Q. How much are you bills normally?

1 A. I'd say quarterly, I would expect to pay in comparison
2 with you know, and I did do some comparing with other
3 residences. Quarterly \$110 on a three month basis, maybe \$110,
4 sometimes \$109, around that range.

5 MR. LUFT: I don't have any other questions, thank
6 you.

7 JUDGE JONES: I just have one question, the unusually
8 high usage, how much was that bill?

9 A. I had one for like \$292, and I had one for \$396,
10 something like that, and the \$396 is what really caused the
11 alarm.

12 JUDGE JONES: So the high usage according to you spans
13 beyond just one quarter?

14 A. Yes, and so, yes, so what I did that's when I started
15 looking at 86,000 gallons that's when I didn't understand the
16 gallon usage, I don't understand that, I didn't understand any
17 of that. I'm like it's impossible because I'm steady doing the
18 same thing that's how I felt, what am I doing, what's going on
19 here, and that's the reason I'm trying to get to the bottom.
20 What if this occurs again and there's no explanation, nobody can
21 explain to me this is what's happening.

22 JUDGE JONES: And the high usages were in the spring
23 and early summer?

24 A. They also said in the winter, I can recall
25 discussing -- I questioned the winter as well, I can't recall,

1 but I was speaking with someone. I said this is even occurring
2 in the winter, in the winter, so, I don't know.

3 JUDGE JONES: Of 2012?

4 A. (Witness indicated).

5 JUDGE JONES: I don't have any other questions. Does
6 anybody have recross based on questions from myself and Chairman
7 Kenney?

8 Now Miss Eason, everyone has asked you questions.
9 This is what you would call redirect when you address the
10 questions that have been raised by all of everyone else, so you
11 can just make a statement as to those concerns, if you don't
12 think the record reflects how you want it to.

13 A. My concern is it has not been established that there
14 has been -- I don't understand negligence on my part, if you're
15 not able to detect it, I'm not the professional here I've done
16 what was asked of me every time, no movement, and my concern is
17 if there's a leakage somewhere, your meter should detect it.
18 How is it detected in usage but when they come out there's no
19 movement, if something's leaking, I would think that it could
20 continue to leak. Does it automatically stop, I don't
21 understand that, I don't understand how when you're
22 representatives again, I'm not the expert you're sending your
23 people out and they're telling me there's no movement, then they
24 said I get a plumber to come out there's no leaks on your
25 property, there's no movement, so how is this extra water being

1 used. I don't understand that. It was suggested somehow that
2 someone was stealing my water, that's when I asked can you
3 provide the dates and the times, I don't understand, and that's
4 why I'm here today. I honestly do not understand, and the good
5 will no, because it's like you haven't determined anything.

6 JUDGE JONES: Okay. Thank you, now we'll have direct
7 from staff.

8 MS. ALM: I'd like to call Jerry Scheible.

9 (Witness sworn)

10 D I R E C T E X A M I N A T I O N

11 Questions By Ms. Alm

12 Q. Good morning. Can you please state your name and
13 spell it for court?

14 A. My name is Jerry Scheible J-E-R-R-Y S-C-H-E-I-B-L-E.

15 Q. And who is your employer?

16 A. I work for Missouri Public Service Commission in the
17 water and sewer unit.

18 Q. Please state your business address.

19 A. P.O. Box 360 Jefferson City, Missouri, 65102.

20 Q. And I want in what capacity are you employed?

21 A. I'm a utility regulatory engineer.

22 Q. What are some of your main job responsibilities?

23 A. They vary from reviewing tariffs to helping determine
24 rates. A large position of what I do is investigation of
25 consumer complaints against water and sewer utilities. I have

1 investigated and testified in similar complaints before the
2 commission regarding volume of water and billed customers in
3 this case no C-2006-0248 and as well as the numerous similar
4 informal complaints which were ultimately resolved before they
5 made it to formal request.

6 **Q. I have a copy of your CV. Staff would like to offer**
7 **this into evidence.**

8 JUDGE JONES: This is a copy of Mr. Scheible's
9 education, experience certifications, testimony before the
10 commission. I'm marking this as Staff Exhibit 1. Any
11 objections to this admission into the record?

12 MR. LUFT: No.

13 JUDGE JONES: Hearing none. Staff Exhibit 1 is
14 admitted to the record.

15 **Q. Have you experienced any investigations in similar**
16 **matter?**

17 A. Yes, I have.

18 **Q. Based on your education and experience, have you had a**
19 **chance to review what's contained in this report?**

20 A. I have. The report was accurate as it was filed.

21 **Q. I'd like to introduce staff exhibit after the report**
22 **as previously filed.**

23 JUDGE JONES: For the record here, I'll mark
24 staff's recommendations as Staff Exhibit 2. Are there any
25 objections to it's admission into the record?

1 **Q. If staff's report could please be marked as highly**
2 **confidential, there are highly confidential portions of it.**

3 **Approximately when did you begin your investigation?**

4 JUDGE JONES: Did you want to submit this?

5 MS. ALM: It's not part of the evidence thus far?

6 JUDGE JONES: Not yet. Hearing no objections to
7 Staff Exhibit 2, staff Exhibit 2 is admitted to the record.

8 **Q. You were part of investigating the formal complaint,**
9 **correct?**

10 A. Yes.

11 **Q. Approximately when did you begin your investigation?**

12 A. In July of 2012.

13 **Q. And what do you do -- what did you do to investigate**
14 **this matter?**

15 A. I believe I contacted Miss Eason by phone. I don't
16 have the exact date here in front of me, later in July, I
17 believe, might have been early in August, basically just
18 discussed in general the complaint, the concerns, at which time
19 she reiterated basically what she had stated in her formal
20 complaint. I don't recall anything varying from that
21 significantly. I contacted the company just to request copies
22 of bills and usage history on the account, so that could be
23 analyzed and performed a site visit at the residence on
24 August 29, I believe, of 2012.

25 **Q. And during your site visit, did you have a chance to**

1 **look at the meter?**

2 A. I did indeed observe the meter. There was no
3 significant movement on the meter that would indicate a
4 significant leak of any kind occurring at the home at the time.

5 **Q. Did you see anything on the premises that would**
6 **indicate a leak?**

7 A. Not at the time.

8 **Q. Did you ever?**

9 A. No.

10 **Q. As part of your investigation, you also observed the**
11 **meter?**

12 A. I did. The meter was originally tested by the water
13 company I believe in March of 2012 at the request of the
14 customer. The customer received a high bill, she questioned the
15 company as part of that process, the customer's right to request
16 that the meter be tested, be removed and be tested for accuracy,
17 it was indeed and consequently at the time the meter in question
18 was removed, a brand new water meter was put in place to replace
19 that meter the meter in question and it was tested by the
20 company in March. A copy of the report was provided to staff
21 showing that the meter was within GSE regulating parameters for
22 accuracy. However, since it was a formal complaint, I did
23 request that the meter be tested again, that I myself may
24 witness the test, which was then done on August 29, and at that
25 time, the meter again tested within the parameters.

