

In the Matter of:

WILLIE HARRIS, JR.

v.

MISSOURI-AMERICAN WATER CO.

WC-2021-0129, VOL. I

March 10, 2021



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BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS
PREHEARING CONFERENCE VIA WEBEX

MARCH 10, 2021

JEFFERSON CITY, MISSOURI

Volume 1

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

JANA C. JACOBS, Presiding
REGULATORY LAW JUDGE

REPORTED BY:
Linda DeBisschop, CCR No. 779
TIGER COURT REPORTING, LLC

A P P E A R A N C E S

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ALSO PRESENT:

Willie J. Harris, Jr.

Debbie Bernsen

David Russ

Contessa King

Tracie Figueroa

P R O C E E D I N G S

JUDGE JACOBS: This is the pre-hearing conference in this case taking place today, March 10, 2021, in this matter which is File Number WC-2021-0129. This concerns the complaint filed with the Commission on November 2nd, 2020 against Missouri-American Water Company.

The conference was set to begin at 1:15 p.m. Because of technical problems, we are just getting started now which is 1:38 p.m.

My name is Jana Jacobs. I'm the regulatory law judge assigned to this matter. This conference is being conducted by telephone and video conference. The Commission has set this time for a procedural conference in this case. The purpose of the conference is to allow the parties to meet, to establish a hearing date and discuss other procedural issues.

Mr. Harris' complaint will not be decided in this hearing. Instead, this is just a meeting to get together and figure out the process for resolving this case. Once I leave the call, the parties may also wish to discuss the possibility of settlement and I hope that you will do so.

We have a court reporter on the line

1 who will be preparing a transcript of the
2 on-the-record portion of this proceeding. So that
3 means only one person can talk at a time so that she
4 can make a record of what is going on.

5 So I'm going to begin by asking the
6 parties to enter their appearances for the record.
7 I will start with Mr. Harris.

8 Mr. Willie Harris, are you with us
9 today?

10 MR. HARRIS: Yes, I am.

11 JUDGE JACOBS: Sir, do you want to go ahead
12 and identify yourself by providing your address.

13 MR. HARRIS: My address here in Arkansas?

14 JUDGE JACOBS: Yes, that's fine.

15 MR. HARRIS: Or my address in St. Louis?

16 JUDGE JACOBS: Your address in Arkansas if
17 that is where you are receiving mail in this case
18 would be appropriate.

19 MR. HARRIS: Okay. My address is 206 Topaz
20 Lane, Horseshoe Bend, Arkansas 72512.

21 JUDGE JACOBS: Thank you very much.

22 I'm going to go ahead and ask counsel
23 to enter their appearances. Normally when we are
24 meeting in person, those folks usually give the
25 court reporter a business card or something to let

1 her know what is your contact information.

2 In this situation, if your contact
3 information is current in this case, you don't need
4 to repeat all of that. Just identify yourselves and
5 let us know who you are representing. And, as well,
6 when you introduce yourself, if you brought along
7 other representatives for the company or for staff
8 today, if you could identify those people, it would
9 be helpful to introduce them to Mr. Harris and let
10 the court reporter know who is present.

11 So for the company today we have Ms.
12 Hernandez.

13 MS. HERNANDEZ: Yes, Your Honor. Jennifer
14 Hernandez with the law firm of Brydon, Swearngen &
15 England appearing on behalf of Missouri-American.
16 Also today is appearing Tracie Figueroa. She is an
17 employee with the company to participate in the
18 on-the-record portion of the conversations.

19 JUDGE JACOBS: You meant the off the record?

20 MS. HERNANDEZ: Yes, ma'am.

21 JUDGE JACOBS: Thank you.

22 And that is everyone for the company
23 today, is that right?

24 MS. HERNANDEZ: Correct.

25 JUDGE JACOBS: Ms. Bretz for staff.

1 MS. BRETZ: Karen Bretz for staff of the
2 Missouri Public Service Commission. My address is
3 the same. Here with us today is Contessa King,
4 Debbie Bernsen and David Russ for staff.

5 JUDGE JACOBS: And I don't believe anyone
6 from Office of Public Counsel is present. They
7 would not typically be present, but I'm just making
8 sure I don't miss anyone. So unless there is anyone
9 else who needs to speak up, we can proceed.

