

In the Matter of:
Thirty & 141, L. P. ,
v.
Missouri-American Water Company

WC-2019-0004

November 02, 2018



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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
Pre-Hearing Conference
November 2, 2018
Jefferson City, Missouri
Volume 1

Thirty and 141, L.P.,)
Complainant,) File No.
vs.) WC-2019-0004
Missouri-American Water Company,)
Respondent.)

CHARLES HATCHER, Presiding
REGULATORY LAW JUDGE

REPORTED BY:
Beverly Jean Bentch, CCR No. 640
TIGER COURT REPORTING, LLC

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

2 DIANA CARTER, Attorney at Law
3 Brydon, Swearngen & England, PC
4 PO Box 456
Jefferson City, Missouri 65102-0456
573.635.7166

FOR: Missouri-American Water Company

5
MICHAEL PARNAS, Attorney at Law (By telephone)
The Parnas Law Firm, LLC
6 7710 Carondelet Avenue, Suite 516
7 St. Louis, Missouri 63105
314.726.6015

FOR: Complainant

8
ALEXANDRA (Lexi) KLAUS, Legal Counsel
9 200 Madison Street, Suite 800
PO Box 360
10 Jefferson City, Missouri 65102-0360
573.751.1854
11 FOR: Staff of the Missouri Public Service Commission

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P R O C E E D I N G S

JUDGE HATCHER: Let's bring the proceeding to order and go on the record. Good morning. Today is November 2, 2018 at 10:00 a.m. The Commission has set this time for a Pre-Hearing Conference regarding the complaint file Thirty and 141, L.P., Complainant, v. Missouri-American Water Company, Respondent. That is File No. WC-2019-0004.

My name is Charles Hatcher, and I am the Regulatory Law Judge assigned to this case. Let's have the counsel for the parties make their entry of appearance with those being physically present going first.

MS. CARTER: Diana Carter with Brydon, Swearengen & England for Missouri-American Water Company, and the court reporter has my contact information on the written entry of appearance.

MS. KLAUS: Alexandra Klaus on behalf of Staff, and the court reporter has my information.

MR. PARNAS: Michael Parnas, The Parnas Law Firm, and my information is also on record. I represent the Plaintiff.

JUDGE HATCHER: Thank you. And are there any parties that are not present or not represented that you know of? All right. The purpose of a pre-hearing

1 conference is to bring the parties together so that the
2 Commission knows that they have met at least once to
3 discuss settlement and to set a procedural schedule.

4 The procedural schedule, and I'll be reviewing
5 obviously more for my benefit than your all's, first
6 we'll have the prefiled testimony. The Complainant has
7 the burden and they will file first. The Respondent
8 then files rebuttal. The Complainant then files
9 surrebuttal. And also included in that please have a
10 list of the issues between the parties and a position on
11 each issue.

12 Rule 4 CSR 240-2.090(6) provides that
13 procedural and substantive matters may be considered at
14 the procedural hearing conference. Are there any
15 pending matters or motions that anyone would like to
16 bring up?

17 MS. KLAUS: None from Staff, Judge.

18 MR. PARNAS: Not at this time, Your Honor.

19 MS. CARTER: None from the utility.

20 JUDGE HATCHER: Thank you. Then really the
21 questions that the Commission has are if a hearing is
22 really necessary to resolve the issue, the number of
23 witnesses you would expect at a hearing and the number
24 of days you would expect the hearing to be needed and,
25 of course, the date for the hearing.

1 So are there any other issues that the parties
2 wish to discuss?

3 MR. PARNAS: Your Honor, I would, if I may,
4 yesterday, and I don't know if you've talked to Tim,
5 Diana, between yesterday and today, but Tim Luft, the
6 General Counsel for the Water Company, he and I spoke
7 yesterday really for the first time since the meter test
8 that was done a couple of -- maybe six weeks ago I want
9 to say. We all met out at the water company and
10 actually had the meter tested.

11 Tim and I started talking about possibly
12 settling the case. I want to represent to the Court
13 that that part has actually been done or begun maybe is
14 a better way to put it. So I just wanted to alert
15 counsel, local counsel, that that has happened.