1 Q. Did you also have a chance to compare her water usage
2 from the past and also during the time in question?

3 A. I did. I performed an analysis as part of the staff
4 report it's attachment A, I believe, there are two pages, looks
5 like they're both listed as attachment A. I performed charted
6 analysis going back to February of 2010 of customer's usage
7 history, and did both the first sheet of attachment A shows the
8 gallons that were billed for -- at each quarterly bill going
9 back to February of 2010 through August of 2012. At the left it
10 shows the amount of gallons that were billed on the right, it
11 shows the actual dollar amount that corresponds to those bills,
12 and the second chart and graph between meter readings for the
13 quarterly bills that were taken as well as any other site visits
14 that either the company performs and provides us the readings or
15 myself visits the property and took meter readings. I just
16 performed an analysis going back to what the reading was that
17 day, going back to the last known read and then divide it by the
18 number of days between those two and calculating the usage per
19 day that would correlate to that, that's what that second page
20 is. Both of which show a general trend of increased usage
21 starting on or around May or June of 2011, and just topping out
22 at the bill in question, which was I believe billed in
23 February of 2011. So it would have been usage for the three
24 months prior to that, so January of 2011 and November, December,
25 I'm saying it wrong, 2010, February of 2010 as well as

1 November and December of 2011.

2 Q. And with this increase in usage that you've documented
3 in your charts, as you compared her bills, in the course of your
4 career at PSC and in your experience, have you had a chance to
5 perhaps in other cases formally or informally observe similar
6 type of significant increases in water?

7 A. Yes, it's normally, that's if it's a complaint that
8 makes it to the Public Service Commission, it's normally due to
9 circumstances similar to this where a usage either a one time
10 usage or gradual trend of usage increases beyond what the
11 customer would feel is a normal amount.

12 Q. Did you do calculations to determine the difference,
13 the average daily use of what would be deemed normal usage and
14 what the difference would be when compared to these high usages
15 that you've named?

16 A. I have, rough calculations not rough, I have performed
17 these calculations, just round numbers from that point, the bill
18 in question February of 2012 bill was roughly for 60,000 gallons
19 more than her average usage of the corresponding period prior to
20 that, so that's 60,000 gallons additionally over what her
21 average bill had been for the past two years.

22 Q. Might I direct you to your portion of the staff
23 report, at the bottom of page 4, you had stated third line from
24 the bottom, her son's presence in the home did not impact her
25 water usage and you go on from there. Can you describe that a

1 **little bit more, what you meant by that?**

2 A. Well, normal usage by another resident in the property
3 although obviously would cause a normal slight increase in
4 usage, the difference of an extra shower a day, a few extra
5 toilet flushes, maybe a load of laundry or two is very minimal
6 in comparison with amount of basically the 60,000 per quarter.
7 That's difference basically breaks down to about roughly 600
8 gallons per day, so it would be an increased usage by just
9 having an additional person in the home of approximately 600
10 gallons per day, every day during the quarter, whereas a load of
11 laundry only uses roughly 45 gallons of water, so that doesn't
12 come anywhere near the 600 gallons per day of the difference.
13 So that was the point of that statement, not that another person
14 wouldn't have some impact on the water bill but that wouldn't
15 have near this impact, for a normal usage.

16 **Q. And staff's report also says, the sentence begins by**
17 **saying, what Miss Eason expressed, is that staff's conclusion as**
18 **well?**

19 A. I'm sorry, where?

20 **Q. Bottom of page 4, third line from the bottom, Miss**
21 **Eason expressed that her son presence in the home would not**
22 **impact the water usage. Was that Miss Eason's statement or your**
23 **expression?**

24 A. I believe that's true. At some point during our
25 conversations either by telephone or site visit, she mentioned

1 that yes, and not witnessing anything, yes, that's correct.

2 Q. But after your investigation, based upon your expert
3 knowledge would you believe the same?

4 A. I conclude that an excessive amount of water has
5 passed through the meter, although there's been a plumber
6 involved as well as the company representative do an
7 investigation, I was on site and investigated as well and at no
8 point during any of those investigations was any significant
9 leak witnessed at that time. I can't say that the toilet
10 running excessively would be an intermittent type of a
11 situation, so it could have easily been occurring when someone
12 wasn't there to observe it. It is possible.

13 Q. Okay. So what you just said a few moments ago was
14 normal use, you had showers, load of laundry, those type of
15 normal activities far below the difference about you said 600
16 gallons per day?

17 A. Yes.

18 Q. So normal usage would not generally amount to that
19 type of excessive condition?

20 A. Correct.

21 Q. But you just mentioned something like an abnormal
22 occurrence you said a toilet flapper, how would a toilet flapper
23 impact water usage?

24 A. I understand EPA's website mentioned this has been
25 typical of my other investigations too, toilet flappers being

1 stuck open are capable of, make sure I get my numbers correct
2 here, of EPA estimates that a stuck open toilet flapper in the
3 tank that would be flushed the toilet flapper hangs up for some
4 reason and in the completely open position, can amount to 4,800
5 gallons per day. So in that sort of an instance, if there was a
6 situation where the toilet flapper was, in fact, malfunctioning,
7 the amount at a rate of 4,800 gallons per day, if stuck open, if
8 the flapper was stuck open for four hours each day, that would
9 amount to the 60,000 gallons of water. So that is a possibility
10 for a not normal abnormal is -- nontypical event of water usage
11 if a toilet flapper would be stuck open in a home, it wouldn't
12 have to be a continuous type situation, it could be as little,
13 which is still a lot of four hours per day could amount to that
14 much of water usage.

15 **Q. Staff never observed that though, correct?**

16 A. That is correct.

17 **Q. Just using that example, is it possible for there to**
18 **be no leak detection and no movement of a meter?**

19 A. That is correct, it would be movement of the meter
20 would only occur during the event of the toilet flapper being
21 stuck open, so at that point, if someone were to observe the
22 meter, and the flap was stuck open, yes, it would be noticed on
23 the meter. However, the flap could be open just closed 30
24 seconds ago and you could look at the meter, and there would be
25 no movement. It would not -- the meter wouldn't show movement

1 unless the flap was stuck open that time.

2 Q. So if I understand you correctly, if you jiggled the
3 handle and it went back down?

4 A. That should fix it.

5 Q. That might not make it detected?

6 A. At that time, yes.

7 Q. Again this is an example of something that can be seen
8 but you did not observe that in this case?

9 A. That is correct. I have no evidence to support that,
10 yes.

11 Q. But what you did witness was the testimony?

12 A. Sure.

13 Q. And staff included that it's within specifications, so
14 staff -- what did you conclude after that?

15 A. Since the meter that read the bill that was in
16 question February of 2012 bill was removed and it was tested two
17 different times, only one time was witnessed by staff but both
18 results were very similar, so I have no reason to doubt the
19 result of the first test. Yes, that proved -- showed that the
20 accuracy of the meter is not in question. Further, as I
21 mentioned earlier, once the meter in question was removed for
22 testing, a new meter was put in place and I know the next
23 quarterly bill for sure, and I believe the next two quarterly
24 bills also showed high usage. Not only was it high usage, it
25 was very similar usages to what was recorded by the meter in

1 question for the February bill in question.

