

In the Matter of:

Claude Scott

v.

Missouri-American Water Company

WC-2020-0407, VOL. I

August 27, 2020



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BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

Prehearing Conference, via videoconference

August 27, 2020

Jefferson City, Missouri

Volume 1

Claude Scott,)	
)	
Complainant,)	File No. WC-2020-0407
)	
vs.)	
)	
Missouri-American Water)	
Company,)	
)	
Respondent.)	

JANA JACOBS, Presiding
REGULATORY LAW JUDGE
RON PRIDGIN,
DEPUTY CHIEF REGULATORY LAW JUDGE

REPORTED BY:
Tracy Taylor, CCR No. 939
TIGER COURT REPORTING, LLC

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A P P E A R A N C E S

CLAUDE SCOTT
Pro Se
FOR: Complainant

JENNIFER HERNANDEZ
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FOR: Staff of the Missouri Public Service Commission

1 JUDGE JACOBS: We are now on the record
2 for the conference scheduled for today, August 27,
3 2020 in this matter File Number WC-2020-0407.

4 This case concerns Mr. Claude Scott, the
5 complainant, and Missouri-American Water Company, the
6 respondent. The conference was set for 10:15 a.m.
7 today and the time is now 10:16 a.m.

8 My name is Jana Jacobs and I'm the
9 Regulatory Law Judge assigned to this matter. I'll
10 note for the record that this conference is being
11 conducted by telephone and video conference. We also
12 have joining us on the line today to observe a Senior
13 Judge with the Commission, Mr. Ron Pridgin. So he is
14 observing.

15 The Commission has set this time for a
16 procedural conference in this case. The purpose of
17 the conference is to allow the parties to meet, to
18 establish a hearing date and discuss other procedural
19 issues. Once I leave the call, the parties may also
20 wish to discuss the possibility of settlement to
21 resolve this case.

22 We have a court reporter present on the
23 line, as I mentioned before, who will be preparing a
24 transcript of the on-the-record portion of this
25 conference.

1 So I'll begin by asking the parties to
2 enter their appearances for the record. And lawyers,
3 once you've introduced yourselves, if you could go
4 ahead and just also alert us to other folks that you
5 have asked to join the conference today to help the
6 court reporter identify those folks.

7 So the first person I would typically
8 call on is the complainant, Mr. Claude Scott. I don't
9 see any indication that Mr. Scott has yet joined us so
10 we will skip him for this time and we will proceed to
11 the Company. For Missouri-American Water Company,
12 please.

13 MS. HERNANDEZ: Good morning, Your Honor.
14 This is Jennifer Hernandez with the law firm of
15 Brydon, Swearingen and England. Our address is 312
16 East Capitol Avenue, Jefferson City, Missouri 65101.
17 And I'm appearing today on behalf of Missouri-American
18 Water Company.

19 And also on the line is Tracie Figueroa.
20 She is an employee of the company to participate on
21 the on-the-record -- or on the portion of the
22 discussion off the record.

23 JUDGE JACOBS: Okay. Thank you very
24 much.

25 And then I will go to Staff now.

1 MR. PRINGLE: Yes, good morning, Judge.
2 I'm Travis Pringle, representing the Staff counsel
3 department. My contact information is Governor Office
4 Building, Suite 800, 200 Madison Street, PO Box 360,
5 Jefferson City, Missouri 65102.

6 I'm also joined on the line from Staff,
7 Contessa King, Scott Glasgow, and Sara Fontaine.

8 JUDGE JACOBS: Okay. Thank you very
9 much.

10 I don't believe Office of Public Counsel
11 has been involved in this case at all so I don't --
12 and I don't see anyone from that office here.

13 So once again, then I would double back
14 to Mr. Scott. We don't have another line that has not
15 yet been identified so I don't think Mr. Scott has
16 joined us. Obviously if Mr. Scott doesn't join us for
17 this call today, we won't be able to proceed.

18 So what I'd like to do, if you'll just
19 indulge me is, we're going to give him a couple more
20 minutes to see if he can get through. And I will,
21 during that time, check my e-mail to see if there's
22 any indication of something I need to know about a
23 connection problem or something else. So I appreciate
24 your patience with me for just a moment. Okay? Thank
25 you.

