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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Prehearing Conference
September 20, 2013
St. Louis, Missouri
Volume 1

Charles Harter,)
)
Complainant,)
)
vs.) File No. WC-2013-0468
)
Missouri- American Water Company,)
)
Respondent.)

PRESIDING:
KENNARD L. JONES, SENIOR REGULATORY LAW JUDGE

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A P P E A R A N C E S

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

2 (HEARING COMMENCED AT 10:08 A.M.)

3 JUDGE JONES: This is Hearing Number
4 WC-2013-0468, Charles A. Harter versus Missouri
5 American Water. My name is Kennard Jones. I'm the
6 judge presiding over this case.

7 At this time, let's take entries of
8 appearances, beginning with Mr. Harter.

9 MR. HARTER: I'm Charles Harter,
10 Complainant.

11 JUDGE JONES: And Missouri American?

12 MR. LUFT: Tim Luft, Corporate Counsel,
13 727 Craig Road, St. Louis Missouri 63141.

14 JUDGE JONES: And the staff of the
15 Commission?

16 MS. HERNANDEZ: Jennifer Hernandez
17 representing the staff, Missouri Public Service
18 Commission. Our address is P.O. Box 360, Jefferson
19 City, Missouri, 65102.

20 JUDGE JONES: Okay. I take it you all
21 haven't had an opportunity to speak with another
22 prior to today. This prehearing conference serves
23 that purpose to give you all an opportunity to
24 perhaps settle the complaint. If not, then we'll
25 have to set a procedural schedule, given time for

1 discovery, and a date for an evidentiary hearing.

2 After today I will -- I will probably just
3 send out an e-mail to everyone to see how things
4 worked out, and then we'll go from there, if
5 necessary.

6 Mr. Harter, do you have any witnesses that you
7 may need to call if we need to proceed toward a
8 hearing?

9 MR. HARTER: That would depend on
10 discovery, but at present, no.

11 JUDGE JONES: Okay. Mr. Luft, I take
12 it you have one witness?

13 MR. LUFT: Ms. Harmon, yes.

14 JUDGE JONES: I take it staff has one
15 witness, also?

16 MS. HERNANDEZ: Yes, Gay Fred.

17 JUDGE JONES: Well, the hearing doesn't
18 sound like it would last more than half a day, so
19 that would -- figuring how I plan to do this.
20 Apparently you all had an agreement on payments,
21 right?

22 MR. LUFT: Yes, we did.

23 JUDGE JONES: And Mr. Harter, you feel
24 as though they breached that agreement?

25 MR. HARTER: I -- that's not my primary

1 issue, but --

2 JUDGE JONES: What's your primary
3 issue?

4 MR. HARTER: I'd say the three are;
5 first, hiring cutouts or third-party contractors to
6 disconnect people instead of having utility
7 employees do it.

8 JUDGE JONES: Okay.

9 MR. HARTER: And as a side light to
10 that, as I understand it, paying them only when they
11 disconnect, so that's the only incentive of someone
12 who's sent out there is disconnect. If they don't
13 disconnect, they don't get paid, so.

14 They disregard all the procedures. They don't
15 knock, they don't ask, they don't inform, they don't
16 give notice, they come and then they go. I just
17 turned off your water.

18 And the water company doesn't do it that way,
19 because they're -- they're under the Public Service
20 Commission rules, and that's -- I could be wrong on
21 all of what I just said, but that's my position,
22 that would be my issue.

23 And the second is that in December I arranged
24 through Castle to make a payment. And the way it's
25 done is they issue a voucher, or make the -- and

1 then later when they get the funds -- whenever they
2 get the funds they pass the funds on to the utility,
3 when they make the voucher, the utility accepts that
4 pledge, and that was done for me in December.

5 Now, the actual money didn't come to the
6 company until January, but they accepted the pledge
7 early.

8 And then in March when I tried to get a
9 payment budget plan, they said: You can't go on it
10 because you paid late. And I wasn't in control of
11 that, I didn't make the payment late, I had Castle
12 make a pledge, and they send it.

13 It seems once they accept the pledge that that
14 should constitute a payment and not a late payment
15 whenever the money comes, and I should not be
16 prevented from obtaining later a budget plan because
17 of the accusation that I paid late, Castle paid
18 late, but they're expected to.

19 JUDGE JONES: Okay. Have you reviewed
20 the Commission's rules?

21 MR. HARTER: Yes.

22 JUDGE JONES: Do you think that the
23 company violated, or one of the companies agents
24 violated any of the Commission's rules?

25 MR. HARTER: Yes.

1 MR. JONES: Okay.

2 MR. HARTER: And the third issue is
3 that on at least two occasions that are included in
4 this Complaint, I paid in full, and they still
5 disconnected.

6 They came, and I said: I paid this. And they
7 said: We don't care. And I don't think that's
8 right. They said: Pay whatever, pay \$150, or be
9 disconnected. So I went up to Schnucks and paid the
10 \$150, and then the guy came to the door and then
11 said: We can't accept that. So I don't think
12 that's right. And that -- so those are the three
13 issues.

14 JUDGE JONES: I understand. And is
15 your water on now?

16 MR. HARTER: Yes.

17 JUDGE JONES: Okay.

18 MR. HARTER: In that regard -- I know
19 I'm going out of order --

20 JUDGE JONES: No, you're fine.

21 MR. HARTER: -- I'm Charles Harter.
22 I'm the Complainant. I'm also an attorney. And my
23 address 827 South Sappington, St. Louis, Missouri
24 63126. And my omission is egregious, because I
25 don't have any business cards.