2 So given that meter that was in place during the
3 questioned bill was tested for accuracy, and was confirmed to be
4 within accuracy requirements and then a new meter was placed at
5 the residence and similar readings were taken consequently,
6 basically that's confirmed by two different meters that volume
7 of water passing through the meter to the residence.

8 **Q. So is it your testimony today that the staff's**
9 **recommendations filed within the staff's report are accurate as**
10 **of the date it was filed, and would be accurate today?**

11 A. As far as the report itself?

12 **Q. Yes.**

13 A. Yes.

14 **Q. Are there any new events or allegations since the**
15 **filing of staff's report, that have concerned staff?**

16 A. I -- the complainant made an addendum to her complaint
17 regarding the shut off -- her water being turned off on
18 December 13, I believe.

19 **Q. But regarding water usage which the area which you're**
20 **testifying to here today, did you have additional concerns not**
21 **filed in staff's report?**

22 A. I don't believe so.

23 **Q. So are your conclusions and recommendation stay the**
24 **same today as they were in the staff report?**

25 A. Yes.

1 **Q. Were there any other concerns or events that you have**
2 **regarding high water usage that would be helpful or background**
3 **information?**

4 A. Probably just to exemplify that date does seem like
5 there was some extraordinary incidence that must contribute to
6 this as given the fact that Miss Eason mentioned earlier, her
7 usage although it did slowly seem to go up back in June of 2011
8 and peak, it has since gone back down to a level that is
9 equivalent or actually below what her usage had been prior to
10 all this prior usage.

11 So it would, in my opinion, in my professional
12 opinion, it could indicate that in some instances some problems,
13 some unusual circumstance occurred during the months from
14 roughly June of 2011 through July of 2012 that either rectified
15 itself or has been corrected or changed, because it appears that
16 usage has returned to normal, so.

17 **Q. Regarding the amended complaint and secondary issue in**
18 **this case, did you have a chance to investigate the amount of**
19 **water that was used on December 12, 2012?**

20 A. I did, I was able to obtain information from the
21 company regarding what the meter reading was at the time that
22 the water was shut off, and then what it was again I believe the
23 following day. Basically what I came up with was the maximum
24 amount of water that could have been used -- that would have
25 passed through the meter during that event with the water was

1 turned back on and the water was left on in the home was very
2 close to 1,000 gallons would be the maximum amount. And that
3 corresponding cost for 1,000 gallons of water for the company
4 was I believe \$3.19, so roughly a three dollar and nineteen
5 cent, roughly about \$3.00 would attribute to the water that
6 could be attributed to that event.

7 Q. And to your knowledge, has the company refunded that
8 money?

9 A. I do not know.

10 MS. ALM: No more questions, thank you.

11 (Whereupon, a break was taken)

12 (Back on the record)

13 JUDGE JONES: We'll go back on the record. We'll go
14 to cross-examination of staff by the company. You may proceed
15 Mr. Luft.

16 C R O S S E X A M I N A T I O N

17 Questions by Mr. Luft:

18 Q. Is the flap valve being left open explanation finding
19 the most common you have with regard to unexplained of
20 significant water usage?

21 A. I don't know if I can say it's the most common, but it
22 is a common factor.

23 Q. What other items can was significant increase of water
24 that you found in the course of your investigation?

25 A. During other cases obviously, a leak in the service

1 line between the company's meter and the home, a small leak. I
2 actually did some other calculations regarding that. A hole in
3 the plumbing anywhere in the service line or underground which
4 may or may not show up, sometimes it comes to the surface and
5 it's obvious, sometimes it doesn't but anywhere there might be a
6 leak in the pipe, a continuous leak in the size of a 16th of an
7 inch, which is about not like diameter of a pencil, probably
8 half diameter of a pencil continuously for an entire quarter the
9 of the bill cycle would amount to a difference of 60,000 gallons
10 of water also.

11 O my experience has been a toilet flapper being
12 stuck open, a slow leak can result in up to 500 gallons per day
13 of usage. Otherwise yes, leaks in the service line underground
14 normally whereas a leak, whether it be a hole or a crack where
15 there's a connection, is normally of a high usage.

16 MR. LUFT: That's all I have.

17 JUDGE JONES: Thank you. Ms. Eason, do you have
18 questions for Mr. Scheible?

19 C R O S S E X A M I N A T I O N

20 Questions by Ms. Eason:

21 Q. With those leaks, I have a question as far as the
22 toilet flapper. Now, if that's with that leak detected in the
23 meter movement because I've had different intervals of the
24 company had come out, if that would be the case, would that be
25 detected.

1 A. There would certainly be movement on a meter during
2 the time period that the flap was stuck open, but if the flap
3 wasn't open, if it was closed, and I'm just saying I'm not
4 suggesting that, if it was open for an hour, then yes, during
5 that hour, movement would be seen in the meter, but if it was
6 closed, the rest of the 23 hours of the day you could go there
7 there wouldn't be any movement.

8 **Q. I understand that, I just wanted to know if that would**
9 **be something that could be detected in the meter because at**
10 **different times, different timeframes come out, I mean that's**
11 **something that you don't control within yourself. What I'm**
12 **trying to say, if it's open, and you're not aware of it, it**
13 **still should show; am I correct?**

14 A. During the time period that it's open, yes.

15 MS. EASON: That's all I have.

16 JUDGE JONES: Commissioner Kenney, do you have
17 any questions of Mr. Scheible?

18 CHAIRMAN KENNEY: Just briefly.

19 C R O S S E X A M I N A T I O N

20 Questions by Mr. Kenney:

21 **Q. Can you turn to your report, attachment A and B. I**
22 **just want to make sure I'm reading this correctly.**

23 A. Okay.

24 **Q. So attachment A shows usage that would be in gallons**
25 **and billed amounts in one two and three columns, right?**

1 A. Correct.

2 Q. Bill dates in the far left column?

3 A. Correct.

4 Q. So then attachment B is the same data except it has
5 the date that the meter was read, 100 cubic feet creating the
6 usage in cubic feet, days in cycle, average use per day?

7 A. Correct.

8 Q. So if I look at the usage in attachment A, from 3,100
9 cubic feet.

10 A. Yes.

11 Q. And then if I look down at attachment B, it goes from
12 31 to 69 is that cumulative?

13 A. That's correct. The fact that this goes back to the
14 fact that a new meter was placed, that way it would show the
15 reading itself appears it would have started from zero, yes.

16 Q. So then we get down to around March and I'm looking at
17 attachment B.

18 A. Okay.

19 Q. March 20, meter was changed, so it starts back off at
20 zero at this point, March 20, 2012?

21 A. Yes.

22 Q. Starts back over?

23 A. Correct, in the reading.

24 Q. And then, it appears that the spike in usage occurred
25 before that meter change, correct?

1 A. Yes.

2 Q. And it continued for some period of time after; is
3 that correct?

4 A. That's correct.

5 Q. So the increased usage happened under two different
6 meters?

7 A. Correct.

8 Q. Both of which the accuracy of which was verified?

9 A. The original meter was tested after the fact when it
10 was removed and tested by the company, which staff witnessed at
11 one point. The new meter that was placed, new meters are tested
12 by the company that produced them.