1 Have we had someone else join the call?

2 MR. SCOTT: Hello?

3 JUDGE JACOBS: Yes. We are now on the
4 record in the hearing. Yes, is this Mr. Scott, by any
5 chance?

6 MR. SCOTT: This is he.

7 JUDGE JACOBS: Hello, sir. Thank you
8 very much. So just to let you know what's going on,
9 my name is Jana Jacobs. I'm the Regulatory Law Judge
10 that was assigned to this case and we are already
11 underway in the pre-hearing conference. So up to this
12 point what I had done was let everyone identify
13 themselves for the record. So if you could ahead and
14 just introduce yourself, spell your name for the court
15 reporter and then we'll proceed.

16 MR. SCOTT: Okay. My name's Claude Scott
17 spelled C-l-a-u-d-e, last name S-c-o-t-t.

18 JUDGE JACOBS: Okay. Thank you very
19 much.

20 MR. SCOTT: I am the complainant.

21 JUDGE JACOBS: Thank you. And so just
22 for your information, we also have on the line counsel
23 for the company, Missouri-American. So we have
24 Ms. Hernandez on the line. We also have counsel for
25 Staff, which is Mr. Travis Pringle. And the Company

1 brought along an individual from the Company, I
2 believe to talk to you on the off-the-record portion.
3 And then there are also some members of Staff that are
4 also observing today.

5 So we got as far as having counsel
6 introduce themselves. And now -- we were waiting to
7 give you a chance to join us so I'm glad that you were
8 able to join us today.

9 So before we proceed any further, I would
10 just ask the parties, are there any preliminary
11 matters that folks wanted to take up before I just
12 prompt you to talk about a procedural schedule to
13 resolve the case? Anybody have anything they wanted
14 to talk about?

15 MR. SCOTT: Well, I only had one thing,
16 and that is that I got a note on my door yesterday
17 that they brought a meter -- they removed a meter to
18 be tested. They finally did that the day before the
19 hearing. So up until this point we could not get them
20 to do that. So the --

21 JUDGE JACOBS: Okay. So --

22 MR. SCOTT: -- only thing I could say
23 that they finally did.

24 JUDGE JACOBS: Okay. So I think that
25 perhaps that would be something that you would all be

1 discussing once we get through this formal portion and
2 you and Staff and the Company could talk about whether
3 your concerns are in the process of being resolved or
4 not and if there's possibility that you're going to
5 actually be able to resolve the case without going to
6 hearing.

7 MR. SCOTT: Sure.

8 JUDGE JACOBS: So -- okay. So one
9 question that I had as far as preliminary matters goes
10 was -- and this is a question for Staff. When I
11 reviewed Staff's recommendation or report in this
12 case, I noticed that there were a couple instances
13 where they said they -- Staff indicated that they
14 didn't have information from the Company.

15 So my question is, is it routine in a
16 case like this for that report to be supplemented at
17 all if that information is provided later or not,
18 Mr. Pringle?

19 MR. PRINGLE: We haven't really done that
20 before with submitting the report, but at a hearing
21 usually we would address any information that was
22 received later on. We have received -- I think the
23 Sta-- the Company did file responses after our report
24 was due. Nothing really chang-- impacted our ultimate
25 conclusion.

1 JUDGE JACOBS: Okay. So thank you for
2 answering that question.

3 Mr. Claude Scott mentioned he had
4 something to say here. I -- Ms. Hernandez, you didn't
5 have any preliminary issues to bring up?

6 MS. HERNANDEZ: No, Your Honor.

7 JUDGE JACOBS: Okay. And Staff does not
8 as well?

9 MR. PRINGLE: None, Your Honor.

10 JUDGE JACOBS: Okay. Thank you so much.

11 So then the reason that we're here is,
12 for one, to get you all together to talk about if
13 there's a chance to resolve this without going to
14 hearing and then also to get us ready in case we do
15 need to have a hearing.

16 So what I'd like to do is ask that the
17 parties talk about a proposed procedural schedule and
18 then I'd like to ask Staff to submit that, if you
19 could do that for the parties. Can you do that,
20 Mr. Pringle?

21 MR. PRINGLE: Yes, ma'am.

22 JUDGE JACOBS: Okay. Could you do that
23 in a week? So that would be September 3rd.

24 MR. PRINGLE: No, that shouldn't be a
25 problem for me.

1 JUDGE JACOBS: Okay. If it is a problem,
2 you can always let me know why and then -- and then
3 you can have a little bit more time if something comes
4 up. Okay?

5 MR. PRINGLE: All right.

6 JUDGE JACOBS: All right. So I would
7 hope that -- I would ask that the procedural schedule
8 would include proposed dates for hearing. And you can
9 go ahead and let me know if there are dates that the
10 parties are not available at all if that makes it
11 easier.