10 Is everyone able to hear okay? We do
11 have a little bit of an echo. Is everyone able to
12 hear what is being said? So we do have a few
13 pending issues in this case.

14 We have a pending motion to dismiss
15 which was filed by the company with its answer and
16 there is also the issue about whether this case
17 should be designated a small formal complaint under
18 the Commission's rules, so those things are
19 obviously going to be need to be addressed.

20 I would remind the parties that
21 mediation is available and, Mr. Harris, if you
22 aren't aware of how mediation works before the
23 Commission, that would be an opportunity for you to
24 meet with one of the regulatory law judges who is
25 not working on this case, as well as with the

1 company and staff I believe is involved in that, and
2 then you have an opportunity with that third party
3 to discuss what your allegations are and see if it's
4 possible to come to a resolution of the case without
5 needing to go to a hearing.

6 So if the parties would be interested
7 in mediation, that is an option that is available to
8 you just to make sure that you're aware of that,
9 okay?

10 MR. HARRIS: Okay.

11 JUDGE JACOBS: And then I also wanted to
12 address the issue of service on Mr. Harris. Our
13 rules require that, when someone in a case like this
14 is not represented by an attorney, in order to
15 officially get documents to them, that is done by
16 mail or another form of personal delivery.
17 Typically, in Commission proceedings, most parties
18 can be served by email.

19 So I just wanted to raise the issue
20 with you, sir, if you wanted to receive your
21 documents exclusively by email or if you wanted to
22 accept that email was an appropriate way to
23 officially get documents to you in this case, you
24 can go ahead and let us know that that is what you
25 want to do. Until you do that formally in some form

1 of document in the file that tells us that is what
2 you would like, then we're going to operate under
3 the Commission rules which require that documents be
4 mailed to you.

5 Do you have any questions about that
6 at all?

7 MR. HARRIS: No. I prefer to have those
8 documents mailed to me.

9 JUDGE JACOBS: So that is essentially the
10 default. So that is how things will continue then
11 unless you tell us otherwise, okay?

12 MR. HARRIS: That's fine.

13 JUDGE JACOBS: Then so those were the
14 preliminary pending things that I wanted to mention
15 to the parties. As I said before, the main reason
16 why we are here today is it is an opportunity for
17 the parties to get together and you can talk about
18 whether a settlement is possible and then, of
19 course, to talk about how to resolve the case with a
20 procedural schedule if it is necessary to have a
21 hearing.

22 Does anybody have anything other than
23 a procedural schedule, other preliminary issues that
24 they would like to raise at this point? I'll start
25 with the company.

1 MS. HERNANDEZ: No, Your Honor.

2 JUDGE JACOBS: Thank you.

3 Ms. Bretz, anything from staff?

4 MS. BRETZ: Nothing here.

5 JUDGE JACOBS: Thank you.

6 Mr. Harris, did you have anything you
7 wanted to mention at this point before we go ahead
8 and talk about a procedural schedule?

9 MR. HARRIS: No. I don't have any problems
10 with it.

11 JUDGE JACOBS: So I would like the parties
12 to agree to a proposed procedural schedule. So that
13 means that you're going to be talking about what
14 your schedules will allow and when it would be
15 appropriate to schedule a hearing in this case and
16 then the kind of preliminary deadlines that always
17 occur before a hearing. So that is something that
18 you would discuss, Mr. Harris, with the attorneys
19 representing the Commission staff and the company
20 today to see if you guys can agree on a schedule
21 together.

22 And then I'm going to ask staff to
23 submit that schedule on behalf of the parties. When
24 you are putting that schedule together, I would ask
25 the parties to look at the Commission's calendar, of

1 course, and then I would also advise you that the
2 weeks of April 5 and April 26 would not be good
3 weeks to schedule a hearing for me. So please
4 exclude the weeks of April 5 and April 26, I will
5 appreciate that.

6 I would like to ask the parties to
7 get together and have a proposed schedule to file by
8 March 19. If you're ready, you can file before
9 that. If you need to file a status report, for some
10 reason you aren't going to be able to put a schedule
11 together because you are working on possible
12 mediation or some other type of resolution, you can
13 go ahead and let me know and I will issue something
14 on that fairly promptly unless you guys get a head
15 of me and submit something before I do.