16 MS. CARTER: Yes. Tim and I talked yesterday
17 afternoon and, Judge, my question for you would be would
18 you mind if we delayed filing a procedural schedule to
19 allow time for continued discussion?

20 JUDGE HATCHER: That sounds great.

21 MR. PARNAS: Judge, just for purposes of how I
22 would see my case being tried, you know, we would -- If
23 the Court is familiar with the case, this is a dispute
24 involving water usage for a waterfall. So the entity
25 that I represent doesn't have any employees but it's

1 part of a big shopping center development. So I would
2 anticipate the people that have been paying the bills,
3 G.J. Grewe, that management company, that the person
4 that came in and prepared the exhibit which was attached
5 to my petition which was really basically our billing
6 history with the water company, that individual would
7 for sure testify and then we have companies that we have
8 utilized. We have a maintenance company that routinely
9 on a daily basis that is out there at the shopping
10 center and does maintenance work around the waterfall.

11 We also have had a number of contractors that
12 have done tests on the waterfall, the lines and that
13 kind of thing, and I would expect those individuals to
14 come.

15 So my case would maybe be two, possibly three
16 witnesses. That's kind of it in the nutshell from my
17 side of it.

18 JUDGE HATCHER: All right. Thank you. I
19 appreciate that. Let's get back to kind of what we're
20 going to produce out of our pre-hearing conference,
21 because we're just about at the end of that without any
22 other issues to be brought up.

23 The Commission does encourage settlement. You
24 all have the room until noon. That is a little under
25 two hours from now. And what we can do given Ms.

1 Carter's suggestion is if it would be amenable to
2 everyone I can ask for a status report in, I'm good with
3 30 or 45 days if anyone has a suggestion that they'd
4 like to make out loud.

5 MR. PARNAS: Your Honor, is that a joint
6 statement that's prepared by both parties like as a
7 stipulation or is it individually do Diana and I each
8 submit -- Is it like a pleading that says we're settling
9 or we're going to trial, or is it simply just notifying
10 the Court of what we're doing or the Commission?

11 JUDGE HATCHER: These are pretty informal.
12 I'm just looking for a note, you'll have to have it on
13 the official header, of course, but just a note saying
14 yeah, we're still talking, we need more time or we
15 finished talking and we don't see eye to eye, we're
16 ready to start scheduling for testimony and such.

17 MR. PARNAS: Diana, Tim mentioned to me with
18 regard to scheduling, I don't know if he said the same
19 to you, but he said if we had to have an outside date
20 today for like to actually try this thing he was
21 thinking April, May. Does that comport with what you
22 and he talked about?

23 MS. CARTER: Yeah, and we don't need to do any
24 of that today. We can talk more once the Judge and the
25 court reporter get to finish their part.

1 JUDGE HATCHER: I'm going to wrap up my spiel
2 here, and I believe minutes after that the court
3 reporter will leave. We'll leave you guys on the phone.
4 Talk amongst yourselves as the kids say. And out of
5 this meeting all I'm looking for is some type of filing
6 in 30 days from one or all staff depending on how you're
7 all getting along that says we're continuing to
8 negotiate and we just need a little more time to wrap up
9 some details or we're going a different direction and we
10 need to start talking about setting a schedule.

11 MR. PARNAS: Got it.

12 JUDGE HATCHER: Absolutely nothing formal due
13 now. We don't need to pick dates. We don't need to
14 pick anything. I just want to kind of frame the
15 discussion for whatever your next 60 seconds to two
16 hours will be.

17 MR. PARNAS: Okay. I get it. Thank you, Your
18 Honor.

19 JUDGE HATCHER: All right. Absolutely. Any
20 other issues that I can take care of while I'm here?

21 MS. KLAUS: None from Staff.

22 JUDGE HATCHER: Okay. I feel I'm finally
23 rolling along. Excellent. Let's go off the record.
24 Thank you all.

25 (Off the record.)

1 CERTIFICATE OF REPORTER
2

3 I, Beverly Jean Bentch, RPR, CCR No. 640,
4 Certified Court Reporter with the firm of Tiger Court
5 Reporting, LLC, within the State of Missouri, do hereby
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15 Beverly Jean Bentch, CCR No. 640
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