12 Also, I would ask that your proposed
13 hearing dates include dates after October 1st. You
14 can go ahead and propose things before that, but I'd
15 like you to also propose some dates after October 1st,
16 please. And you can look at the Commission's hearing
17 schedule on the website. There are a couple things
18 scheduled in September and they happen to be my
19 hearings, so I have something on the 24th and the 30th
20 and the -- and October 1st.

21 So in addition to possible dates for
22 hearing, if that's necessary in this case, I'd like
23 you to just let me know if these parties want to use
24 pre-filed written testimony in this case. Obviously
25 we don't have to do that. Just like to know the

1 parties' preference on that.

2 So those are -- that's what I'd be asking
3 you to provide in a procedural schedule if you could
4 do that.

5 MR. PRINGLE: I'll make sure that's all
6 in there.

7 JUDGE JACOBS: So does anybody have any
8 comments or questions on any of that?

9 MR. SCOTT: No.

10 JUDGE JACOBS: Okay. So --

11 MS. HERNANDEZ: No questions.

12 JUDGE JACOBS: Thank you so much. So
13 then the next thing that we'll -- you know, obviously
14 the reason you're here is so that you can all talk.
15 And this line will be available for you to do that so
16 you can talk about this possible schedule and then you
17 can talk about whether this case can be resolved
18 without a hearing.

19 So what I can do is just pass the host
20 role onto Mr. Pringle and this WebEx line will remain
21 available to you to use for as long as you need to
22 today. So does anyone have anything else to bring up
23 with me before I excuse myself and we go off the
24 record?

25 Okay. Hearing nothing from the parties,

1 then what I'm going to do in this conference has
2 ended. We're now off the record.

3 (Off the record.)

4 JUDGE JACOBS: So we're now on the record
5 again. And if Ms. Taylor is ready to resume, we can
6 resume.

7 Okay. Thank you very much. All right.
8 Just as I was attempting to end the pre-hearing
9 conference, Mr. Scott mentioned that he had something
10 he wanted to say. Mr. Scott, you can go ahead now,
11 sir. Thank you.

12 MR. SCOTT: Okay. Your Honor, in one of
13 the points -- I had five points that -- that came --
14 came to mind as I was prepping for this pre-con--
15 pre-conference hearing. And that is and point number
16 five is that the Respondent failed to replace the
17 water meter with new equipment since they refused to
18 test the old meter.

19 Now, they just now brought a -- a new
20 meter in yesterday at a little -- looks like -- my
21 door notice says around about 10:30 a.m. So that's
22 one of the things that I'm going to strike away
23 from --

24 JUDGE JACOBS: So --

25 MR. SCOTT: -- from the complaint itself.

1 JUDGE JACOBS: Uh-huh.

2 MR. SCOTT: So I don't know exactly why
3 they waited so long to do that.

4 JUDGE JACOBS: So this is really a
5 comment about what your substantive concerns are in
6 regard to the Company. And that is --

7 MR. SCOTT: Correct. It's -- it's --
8 it's them addressing the situation itself.

9 JUDGE JACOBS: Okay. Right. And that,
10 as confusing as it may seem, is not actually why we're
11 here today. Why we're here today is to figure out how
12 to resolve the case, which doesn't involve presenting
13 the facts of the case to me in any way or any new
14 developments actually. So we're just talking about
15 the process.

16 So when -- after I'm gone, then you can
17 discuss with the Company as far as possibly resolving
18 the issues, these new developments, if you'd like to
19 do that. But as far as the actual facts in this case
20 go, that would be presented in a hearing.

21 MR. SCOTT: Okay.

22 JUDGE JACOBS: Okay. So were you asking
23 for something in particular there or did you just want
24 to provide an update?

25 MR. SCOTT: Well, I -- well, that I did

1 want to provide an update on -- on -- in my -- on one
2 of my complaints and mention about the water meter not
3 being inspected and not being replaced.

4 And I did want to mention to the Court
5 that yes, it did get replaced yesterday. It was like
6 a twelfth-hour situation, but it did get replaced. So
7 I wanted to pull that off of the complaint itself and
8 I wanted to address the issue of the rest of the
9 complaint --

10 JUDGE JACOBS: So --

11 MR. SCOTT: -- getting -- well, I should
12 say not having that or excluding that, that particular
13 complaint, that is gone. Now what I want to know is
14 about the rest of the case.