13 Q. Manufactured?

14 A. Manufacture them before they ever leave the factory.
15 As far as I know that meter has not been tested for accuracy.
16 Outside of that, once it was placed in service, I don't believe
17 it has been retested, but in my experience, meters are accurate.

18 Q. Do you know who Missouri American supply -- the
19 supplier of it's meters are?

20 A. I can't say for sure right now. There are several
21 different meter manufacturers, I'd hate to say the wrong one.

22 Q. Do you know whether the older meter and newer meter in
23 Miss Eason's residence were the same manufacturer?

24 A. I can't say for sure.

25 Q. So I want to go back to the toilet flapper mystery, or

1 the possible explanation. You said that can account for
2 potentially 4,800 gallons per day?

3 A. Correct.

4 Q. You said it wouldn't show up on the actual meter
5 during the time the flap is open?

6 A. Correct.

7 Q. I think you said you didn't observe any problem with
8 the toilet flapper at the time that you were out there; is that
9 correct?

10 A. That is correct. I actually did not go into the
11 residence and physically observe it myself.

12 Q. Okay.

13 A. I did not notice any movement on the meter therefore
14 indicating there would have been a problem at the time.

15 Q. Would it have been your practice in investigating
16 cases of this sort to go in and test toilets, flush them and see
17 if the flap stayed open?

18 A. It would be something that I would normally do.

19 Q. Did you do that at Miss Eason's residence?

20 A. Did not.

21 Q. Do you know how many toilets she had?

22 A. According to information she provided to me, she has
23 one. I was not able to verify that.

24 Q. So you didn't go inside the house at all?

25 A. Did not.

1 **Q. So staff's investigation was limited to observations**
2 **of the meter in the exterior of the home?**

3 A. The meter, and the exterior property itself.

4 **Q. Did you observe anything externally that would account**
5 **for the inconsistency?**

6 A. Not related to this instance.

7 **Q. A similar instance?**

8 A. Well, as we walked around the property, I noticed some
9 disturbed soil adjacent to the foundation of the home which I
10 asked Miss Eason about. She actually stated at that point that
11 was related to a problem with her plumbing that occurred I
12 believe back in 2010, but nothing that would show up.

13 **Q. It's a single-family residence?**

14 A. Yes.

15 **Q. Are there external water sources?**

16 A. There was an outside spicket with a hose attached at
17 the time.

18 **Q. Just one?**

19 A. One was all I observed, yes, I believe there that's
20 true.

21 **Q. It had a hose attached to it?**

22 A. Yes.

23 **Q. Did you test it to see if it was turned off, whether**
24 **there was any problem with the valve?**

25 A. I did not physically turn it, there was no water

1 coming out at the time.

2 Q. Did it have a trigger on the end of it?

3 A. It did not.

4 Q. If it had been off, you would have seen water
5 activity?

6 A. Exactly.

7 CHAIRMAN KENNEY: Okay. I don't have any other
8 questions, thank you.

9 JUDGE JONES: Any questions based on any redirect?

10 C R O S S E X A M I N A T I O N

11 Questions by Ms. Alm:

12 Q. Yes. In regard to the outside water hose, do you have
13 any knowledge or experience regarding if that hose were left on,
14 about how much usage that would equate to?

15 A. A hose left on, I've got some calculations here. I'm
16 sorry, trying to make sure I say the right numbers, basically,
17 the five 8th inch meter that serves her residence is capable of
18 15 gallons per minute, and if you assume that the hose is left
19 open, it would reach that capacity, which it should, it's the
20 same diameter than a hose or any other plumbing fixture being
21 left on in a wide open position for 40 minutes, every day
22 throughout the entire quarter, would also calculate to the
23 amount of 60,000.

24 So in answer to your specific question, if a hose
25 was left on for 40 minutes every day throughout the billing

1 cycle, that could account for that volume of water in question.

2 Q. During your investigation, did you observe it on or
3 trickling?

4 A. It did not appear to be. There was no water coming
5 out of the hose at the time, I'm not sure how else to say that.

6 Q. And questions that were asked in regard to having your
7 investigation limited to external obligations, external of the
8 home, and so was it your testimony that you did not observe any
9 toilet functioning or anything inside the home during the
10 investigation?

11 A. That's correct.

12 Q. Why didn't staff investigate inside?

13 A. Well, I guess it's kind of a two part answer. We
14 visited on the morning of the 29th. She was nice enough to meet
15 us that morning, which we did, which part of the -- when we were
16 there, I opened the meter pit and observed the meter for
17 movement and there was no, there was no movement. There was no
18 movement of the meter. Had there been movement of the meter,
19 then I would have immediately requested permission to enter the
20 home to try to attempt to find what was causing that movement of
21 the meter. Since there was none, there was no movement on the
22 meter, it wasn't in my opinion, critical to go inside the house
23 and observe the plumbing fixture.

24 I agree with what Miss Eason said earlier, she
25 did not deny us access to her home, I apologize if it sounded

1 like that in the staff report. It was more -- there were dogs
2 barking in the home, but that was more of a side issue. I
3 believe you were getting to the point where you needed to be
4 getting ready for work, and since it wasn't deemed completely
5 necessary to enter the residence, I did not.

6 **Q. You were also asked earlier regarding the toilet**
7 **flapper scenario, the question asked if that was something that**
8 **was under your control, in your expert opinion, as a test. Is**
9 **the service line or internal plumbing in the customer's control?**

10 A. Missouri American Water Company tariff as well as
11 universally nearly all of the public -- private water utilities
12 that PSC regulates, it is the customer's responsibility for the
13 maintenance of the service line beginning just on the home side
14 of the meter. It is the customer's responsibility to maintain,
15 they own and maintain the service line and all the internal.
16 Yes, it would be -- it is the customer's responsibility to
17 maintain that. All plumbing fixtures within.

18 **Q. Along with that customer responsibility for**
19 **maintenance, does maintenance include investigating or repairing**
20 **any leaks or problems with their water service on that side of**
21 **the meter?**

22 A. Yes, it would.

23 MS. ALM: That's all the questions I have.

24 JUDGE JONES: Okay, thank you. Direct from Missouri
25 American?

1 MS. ALM: We have Lisa Kremer on behalf of staff.

2 (Witness Sworn)

3 JUDGE JONES: Thank you. You may proceed.

4 D I R E C T E X A M I N A T I O N

5 Questions by Ms. Alm:

6 Q. Please state your name for the record and spell it for
7 the record.

8 A. Lisa Kremer.

9 Q. Where are you employed?

10 A. Missouri Public Service Commission.

11 Q. What is your title?

12 A. Manager Engineering and Management Services Unit.

13 Q. And can you further describe your capacity of how
14 you're employed, your main job responsibilities?

15 A. I'm responsible for the work of the unit, we're kind
16 of a two part unit, half of our group does depreciation studies,
17 depreciation is typically a large item in rate cases. The other
18 half of our group does operational audits that can range from
19 service quality reviews to directive investigations. On
20 occasion, we will handle customer complaints. We monitor call
21 center performance at all the large utilities, get regular
22 reporting from them and analyze that. We participate in every
23 small and large rate case that is filed before the commission.
24 We look for service quality issues in the connection of merging
25 acquisition cases.