1 JUDGE JONES: Don't worry about it. So
2 is there an amount that's owed?

3 MR. LUFT: There's a current balance.

4 JUDGE JONES: A current balance rather.

5 MR. LUFT: Yeah.

6 JUDGE JONES: So that's where your
7 starting point of discussion could be.

8 MR. LUFT: What, if any, of that is
9 disputed?

10 JUDGE JONES: Is any of that disputed?

11 MR. HARTER: Not the amount, but the
12 fact that I was not allowed to go onto a budget plan
13 and pay it IN the manner in which I could afford to
14 pay it. They said pay this all now, or you're out.

15 JUDGE JONES: How much was it
16 initially?

17 MR. HARTER: When I filed the Complaint
18 it was 170. I'd have to go look --

19 JUDGE JONES: How much is it now?

20 MR. LUFT: The current balance is
21 \$624.56, because back on May 1st there was a partial
22 payment of \$67.

23 JUDGE JONES: So do you agree with
24 that, Mr. Harter?

25 MR. HARTER: I don't agree with it, but

1 I don't dispute it.

2 JUDGE JONES: So you don't agree that
3 you owe 600 some odd dollars?

4 MR. HARTER: I don't dispute it. I
5 haven't investigated it.

6 JUDGE JONES: So you don't know?

7 MR. HARTER: If I got down and looked
8 at it.

9 JUDGE JONES: Well, come to an
10 agreement on what -- what the amount of the balance
11 is, and then start from there. See if you all can
12 work something out as a budget billing and all of
13 that is concerned.

14 That information will have to be clear to me
15 during a hearing, if we have one, that there's been
16 a violation of Commission rules or statutes, but it
17 sounds like you may be able to settle it by first
18 agreeing on how much is owed on the account, and
19 then how to go about paying that amount. Does that
20 help?

21 MR. LUFT: (Nodded head.)

22 JUDGE JONES: You don't have to be here
23 all morning and afternoon, but you'll have this
24 room --

25 MR. LUFT: Okay.

1 JUDGE JONES: -- to work on it. When I
2 go out of here, I'll see what I can do about the
3 heat.

4 And do you have any questions or concerns,
5 Mr. Harter, before we go off the record and let you
6 talk about your case?

7 MR. HARTER: You mentioned discovery,
8 that would be in the normal sense of
9 Interrogatories, or is that done as the Court -- the
10 parties exchange it without the participation of the
11 Court with just the notice we've done?

12 JUDGE JONES: I'll participate if you
13 have some disputes. If there's something that you
14 want from Missouri American, today's the best time
15 to ask, and write down what it is you're asking for,
16 and then you all agree when you're going to get that
17 information, and if they don't stand up to the
18 agreement that you have, then let me know, and you
19 can let me know by e-mail.

20 And then if it looks like there's a discovery
21 issue, we'll set up a discovery dispute hearing,
22 which can be done by phone, it doesn't have to be
23 down here at the office.

24 And if after today you think of something that
25 you want, then just communicate that to Missouri

1 American.

2 MR. HARTER: That sounds like much more
3 information than the Interrogatories. Thank you.

4 JUDGE JONES: Well, it doesn't have to
5 be that formal, just trying to get information.

6 Mr. Luft, do you have any discovery?

7 MR. LUFT: We don't need any discovery.

8 JUDGE JONES: So it would be
9 information that they have that you want, just ask.
10 Do you have any other concerns or questions?

11 MR. HARTER: No.

12 JUDGE JONES: And you do know staff's
13 role in this Complaint? Do you understand their
14 role?

15 MR. HARTER: I think so.

16 JUDGE JONES: Well, they're a neutral
17 party is what they are, to just help facilitate
18 however they can. Okay?

19 MR. HARTER: (Nodded head.)

20 MR. LUFT: We prepared a detailed
21 summary I can review with Mr. Harter. We can go
22 over it step by step, and just kind of go over it.

23 JUDGE JONES: Are you wanting to do
24 that on the record?

25 MR. LUFT: I don't need to do that on

1 the record.

2 JUDGE JONES: Well, if nobody has
3 anything we need to talk about on the record, let's
4 be off the record.

5 MR. HARTER: When I participated before
6 I was on the phone, but it was all off the record,
7 because we were talking --

8 JUDGE JONES: This portion will be off
9 the record.

10 MR. HARTER: But they're -- isn't that
11 going to contain a record?

12 JUDGE JONES: No, it's not being
13 recorded.

14 MR. HARTER: Okay.

15 JUDGE JONES: That's it.

16 (HEARING CONCLUDED AT 10:19 A.M.)

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1 CERTIFICATE OF REPORTER

2

3 STATE OF MISSOURI)

) ss.

4 CITY OF ST. LOUIS)

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6 I, Ashley C. High, a Registered Professional Reporter,
7 Certified Shorthand Reporter (IL) and a Certified Court
8 Reporter (MO) do hereby certify that the hearing
9 aforementioned was held on the time and in the place
10 previously described.

11

12 IN WITNESS WHEREOF, I have hereunto set my hand and seal.

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Ashley C. High, RPR, CSR(IL), CCR(MO)

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