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STATE OF MISSOURI

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PUBLIC SERVICE COMMISSION

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TRANSCRIPT OF PROCEEDINGS

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Pre-Hearing Conference

9

December 18, 2013

10

Jefferson City, Missouri

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Volume 1

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18 (Starting time of hearing: 1:29 p.m.)

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1 STATE OF MISSOURI
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3 PUBLIC SERVICE COMMISSION
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6 TRANSCRIPT OF PROCEEDINGS
7 Pre-Hearing Conference
8 December 18, 2013
9 Jefferson City, Missouri
10 Volume 1

11 THE STAFF OF THE MISSOURI)
12 PUBLIC SERVICE COMMISSION,)
13)
14 Complainant,)
15)
16 vs.) File No. WC-2014-0018
17)
18 CONSOLIDATED PUBLIC WATER)
19 SUPPLY DISTRICT C-1 OF)
20 JEFFERSON COUNTY, MISSOURI,)
21 AND CITY OF PEVELY, MISSOURI,)
22)
23 Respondents.)

24 KIM S. BURTON, Presiding
25 REGULATORY LAW JUDGE

26 REPORTED BY:
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28 Missouri CCR No. 426
29 Midwest Litigation Services
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33 (573) 636-7551

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21 ALSO PRESENT:

22 Mr. Donovan Larson (via telephone)

23

24

25

1 (Starting time of hearing: 1:29 p.m.)

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

3 JUDGE BURTON: The time is now 1:29 on Wednesday,
4 December 18th, 2013. My name is Kim Burton. I am the
5 Judge assigned to this matter, and we are on the record
6 for Case No. WC-2014-0018. This is The Staff Of The
7 Missouri Public Service Commission versus Consolidated
8 Public Water Supply District C-1 of Jefferson County,
9 Missouri, and the City of Pevely, Missouri.

10 Now, at this time, I'm going to ask that all the
11 parties please enter their appearance and, if you could,
12 spell your name and provide your address for the Court
13 Reporter.

14 And why don't we go ahead and just start with the
15 Staff for the Public Service Commission.

16 MS. MOORE: Thank you, Judge. Appearing on behalf
17 of the Missouri Public Service Commission Staff, Amy
18 Moore, A-m-y M-o-o-r-e, and Alex Antal, A-l-e-x A-n-t-a-l.
19 Our address is P.O. Box 360, Jefferson City, Missouri,
20 65102.

21 JUDGE BURTON: Okay. Thank you.

22 Now, why don't we go ahead and turn, then, to
23 Consolidated Public Water Supply.

24 MS. EDEN: Bianca Eden, with District Manager
25 Donovan Larson. It's B-i-a-n-c-a E-d-e-n; Donovan,

1 D-o-n-o-v-a-n, Larson, L-a-r-s-o-n, who is the Manager of
2 Consolidated Public Water Supply District C-1. My address
3 is Post Office Box 740, Hillsboro, Missouri, 63050.

4 MR. LARSON: Our address is P.O. Box 430,
5 Barnhart, B-a-r-n-h-a-r-t, Missouri, 64012.

6 JUDGE BURTON: Okay. Thank you.

7 And Mr. Good.

8 MR. GOOD: Yes. This is Terry Good, T-e-r-r-y
9 G-o-o-d, appearing for the City of Pevely. My address is
10 714 Locust, St. Louis, Missouri, 63101.

11 JUDGE BURTON: Okay. Thank you.

12 Now, at this time, what normally we would handle
13 on the record if there are any procedural matters that
14 need to be addressed by the parties, we can handle that at
15 this time.

16 MS. MOORE: Nothing from Staff.

17 JUDGE BURTON: Okay. Ms. Eden? Mr. Good?

18 MR. GOOD: None for me, your Honor.

19 MS. EDEN: I don't know any. As the Staff and
20 parties are aware, I have filed a Writ of Prohibition just
21 based on trying to get the jurisdictional issue out of the
22 way with the Court of Appeals. That was transferred to
23 the Western District Court of Appeals, and I haven't heard
24 anything else in regards to that.