1 **Q. And as far as your CV, is it an accurate description**
2 **of your background, education and professional experience?**

3 A. Yes.

4 MS. ALM: We'd like to offer this into the record.

5 JUDGE JONES: We'll Mark this experience,
6 certification and education of Lisa Kremer as Staff Exhibit 3.

7 (Exhibit 3 marked for identification)

8 JUDGE JONES: Are there any objections to it's
9 admission into the record? Hearing none. Staff Exhibit 3 is
10 admitted to the record.

11 **Q. (By Ms. Alm) Lisa, how many years have you been**
12 **employed with Missouri Public Service Commission?**

13 A. About 25.

14 **Q. How many years have you been manager?**

15 A. Thirteen.

16 **Q. And as your CV would indicate for the last 13 years of**
17 **public service commission, you've had extensive experience**
18 **investigating staff reports?**

19 A. I would say so.

20 **Q. And during those investigations, consumer complaints**
21 **related to customer service issues, that would fall under your**
22 **unit of the department?**

23 A. It's primarily under Gay Fred consumer service, but on
24 occasion, our department is asked to participate.

25 **Q. And can you describe how you investigated the issues**

1 **in this case?**

2 A. Well, our investigation really was a subset of Miss
3 Eason's initial complaints. We were looking at her statements
4 that her calls were not escalated appropriately, that she had
5 requested to speak to a supervisor and was denied. That was a
6 point of concern for us. Quite honestly, it wasn't the first
7 time that we had heard that from a Missouri American customer,
8 so we began to ask for things such as recorded calls. We looked
9 at her notes on her account, on the customer information system,
10 see what else we asked for all the correspondence sent to Miss
11 Eason by the company. We looked at the company's call
12 escalation procedures, which I think this is mentioned in the
13 staff report. Those, I think to the company's credit, they had
14 revised those procedures a couple of times in the course of our
15 investigation, so that was really the focus of my work.

16 **Q. And it was based on those that investigation that you**
17 **submitted portions of staff's report?**

18 A. Yes.

19 **Q. Do you have concerns or did you investigate any**
20 **matters subsequent to the filing of staff's report?**

21 A. Yes, and that was Miss Eason's amended complaint where
22 she had been disconnected, and as I remember I think her primary
23 concern was that she didn't want to be billed for the water when
24 she had been disconnected and then reconnected during the day
25 when she was not home, and I think our concern was, as the

1 company mentioned that it was an inadvertent disconnect, and she
2 would not have been disconnected, and we had a conference call
3 with the company, they certainly admitted that was an
4 inadvertent disconnect. That's a topic that we have periodic
5 meetings with Missouri American Water that resulted from the
6 last WR-2011-0337 rate case to discuss water issues, and that's
7 an issues we will discuss at the next meeting to make sure those
8 internal controls are tightened so that doesn't happen again.

9 **Q. Regarding your notices for the termination of**
10 **services, do you have concerns regarding either the termination**
11 **of service or the notice that Miss Eason was provided?**

12 A. Well, I mean, clearly I think the company would agree
13 with this, that terminating the service for a disputed amount
14 when the customer has a formal complaint against the company
15 informal or formal complaint, as I'm reading the rules, and also
16 the company's tariffs. I mean the disconnection of service was
17 a violation of that, again the company has said they didn't
18 intend to do it. Miss Harmon I think explained what happened,
19 or Mr. Luft that the six month hold had expired. Again, we just
20 want to make sure those controls are tightened, and that doesn't
21 happen again. I think to be honest with you staff, I guess
22 really just occurred to us in this current case that the idea
23 that she was notified that service would be disconnected that
24 raises a question for us that these were disputed amounts, and
25 should the company be notifying the customer that they should be

1 disconnected when, in fact, they would be disconnected for a
2 disputed amount, so there's a question mark there for us.

3 **Q. Maybe I need a little bit clearer clarification on**
4 **your concern with disconnected when there's a disputed amount,**
5 **is staff concerned with an attempt to collect an amount of**
6 **dispute?**

7 A. An honest answer to that is I'm not sure. I'm not
8 sure if the company can attempt to collect an amount in dispute,
9 I don't know the answer to that. I know that probably occurs,
10 our real focus was you can't, according to the rules, disconnect
11 for a disputed amount, both in the rule Chapter 13 and in the
12 company's tariff. That was our concern about that, and again,
13 the company has addressed that. I think that they will continue
14 to review that with them but that was our concern but then a
15 second concern became should the company in fact be sending
16 notices that they're going to disconnect when they have a hold
17 on the account to not disconnect, if that makes sense, telling
18 the customer we're going to disconnect you, when in fact, there
19 should be no disconnection until this process is resolved.

20 **Q. So just to make sure I understand you correctly, it's**
21 **your opinion that there should not be a threat of disconnect**
22 **when there's no right to disconnect?**

23 A. Well, that's the question, and my instinct is no, you
24 shouldn't be threatening the customer, but the rules, I don't
25 know that the rules address that, and I don't know that I'm the

1 best person to draw that conclusion, that's how it seems to me,
2 but I do know that the rules say don't disconnect on amounts
3 that are in dispute. The rules say it and their tariff provides
4 that, so that I'm sure of.

5 **Q. Have you had a chance to review and listen to any**
6 **phone calls that Miss Eason had with any customer service**
7 **representatives?**

8 A. Yes, we asked to listen to every phone call that was
9 recorded of conversations between Miss Eason and Missouri
10 American for a period. The first request was for January 1,
11 2012 through July 13, the company responded that there were no
12 recorded phone calls, and quite honestly, that is a point of
13 concern with Missouri American, we've been continuing to discuss
14 this with them to my knowledge all of the large regulated
15 utilities in the state record phone calls, and they retain them
16 some a period of a year, 18 months, so those can be retrieved
17 for their own purposes as well as situations like this. We did
18 not have that at Missouri American, subsequently we did ask for
19 more recent recorded phone calls, and we received one that
20 occurred I believe on December 7 and that was between Miss Eason
21 and I believe it was the third party agency that Missouri
22 American contracts with for collections and Miss Eason, my
23 understanding was in listening to that call a couple of times, I
24 thought the just I got was that this was an outbound call to you
25 first and you called them, and the recording we got was your

1 return call to them, so that was my understanding to that. So
2 yes, I did listen to one call.

3 **Q. And in that call it was clear to you the bill was in**
4 **dispute?**

5 A. Yes, ma'am, and, in fact, Miss Eason, I tried to in
6 preparing for today write down the number of times I heard her
7 say this bill is in dispute. I believe it was at least three
8 times that she said that, and the lady on the receiving end,
9 Miss Samantha and again I believe she is an employee of the
10 third party agency that the company contracts with, she
11 indicated and again she was very courteous she cannot make any
12 commitment that Miss Eason wouldn't receive outbound calls for
13 collections, but that she was going to note the account. She
14 said that I'm going to note the account, and took Miss Eason's
15 information. But Miss Eason's point was I shouldn't even be
16 getting these calls, I believe because this bill is in dispute.
17 I'm getting ready for hearing, I think she said, and I don't
18 know if I took any other notes on that call, but.

