

1 BEFORE THE PUBLIC SERVICE COMMISSION

2 STATE OF MISSOURI

3 _____
4 TRANSCRIPT OF PROCEEDINGS

5 Prehearing Conference

6 July 18, 2011

7 Jefferson City, Missouri

8 Volume 1

9 _____
10
11 Utility Workers of America,)

12 Local 335)

13 Complainant,)

14) File No. WC-2011-0341

15 Missouri American Water)

16 Company,)

17 Respondent.)

18 _____
19 RONALD PRIDGIN, Presiding

 SENIOR REGULATORY LAW JUDGE

20
21 _____
22
23 REPORTED BY:

 NANCY L. SILVA, RPR, CCR

24 TIGER COURT REPORTING, LLC

25

A P P E A R A N C E S

DEAN L. COOPER

Brydon, Swearengen & England, P.C.

P.O. Box 456

Jefferson City, Missouri 65102

573.635.7166

FOR: Missouri American Water Company

MICHAEL EVANS

Hammond and Shinnars, P.C.

7730 Carondelet Avenue, Suite 200

Clayton, Missouri 63105

314.727.1015

FOR: Missouri American Water Company

MEGHAN McCLOWRY

RACHEL LEWIS

Missouri Public Service Commission

P.O. Box 360

Jefferson City, Missouri 65102

573.751.6726

FOR: Staff of the Missouri Public Service
Commission

1 JUDGE PRIDGIN: On the record,
2 please.

3 Good morning. This is the
4 prehearing conference in File No. WC-2011-0341,
5 Utility Workers Union of America, Local 335,
6 versus Missouri American Water Company.

7 I am Ron Pridgin. I am the
8 regulatory law judge assigned to preside over
9 this prehearing conference. It's being held
10 about ten after 10:00 in the morning on July 18,
11 2011. We are in the Governor Office Building in
12 Jefferson City, Missouri.

13 I would like to get entries of
14 appearance from counsel, please, beginning with
15 the General Counsel's office.

16 MS. McCLOWRY: Meghan McClowry and
17 Rachel Lewis for the Staff of the Public
18 Service Commission. Our business address is
19 P.O. Box 360, Jefferson City, Missouri 65102.
20 With us are Nila Hagemeyer and Jim Merciel for
21 Staff.

22 JUDGE PRIDGIN: Ms. McClowry, thank
23 you.

24 On behalf of Utility Workers Union
25 of American, Local 335, please.

1 MR. EVANS: Michael Evans, for the
2 Union, with Hammond and Shinnners --
3 H-a-m-m-o-n-d, and Shinnners, S-h-i-n-n-e-r-s --
4 7730 Carondelet -- that's C-a-r-o-n-d-e-l-e-t --
5 Suite 200, St. Louis, Missouri 63105.

6 JUDGE PRIDGIN: Mr. Evans, thank you.
7 On behalf of Missouri American Water
8 Company, please.

9 MR. COOPER: Dean Cooper from the law
10 firm of Brydon, Swearngen & England, P.C.,
11 P.O. Box 456, Jefferson City, Missouri, 65102,
12 appearing on behalf of Missouri American Water
13 Company.

14 MS. ELZEMEYER: And Tracy Elzemeyer
15 with Missouri American Water Company at
16 727 Craig Road, St. Louis, Missouri 63141.

17 JUDGE PRIDGIN: Mr. Cooper, thank
18 you.

19 Is there anyone else who wishes to
20 enter an appearance?

21 (No response.)

22 JUDGE PRIDGIN: I'm hearing no
23 further entries.

24 I believe the parties had agreed to
25 hold this prehearing today, and then if memory

1 serves, to submit a proposed procedural schedule
2 Thursday, which would be July 21; is that correct?

3 MS. McCLOWRY: Yeah.

4 MR. COOPER: That's correct.

5 JUDGE PRIDGIN: All right. And I know we
6 have some pending motions, and I have no plans to
7 rule on those today. If that's something you want to
8 address in the schedule or today or any other time,
9 you're certainly welcome to do so.

10 I don't know that I have anything else
11 further for the parties. Is there -- I certainly
12 called this in hopes that you could at least get
13 together once and maybe narrow your differences, or
14 if not, at least work on a proposed schedule.

15 Is there anything counsel needs to bring
16 to my attention?

17 MR. EVANS: Judge, this is Mike Evans for
18 the Union.

19 JUDGE PRIDGIN: Yes, sir.

20 MR. EVANS: We recently moved to intervene
21 in a rate case the Company's filed and, frankly, once
22 that application is granted, I was simply going to
23 move to have this case consolidated into the rate
24 case.

25 JUDGE PRIDGIN: Okay.

1 MR. EVANS: I don't know how the other
2 parties feel about that, but that was certainly my
3 game plan going forward.

4 JUDGE PRIDGIN: And I mean, if you want to
5 discuss that on the record, that's fine, or discuss
6 it after I leave. What I normally do, Mr. Evans, is
7 after we go off the record, I simply leave the room
8 and then let the parties talk, so it's -- I'll leave
9 that up to the parties.

10 If that's something you want to bring up
11 now or you want to wait till I leave, that's up to
12 everyone here.

13 MR. EVANS: It doesn't matter to me.

14 MR. COOPER: Judge, a question. You had
15 mentioned pending motions, I think maybe the only one
16 of which is our Motion to Dismiss. Is that something
17 that consideration is underway, or what can you tell
18 us about the status of when a ruling might come about
19 on that motion?

20 JUDGE PRIDGIN: I have not taken anything
21 to agenda because of my schedule. I have been out of
22 the office a lot, and I know that the Commission has
23 been out of town a lot, so I simply have not brought
24 it to their attention and, obviously, depending on
25 what is filed Thursday and what may or may not be

1 agreed to on consolidating this into the rate case, I
2 guess I'll wait to hear from parties and then decide
3 when to take something to agenda for their
4 consideration on that motion.

5 Is there anything else the parties would
6 like to bring to my attention before we go off the
7 record?

8 MS. McCLOWRY: No.

9 JUDGE PRIDGIN: All right. Hearing
10 nothing, I will go off the record.

11 Mr. Evans, please stay on the line, and I
12 will move the phone and then let you continue to
13 speak. You have access to this room the rest of the
14 day. I'm up on the ninth floor, if you need to see
15 me for anything or need to look at the hearing
16 calendar.

17 Anything further from counsel?

18 (No response.)

19 JUDGE PRIDGIN: All right. Hearing
20 nothing, we will go off the record. That concludes
21 the prehearing conference in WC-2011-0341.

22 Thank you. We're off the record.

23 (The hearing concluded.)

24

25

1 CERTIFICATE

2 I, Nancy L. Silva, RPR, a Certified
3 Court Reporter, CCR No. 890, the officer before
4 whom the foregoing hearing was taken, do hereby
5 certify that the witness whose testimony appears
6 in the foregoing hearing was duly sworn; that
7 the testimony of said witness was taken by me to
8 the best of my ability and thereafter reduced to
9 typewriting under my direction; that I am
10 neither counsel for, related to, nor employed by
11 any of the parties to the action in which this
12 hearing was taken, and further, that I am not a
13 relative or employee of any attorney or counsel
14 employed by the parties thereto, nor financially
15 or otherwise interested in the outcome of the
16 action.

17
18 _____
19 Nancy L. Silva, RPR, CCR
20
21
22
23
24
25