15 JUDGE JACOBS: Okay. And if you are no
16 longer concerned about a part of your dispute with the
17 Company, then you can address that with them. And if
18 you need to change your complaint, then you can submit
19 something in writing to that effect. Or when you guys
20 actually get to the point of having a hearing, perhaps
21 you would agree in your agreement on the facts that
22 certain events have taken place and there's no longer
23 a dispute. But once again, we don't need to deal with
24 that today.

25 MR. SCOTT: Okay.

1 JUDGE JACOBS: Okay. All right. So did
2 that take care of everything?

3 MR. SCOTT: So far, yes.

4 JUDGE JACOBS: Okay. So did any of the
5 other parties want to say something, having heard all
6 those comments from Mr. Scott?

7 MR. PRINGLE: Nothing from Staff, Judge.

8 JUDGE JACOBS: Thank you all very much.
9 I appreciate your patience. So we will be going off
10 the record. We are now off the record.

11 (Whereupon, the pre-hearing conference
12 was concluded.)

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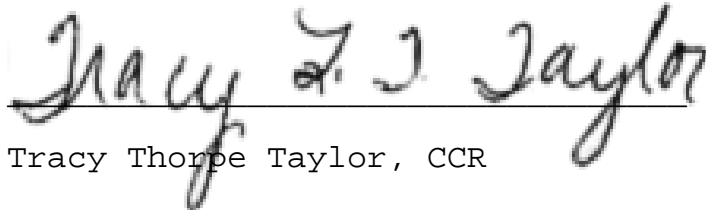
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CERTIFICATE OF REPORTER

I, Tracy Thorpe Taylor, CCR No. 939, within the State of Missouri, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.


Tracy Thorpe Taylor, CCR

<hr/> <p style="text-align: center;">1</p> <hr/> <p>10:15 3:6 10:16 3:7 10:30 12:21 1st 10:13,15,20</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>200 5:4 2020 3:3 24th 10:19 27 3:2</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>30th 10:19 312 4:15 360 5:4 3rd 9:23</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>65101 4:16 65102 5:5</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>800 5:4</p> <hr/> <p style="text-align: center;">A</p> <hr/> <p>a.m. 3:6,7 12:21 actual 13:19 addition 10:21 address 4:15 8:21 14:8,17 addressing 13:8 agree 14:21</p>	<p>agreement 14:21 ahead 4:4 6:13 10:9, 14 12:10 alert 4:4 answering 9:2 appearances 4:2 appearing 4:17 assigned 3:9 6:10 attempting 12:8 August 3:2 Avenue 4:16</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>back 5:13 begin 4:1 behalf 4:17 bit 10:3 Box 5:4 bring 9:5 11:22 brought 7:1,17 12:19 Brydon 4:15 Building 5:4</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>C-L-A-U-D-E 6:17 call 3:19 4:8 5:17 6:1 Capitol 4:16 care 15:2 case 3:4,16,21 5:11 6:10 7:13 8:5,12,16 9:14 10:22,24 11:17 13:12,13,19 14:14 chance 6:5 7:7 9:13 chang-- 8:24 change 14:18</p>	<p>check 5:21 City 4:16 5:5 Claude 3:4 4:8 6:16 9:3 comment 13:5 comments 11:8 15:6 Commission 3:13,15 Commission's 10:16 company 3:5 4:11, 18,20 6:23,25 7:1 8:2, 14,23 13:6,17 14:17 complainant 3:5 4:8 6:20 complaint 12:25 14:7,9,13,18 complaints 14:2 concerned 14:16 concerns 3:4 8:3 13:5 concluded 15:12 conclusion 8:25 conducted 3:11 conference 3:2,6,10, 11,16,17,25 4:5 6:11 12:1,9 15:11 confusing 13:10 connection 5:23 contact 5:3 Contessa 5:7 Correct 13:7 counsel 5:2,10 6:22, 24 7:5 couple 5:19 8:12 10:17 court 3:22 4:6 6:14 14:4</p>	<hr/> <p style="text-align: center;">D</p> <hr/> <p>date 3:18 dates 10:8,9,13,15,21 day 7:18 deal 14:23 department 5:3 developments 13:14,18 discuss 3:18,20 13:17 discussing 8:1 discussion 4:22 dispute 14:16,23 door 7:16 12:21 double 5:13 due 8:24</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>e-mail 5:21 easier 10:11 East 4:16 effect 14:19 employee 4:20 end 12:8 ended 12:2 England 4:15 enter 4:2 equipment 12:17 establish 3:18 events 14:22 excluding 14:12 excuse 11:23</p>
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