16 So does a March 19 timeline for the
17 next filing in this case make sense for everyone?
18 Is that okay?

19 MR. HARRIS: March 19 is fine with me.

20 JUDGE JACOBS: And it looks like staff
21 counsel is fine and Ms. Hernandez doesn't have any
22 concerns. Thank you.

23 So did anybody have anything they
24 want to talk about when it comes to our procedural
25 schedule? I will ask the company again and staff

1 counsel.

2 MS. BRETZ: No.

3 JUDGE JACOBS: Thank you, Ms. Bretz.

4 And, Mr. Harris, any questions about
5 how a procedural schedule works or any concerns
6 there?

7 MR. HARRIS: Well, I've never had a
8 procedural schedule, so what do I have to do or is
9 there anything out of the ordinary?

10 JUDGE JACOBS: So the basic idea is you are
11 working together to decide when the Commission
12 should have a hearing, and then leading up to a
13 hearing, there are typically deadlines that are set.
14 So you're probably going to agree on a date after
15 which the parties would ask for additional
16 information from each other, so all of the gathering
17 of documents has been done and then a deadline for
18 when you will let the Commission know who your
19 witnesses are going to be and things like that. So
20 the preliminary steps that lead up to having a
21 hearing. And the company and staff counsel will be
22 familiar with all the different elements of that and
23 you can work together essentially to agree on what
24 the timeline should be.

25 MR. HARRIS: Now, will I need to get my

1 witnesses? How am I going to correlate that with
2 the attorneys?

3 JUDGE JACOBS: So what you would be doing is
4 deciding on a schedule, and then you would work with
5 whoever your witnesses are going to be to make sure
6 those people can appear when a hearing would be
7 held. It probably will be scheduled far enough in
8 advance that I think you would have plenty of time
9 to work with people that you think could be
10 witnesses.

11 MR. HARRIS: Will it be virtual?

12 JUDGE JACOBS: It's very likely that it will
13 be virtual, but that's a decision that is made by
14 the Commission itself.

15 MR. HARRIS: Because these people who are my
16 witnesses are going to be in St. Louis.

17 JUDGE JACOBS: So I would proceed under the
18 assumption that a hearing will be virtual because
19 that is what the Commission is scheduling at that
20 time. If that were to change, then you would have
21 an opportunity to let the Commission know if there
22 was some kind of issue with that and the Commission,
23 even under normal circumstances, often allows
24 witnesses to appear by phone if they want to do so.

25 MR. HARRIS: If they can appear by phone,

1 that will be fine, really because we can still do
2 the virtual in Arkansas and they can call in to give
3 their testimony.

4 JUDGE JACOBS: So did you have any other
5 questions, sir?

6 MR. HARRIS: No, I don't.

7 JUDGE JACOBS: Thank you.

8 So unless anyone has anything else
9 that they would like to discuss, what will happen
10 now is that I will close the hearing which I haven't
11 quite done yet, Ms. Court Reporter, but I'm working
12 on it. And then I will pass on the host role to Ms.
13 Bretz so that you guys can all stay here together
14 and have your discussion, but I won't be part of
15 that discussion.

16 So does anyone have anything else
17 they wanted to add before I close to hearing and
18 excuse myself?

19 MR. HARRIS: I don't.

20 JUDGE JACOBS: So, once again, thank you all
21 very much for being here this afternoon. I really
22 appreciate your patience with the technical
23 difficulties and I am glad that we were all able to
24 get together. This hearing is now off the record so
25 our court reporter can now excuse herself and I will

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pass the host role over to Ms. Bretz.

(OFF THE RECORD)

CERTIFICATE OF REPORTER

I, LINDA DEBISSCHOP, a Certified Court Reporter, #779, with the firm of Tiger Court Reporting, LLC, within the State of Missouri, do hereby certify that I was personally present at the proceedings had in the above-entitled cause at the time and place set forth in the caption sheet thereof; that I then and there took down in Stenotype the proceedings had; and that the foregoing is a full, true and correct transcript of such Stenotype notes so made at such time and place.



Linda DeBisschop, CCR #779

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