19 **Q. You made reference to the collections department being**
20 **in your opinion a third party and not a department under direct**
21 **supervision of Missouri American Water; is that correct?**

22 A. Well, I wouldn't say they're not under direct
23 supervision, and again Miss Harmon can probably clarify all
24 this, she is the expert in this area, but from the company's
25 rate case and again this is all confidential information, but

1 they have a couple of entities that they contract out for
2 collection services, I don't know if this third party calling,
3 my sense was they were employed by one of those entities, but on
4 behalf of the company, they should clearly abide by company
5 rules, the tariffs, they are as a branch of the company to the
6 customer. So in my opinion, they should be bound by anything
7 that Missouri American is bound to.

8 **Q. But it was only through this third party collections**
9 **department that you were able to listen to a phone call?**

10 A. That's right. My understanding is that was their call
11 that we received.

12 **Q. And is it your testimony that no phone calls directly**
13 **between Miss Eason and Missouri American Water Customer service**
14 **representatives were ever given to staff?**

15 A. I don't believe they weren't no, they weren't, and I
16 hope that we asked for a consecutive period there that we didn't
17 have a break in our request. Somewhere along the line, Missouri
18 American responded in the rate case they record about five
19 percent of their calls that's primarily for quality assurance.
20 That's to make sure that representatives are abiding by company
21 tariffs, commission rules and they're courteous. That's more of
22 a review of how that representative is performing rather than
23 recording all the calls.

24 **Q. If you were unable to listen to any phone cases in**
25 **order to investigate a consumer service matter, how did you go**

1 **about your investigation?**

2 A. Well, we asked for all of the notes on the account. I
3 mean, really, I don't know anything else a person can do except
4 to say give us all of the notes in the customer information
5 system on this on all calls made between the customer and the
6 company, and that's what we did, and we would get sheets, very
7 similar to this, that shows notes on the account. Miss Harmon
8 or whoever it was tried to help translate those things for us,
9 so we could see, and I mentioned in the report it appeared to us
10 at least in what we could see is that Miss Eason's calls were
11 appropriately sent on to, it may not have been a supervisor, but
12 some escalated party, but again the problem is when we don't
13 have recorded phone calls, if I am a rep and I don't take notes
14 that day, if I'm on the phone and I got ten calls backed up and
15 I think you know what, I don't have time right now to get all
16 this in, there is no -- listening to the call and having that
17 customer information, those notes in front of you, that really
18 is the best way to try to see what actually occurred. How did
19 the company represent themselves to the customer.

20 **Q. Is that typically how you and your staff investigate,**
21 **listen to calls and notes?**

22 A. In my opinion, that's the best way, and then we may
23 interview the customer, we did talk to Miss Eason on her
24 property about the experience. We will talk to the company
25 about their protocols, their processes. Again, Missouri

1 American has revised it's customer escalation process twice in
2 recent history, July 9, 2012 and I also believe August 20, 2012
3 and to their credit, I believe they're attempting to tighten up
4 that escalation process.

5 **Q. So you typically listen to calls and read notes and**
6 **screen shots. In this case you, you only were able to listen to**
7 **one call, other than the December 7 call, do you feel that the**
8 **screen shots and notes that the company provided are an adequate**
9 **substitute for listening to the calls?**

10 A. They're not my preferred method, to be honest with
11 you, and again I appreciate the company's help in helping me
12 decipher those notes. You know, typically, understandably
13 there's going to be some shorter statements in there, incomplete
14 sentences trying to make sure you read the dates and understand
15 any of the abbreviated words and those types of things. Again,
16 there's no substitute for a recorded phone call. There's no
17 substitute to hear. And again, it's not just making sure that
18 information is accurate and consistent, it's tone, it's
19 courtesy, it's all those things.

20 **Q. Do you have any other concerns that you would like to**
21 **make comments on or voice that you were unable to in staff's**
22 **report that was filed on October 5, 2012?**

23 A. I don't think so from what I just said now. Again, we
24 want to review, I think we have another meeting planned with
25 Missouri American on I believe April 4. One of our agenda items

1 will be just to ensure that measures are in place so that
2 inadvertent disconnects don't occur in the future, that's
3 something we're going to be discussing. In addition to some
4 other things, we're continuing to review call escalation
5 procedures. I want to -- the company does appear to be
6 tightening those, but it is a concern of ours we continue to
7 encourage them to record all phone calls. We'll continue to do
8 that, there are no commission rules about that, but I think that
9 would have helped us in staff's investigation into this piece of
10 Miss Eason complaint.

11 **Q. As of the date filed, is staff's report accurate?**

12 A. To the best of my knowledge.

13 **Q. In your expert opinion, were the termination notices**
14 **appropriate?**

15 A. Well, that's now we're into that gray area here. I
16 can tell you from a maybe not a staff opinion, a broad staff
17 opinion, but it's bothersome if you're threatening disconnection
18 when you shouldn't, when the customer should not be in threat of
19 disconnection. That seem inconsistent to me. Again this has
20 just occurred to me recently at the meeting we had that's
21 something if we can't disconnect a customer, I don't think we
22 should be telling them they're in threat of disconnection.

23 **Q. Do you -- you had previously mentioned that staff**
24 **continues to look at and discuss and meet with the company**
25 **regarding tightening controls. Does staff have a recommendation**

1 **regarding a customer service that Miss Eason had received?**

2 A. Well, I don't know that we have a specific
3 recommendation clearly, and I don't want to sound like I'm
4 trying to not recognize that the company clearly said this was
5 an inadvertent disconnect, we just don't want that to happen.
6 Again, we want to make sure that the controls are tightened, the
7 whole thing about notices customers for disconnect, that's
8 something we're going to be reviewing internally, the
9 appropriateness of that. I don't know that I have any specific
10 recommendations.

11 **Q. Do you have an opinion or recommendation as to whether**
12 **there are adequate safety measures in place so that something**
13 **like Miss Eason's case where there's an inadvertent shut off,**
14 **are there appropriate safety measures that will ensure that**
15 **don't happen to Miss Eason again or other customers?**

16 A. I will suspect the company will be very careful going
17 forward. I would suspect that Miss Eason, they should probably
18 flag her account appropriately to not have that happen again. I
19 know the company's been very busy with it's business
20 transformation project, and but I -- the company's responsible
21 for it's own management. It's responsible to ensure that it has
22 tight customer controls, the customers are paying for that.
23 They're paying for every aspect of that, mistakes are going to
24 happen, there's no doubt about that. The company has indicated
25 that they've taken full responsibility. We're just going to

1 continue to review this with them, we've had four meetings I
2 think with the company since the rate case, over service quality
3 issues, not this but other things. We'll continue to do that
4 and we'll continue as complaints come forward, we'll continue to
5 be involved and review these procedures with them.

6 MS. ALM: No further questions.

7 JUDGE JONES: Any cross-examination from Missouri
8 American?

9 C R O S S E X A M I N A T I O N

10 Questions by Mr. Luft:

11 Q. How often do you meet with Missouri American to
12 discuss this?

13 A. I believe Mr. Luft, out of the rate case what was
14 agreed to we call them periodic meetings, I think we have had
15 four to date and we've also had I believe Missouri American came
16 down to give us an update on the business transformation
17 process, and we have been over to Missouri American to look at
18 some of your systems, so we've been in regular contact.