25 JUDGE BURTON: Okay. Ms. Moore, do you know

1 anything as far as the status goes on that?

2 MS. MOORE: Staff Counsel's office does not hold
3 those. The External Litigation Department for the General
4 Counsel does, and I know they are aware of that. Other
5 than that, I have no knowledge of anything that would be
6 going on in that case.

7 JUDGE BURTON: Okay. As I'm sure you're aware,
8 Ms. Eden and Mr. Good, that would go ahead and entoll (ph)
9 any sort of time we have as far as procedural issues or us
10 handling this complaint while there is an appeal pending.

11 Therefore, instead of dealing with issues as far
12 as settlement, which I'm assuming with a writ pending is
13 not going to be taking place with the parties, as well as
14 trying to assess a procedural schedule for a hearing date
15 as well, why don't we go ahead then and delay any status
16 updates for, let's say, 30 days.

17 That should be sufficient time for us to receive
18 notice, Ms. Eden --

19 MS. EDEN: Okay.

20 JUDGE BURTON: -- what the status is with the
21 Appellate Court. And once that matter is resolved in
22 whatever matter the Appellate Court deems appropriate, we
23 can go ahead and address this again.

24 At that point, I would just -- I assume Staff will
25 notify me in filings if there is something that needs to

1 be addressed with this complaint.

2 MS. MOORE: Would you like us to schedule a date
3 about a month out for a status report? We can let you
4 know if we know anything about the resolution in the
5 Appellate Court and then, also, if anything else has
6 occurred, settlement or any other progress.

7 JUDGE BURTON: Is 30 days sufficient?

8 MS. MOORE: I can't say.

9 Ms. Eden, do you know what would be an appropriate
10 time period for waiting to hear back from the Appellate
11 Court?

12 MS. EDEN: Thirty days should be sufficient.

13 JUDGE BURTON: Okay. Then, why don't we say
14 January 18th, 2014, I would ask the Staff to go ahead and
15 submit a status update to me, and, obviously, that would
16 include all the other parties.

17 And Ms. Eden and Mr. Good, if there's any sort of
18 issue that you think needs to be addressed in that status
19 update, I would ask that you communicate with Ms. Moore.

20 MR. GOOD: All right.

21 MS. EDEN: Okay.

22 JUDGE BURTON: Unless there's anything else, we
23 can go off the record.

24 MS. MOORE: Nothing from the Staff.

25 JUDGE BURTON: Ms. Eden or Mr. Good?

1 MR. GOOD: Nothing from the City.

2 MS. EDEN: Nothing further from me.

3 JUDGE BURTON: Okay. Well, thank you very much,
4 and I hope you guys all have a very wonderful Christmas.

5 MS. EDEN: Thank you. You, too.

6 MS. MOORE: Thank you.

7 (Adjourned.)

8 (Whereupon, the record ended at 1:35 p.m.)

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1 C E R T I F I C A T E

2 STATE OF MISSOURI)

3) ss.

4 COUNTY OF COLE)

5 I, Pamela S. Gentry, Certified Court
6 Reporter with the firm of Midwest Litigation Services, do
7 hereby certify that I was personally present at the
8 proceedings had in the above-entitled cause at the time
9 and place set forth in the caption sheet thereof; that I
10 then and there took down in Stenotype the proceedings had;
11 and that the foregoing is a full, true and correct
12 transcript of such Stenotype notes so made at such time
13 and place.