19 Q. For the benefit of the judge and chairman, do you
20 believe those meetings have been beneficial?

21 A. I think they been very, again if I recall.

22 Q. Do you do that with other utilities?

23 A. Yes, we do.

24 Q. And do you know how much it would cost to increase
25 from five percent of the calls to 100 percent of the calls?

1 A. Sir, I don't, but let me say this about that. What
2 we're hearing from other companies is because we do -- we never
3 share information from any of the companies with the others, but
4 we do talk about, we're really looking at this recorded call
5 issue. All of the other companies tell us that the cost to
6 record and the cost to store those calls has gone down, you
7 would expect it to as technology has evolved, and the ability to
8 retrieve calls, so I don't know what it would cost, but I am,
9 let me choose my words carefully here. Well I can't find a good
10 one, I'm hesitant or I don't want to say there seems to be a
11 disconnect, I think when I hear -- it comes up about the cost to
12 record calls and the cost to store, when I'm hearing from other
13 large utilities those costs are going down. It's hardly an
14 issue anymore, is what I heard from ones around the state.

15 **Q. Would that be for gas and electric?**

16 A. That's gas and electric.

17 MR. LUFT: That's all I have.

18 JUDGE JONES: Miss Eason, do you have questions of
19 Miss Kremer?

20 MS. EASON: I don't have a question, but I wanted
21 to --

22 JUDGE JONES: Just want to make a statement?

23 MS. EASON: I wanted to go back to a question that I
24 didn't answer correctly when Miss Alm asked if -- how I was
25 notified, and then when she brought up the situation, I was

1 actually notified through my cell phone, you're absolutely right
2 that is how I called them back, called Missouri American Water
3 back, I was notified through my cell phone because I noticed the
4 number on my cell phone when I called it back, you're absolutely
5 right, so they did contact me first.

6 So again to the question that you answered did
7 they have my phone number upon notifying me of restoring my
8 service, yes, they did.

9 JUDGE JONES: Chairman Kenney, do you have any
10 questions?

11 CHAIRMAN KENNEY: Just a couple.

12 C R O S S E X A M I N A T I O N

13 Questions by Mr. Kenney:

14 **Q. Our rules specify if there's a disputed amount between**
15 **the consumer and the company, the consumer can't have service**
16 **terminated during the pendency of that dispute, correct?**

17 A. Sir, yes. I mean, it's in the end of chapter 13, and
18 I believe it's in the context of it's addressing in the context
19 of informal and formal complaints.

20 **Q. Okay. But our rules don't specify, to your knowledge,**
21 **whether the company can still make representations regarding**
22 **termination of services, are you just not sure?**

23 A. I don't believe -- I don't believe that it says that I
24 don't believe it addresses that, but you know, I sure don't want
25 to tell you the wrong thing.

1 Q. I understand.

2 A. I don't believe it does.

3 Q. Are you aware of any -- I know you're not a lawyer,
4 but are you aware of any other legal basis or any other
5 prohibition that prohibits the company from making false
6 misrepresentations to the rules?

7 A. I think there's something in the rules when they go to
8 the door, somewhere in here we've had that issue with companies,
9 we've been out in the field with folks and pointed that out to
10 them, on a no cut day when it's cold, telling a customer we'll
11 be back, but I think there is something in the rules about not
12 making false representations, I just can't put my finger on it.

13 Q. Are you aware of any non-Missouri Public Service
14 Commission statutes like general Department of Human services
15 Chapter 407 that prohibit false representation to the consumer?

16 A. There is some, but I don't know.

17 CHAIRMAN KENNEY: I don't have any other questions.

18 JUDGE JONES: Any redirect?

19 R E D I R E C T E X A M I N A T I O N.

20 Questions By Ms. Alm:

21 Q. Yes, just a couple brief questions. The Missouri
22 American Water Company had brought up the meetings, they have
23 periodic meetings, do you additionally have other contact with
24 Chelsie Harmon or Missouri American water?

25 A. We do. We are in -- we have a lot of contact with

1 Miss Harmon and Missouri American about any number of things,
2 any issues that come up, we have a lot of communication with
3 Missouri American as we do some other utilities, but.

4 **Q. And have you found your communication with Chelsie**
5 **helpful?**

6 A. It is helpful, yes. She has been -- Miss Harmon has
7 always given us, I believe been an honest person to deal with,
8 and forthright. So yes, it's been very helpful.

9 **Q. Did you recently since last Friday receive an e-mail**
10 **from Chelsie?**

11 A. Yes, I did. I think we had asked for Miss Eason's
12 most recent payment history and bills.

13 **Q. Have you ever received any indication from the company**
14 **of an amount in dispute?**

15 A. Ms. Alm, I don't know. I'm not sure if I have or not.
16 I know I was depending upon Mr. Scheible, I think he had an
17 amount that he had calculated in dispute in the record. I can't
18 say that I have received that from Missouri American, but I
19 don't believe I asked for it either.

20 **Q. Regarding what was sent to you, were you able to**
21 **determine an amount in arrears?**

22 A. Well, it looks to me Miss Eason had been making
23 quarterly payments, I believe she's made them every quarter, and
24 it looked to me, this says aged total of \$666.32. I believe
25 that is the amount in arrears.

1 MS. ALM: Unless there's an objection, I would like to
2 offer into evidence the most recent bill an accounting provided
3 by American Water.

4 JUDGE JONES: And a what?

5 MS. ALM: There's a ledger, they provided ledger
6 information a report provided for payments and charges.

7 JUDGE JONES: We'll mark the bill and ledger as staff
8 Exhibit 4. Any objections to Staff Exhibit 4 being admitted to
9 the record?

10 (Exhibit 4 marked for identification)

11 JUDGE JONES: Hearing none, Staff Exhibit 4 is
12 admitted to the record.

13 MS. ALM: That's all I have.

14 JUDGE JONES: We've been going for about an hour now,
15 so you might need to put money in your meters. Why don't you go
16 ahead and do that, maybe we can finish within the hour with the
17 company's direct.

18 (Whereupon, a break was taken)

19 (Back on the record)

20 JUDGE JONES: Let's go ahead and go back on the record
21 in the case no WC-2012-0011. And let's move to direct testimony
22 from the company.

23 D I R E C T E X A M I N A T I O N

24 Questions By Mr. Luft:

25 Q. Please state your name and spell it for the record.

1 A. Chelsie Harmon C-H-E-L-S-I-E Harmon H-A-R-M-O-N.

2 Q. Who is your employ year?

3 A. Missouri American Water.

4 Q. How long have you been at Missouri American Water?

5 A. Will be seven years this year.

6 Q. What do you do for American Missouri Water?

7 A. I handle escalated complaints at the executive level.

8 For example, I work with Public Service Commission on public
9 related issues, as well as some of the collections process.

10 Q. What's your title?

11 A. Performance specialist.

12 Q. And were you involved in the complaint with Miss
13 Eason?

14 A. Yes.

15 Q. How did you first get involved?

16 A. The original complaint I believe was in March of last
17 year.

18 Q. And what did you do when you got that?

19 A. Reviewed her usage history. We performed a meter
20 test, provided all of our findings back to staff and basically
21 we were able to conclude that the usage that went through the
22 meter was accurate and she was billed according to the usage
23 that had been recorded on that meter.

24 Q. From the time she contacted Missouri American, how
25 long did it take to get somebody out there at her house?

1 A. I think maybe a day.

2 Q. And then has that meter tested?

3 A. It was.

4 Q. What were the finding?

5 A. It was tested twice once at her request and then again
6 and Lisa Kremer, Jeff Scheible and myself witnessed that test.

7 Q. What were the results?

8 A. It passed within the parameters outlined by the Public
9 Service Commission.

10 Q. How many times had Missouri American been to Miss
11 Eason's property to deal with issues?

12 A. I believe we've been out there around six times.

13 Q. Did you have an opportunity to review staff's
14 recommendation report that has been marked and entered as
15 Exhibit s?

16 A. Yes.

17 Q. Do you have any issues with the findings in this
18 report?

19 A. No.

20 Q. You discussed a little earlier about these meetings
21 with staff. Can you tell the judge and chairman a little bit
22 more about these meetings? Give them a play by play or what
23 happens, who attends?

24 A. In our last rate case this was a stipulation we meet
25 periodically it's been approximately quarterly we've been

1 meeting on this, but some meetings have occurred, and typically
2 I'm there, our vice president of operations attends, often times
3 our counsel has been there, we usually have representatives from
4 our rates department. During these meeting we discuss a number
5 of things from the call center, any issue that staff has and it
6 gives us the ability the here what's going on, what we're seeing
7 and the ability for us to make any follow ups due to continuous
8 improvement kind of things to make sure that we stay on top of
9 things.

10 **Q. Who usually attends?**

11 A. Lisa Kremer, we have representatives from the water
12 and sewer department typically. Representatives from Gay's
13 group, consumer service department and I don't know Debbie
14 Burton is sometimes there, couple of other folks, but usually
15 quite a few representatives from staff and then again, our
16 folks.

17 **Q. Is this the only pending formal complaint across the**
18 **state of Missouri against Missouri American Water?**

19 A. Yes, I believe so.

20 MR. Luft: That's all I have.

21 JUDGE JONES: Any cross-examination from staff?

22 C R O S S E X A M I N A T I O N

23 Questions by Ms. Alm:

24 **Q. You said that your title was a performance specialist?**

25 A. Uh-huh.

1 **Q. What was the general area?**

2 A. Customer relations, billing and collections processes,
3 tariff review and any other projects assigned to me.

4 **Q. You said billing, collections, customer service staff**
5 **review, have you always had all of those duties?**

6 A. Well, my duties kind of encompass all of that, it can
7 touch any of those areas, yes, any time it can touch any of
8 those areas.

9 **Q. Has your title or job responsibilities changed or**
10 **increased in the last six months?**

11 A. Yes, it has changed. I spend more time working on our
12 business transformation project in the last six months.

13 **Q. What percentage of time?**

14 A. 80 percent, maybe.

15 **Q. And are you Missouri American Water Company employee**
16 **that is primarily in charge of handling Miss Eason's complaint?**

17 A. Primarily.

18 **Q. And you had mentioned that you worked with the**
19 **commission, so you are also primarily responsible for other**
20 **informal complaints?**

21 A. Yes, primarily. Recently we do have someone in my
22 absence performing some investigative efforts, but I still do
23 oversee the process.

24 **Q. Are you aware of any other informal complaints from**
25 **the past filed by Miss Eason in the past filed against Missouri**

1 **American Water?**

2 A. I can't say yes, and I can't say no, I don't recall.

3 **Q. That's fine. Working with the commission, you're**
4 **familiar with commission rule then?**

5 A. That's correct.

6 **Q. Are you familiar with the cold weather rule?**

7 A. I am.

8 **Q. Have you read any rules or regulations on the cold**
9 **weather rule in the years past or in preparation for this case?**

10 A. I have not, since it applies to utilities, gas and
11 electric.

12 **Q. But you had a chance to read it before?**

13 A. I've skimmed it, but I don't have a wealth of
14 knowledge of it.

15 **Q. Would you believe me if I told you or would it sound**
16 **familiar the utility will not make oral recommendation for**
17 **service termination for non-payment or termination of services**
18 **on any known cut date at any water temperature?**

19 A. I have heard conversation about that, but again, that
20 was in relation to gas and electric, not to water.

21 **Q. Did you handle the reconnection, the inadvertent**
22 **reconnection and some of the issues regarding that?**

23 A. Yes, I did.

24 **Q. And in your opinion, was that handled appropriate I**
25 **will?**

1 A. Once we were aware that she was disconnected, yes, we
2 restored her service quickly. We did not intend to disconnect
3 her, so the disconnection wasn't what we intended to happen, but
4 once we were made aware of it, it was fixed.

5 **Q. I appreciate that you said a few times that it was an**
6 **inadvertent disconnection or termination of service, what's**
7 **safety measures do you have in place that would ensure that**
8 **doesn't happen again?**

9 A. So we're putting longer holds when there is a
10 complaint, I believe in this case, this case has gone a little
11 longer than previous cases have gone, so six months is typically
12 a good amount of time for something to have reached resolution.
13 That did not occur in this case, we're looking at the timeframes
14 as to the type of complaint, and how long ago to place the holds
15 on.

16 **Q. You said that you're working on that are you working**
17 **with the staff or having communications with staff on those type**
18 **of topics?**

19 A. No, it's internal discussions.

20 MS. ALM: Thank you. No further questions.

21 JUDGE JONES: Miss Eason, do you have any questions?

22 MS. EASON: I don't have any question, however, I do
23 have a statement to make. Just two days ago, I just received
24 yet another disconnection notice.

25 MS. HARMON: I'll look into that.

1 MS. EASON: I can provide it to you.

2 JUDGE JONES: Do you have any questions, Ms. Alm?

3 MS. ALM: I do not, thank you.

4 JUDGE JONES: And is there any redirect from the
5 company?

6 MR. Luft: No.

7 JUDGE JONES: No redirect, okay. That concludes the
8 testimony. Miss Eason, would you like to make a closing
9 statement?

10 MS. EASON: Not at this time.

11 JUDGE JONES: Mr. Luft, would you like to make a
12 closing statement?

13 MR. Luft: Just to reiterate that we agree with the
14 staff's recommendation and obviously we're sorry that water was
15 turned off, turned it right back on. We reimbursed for the
16 water that was used that day, there's no evidence that there was
17 any water with the meter. We can't tell you as we sit here
18 today what caused the high usage, clearly there was high usage
19 last year, and just we don't believe there's any evidence
20 that Missouri American did anything wrong other than shutting
21 off.

22 JUDGE JONES: Any closing from staff?

23 MS. ALM: No.

24 JUDGE JONES: With that then, we'll go off the record.

25 (Whereupon, the hearing concluded at 12:18 a.m.)

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REPORTER'S CERTIFICATE

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STATE OF MISSOURI)

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) Ss.

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COUNTY OF ST. LOUIS)

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