14 Given at my office in the City of
15 Jefferson, County of Cole, State of Missouri.

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Pamela S. Gentry, CCR #426

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<p>A</p> <p>above-entitled 9:8</p> <p>address 4:12,19 5:2,4,9 6:23</p> <p>addressed 5:14 7:1,18</p> <p>Adjourned 8:7</p> <p>ahead 4:14,22 6:8,15,23 7:14</p> <p>Alex 3:4 4:18</p> <p>Amy 3:4 4:17</p> <p>Antal 3:4 4:18</p> <p>appeal 6:10</p> <p>Appeals 5:22,23</p> <p>appearance 4:11</p> <p>appearing 4:16 5:9</p> <p>Appellate 6:21 6:22 7:5,10</p> <p>appropriate 6:22 7:9</p> <p>assess 6:14</p> <p>assigned 4:5</p> <p>assume 6:24</p> <p>assuming 6:12</p> <p>Attorney 3:11,17</p> <p>Attorneys 3:5</p> <p>aware 5:20 6:4,7</p> <p>A-l-e-x 4:18</p> <p>A-m-y 4:18</p> <p>A-n-t-a-l 4:18</p>	<p>5:17,25 6:7,20 7:7,13,22,25 8:3</p> <p>B-a-r-n-h-a-r-t 5:5</p> <p>B-i-a-n-c-a 4:25</p> <p>C</p> <p>C 3:1 4:2 9:1,1</p> <p>caption 9:9</p> <p>case 4:6 6:6</p> <p>cause 9:8</p> <p>CCR 2:22,22 9:18</p> <p>Certified 9:5</p> <p>certify 9:7</p> <p>Christmas 8:4</p> <p>City 1:10 2:8,16 2:24 3:7,16 4:9 4:19 5:9 8:1 9:14</p> <p>Cole 9:4,15</p> <p>Commission 1:3 2:3,11 3:5 4:7 4:15,17</p> <p>communicate 7:19</p> <p>Complainant 2:12 3:3</p> <p>complaint 6:10 7:1</p> <p>Conference 1:8 2:7</p> <p>Consolidated 2:14 3:9 4:7,23 5:2</p> <p>correct 9:11</p> <p>Counsel 6:4</p> <p>Counsel's 6:2</p> <p>County 2:15 3:9 4:8 9:4,15</p> <p>Court 4:12 5:22 5:23 6:21,22 7:5,11 9:5</p> <p>C-1 2:15 3:9 4:8 5:2</p>	<p>D</p> <p>D 4:2</p> <p>date 6:14 7:2</p> <p>days 6:16 7:7,12</p> <p>dealing 6:11</p> <p>December 1:9 2:7 4:4</p> <p>deems 6:22</p> <p>delay 6:15</p> <p>Department 6:3</p> <p>District 2:15 3:9 4:8,24 5:2,23</p> <p>Donovan 3:22 4:25,25</p> <p>D-o-n-o-v-a-n 5:1</p> <p>E</p> <p>E 3:1,1 4:2 9:1,1</p> <p>Eden 3:10,11 4:24,24 5:17,19 6:8,18,19 7:9 7:12,17,21,25 8:2,5</p> <p>ended 8:8</p> <p>enter 4:11</p> <p>entoll 6:8</p> <p>External 6:3</p> <p>E-d-e-n 4:25</p> <p>F</p> <p>F 9:1</p> <p>far 6:1,9,11</p> <p>File 2:13</p> <p>filed 5:20</p> <p>filings 6:25</p> <p>firm 9:6</p> <p>foregoing 9:11</p> <p>forth 9:9</p> <p>full 9:11</p> <p>further 8:2</p> <p>G</p> <p>G 4:2</p> <p>General 6:3</p> <p>Gentry 2:22 9:5 9:18</p>	<p>Given 9:14</p> <p>go 4:14,22 6:8,15 6:23 7:14,23</p> <p>goes 6:1</p> <p>going 4:10 6:6,13</p> <p>Good 3:17 5:7,8 5:8,17,18 6:8 7:17,20,25 8:1</p> <p>Governor's 3:6</p> <p>guys 8:4</p> <p>G-o-o-d 5:9</p> <p>H</p> <p>handle 5:12,14</p> <p>handling 6:10</p> <p>hear 7:10</p> <p>heard 5:23</p> <p>hearing 1:18 4:1 6:14</p> <p>Hillsboro 3:13 5:3</p> <p>hold 6:2</p> <p>Honor 5:18</p> <p>hope 8:4</p> <p>I</p> <p>include 7:16</p> <p>issue 5:21 7:18</p> <p>issues 6:9,11</p> <p>J</p> <p>January 7:14</p> <p>Jefferson 1:10 2:8,15,24 3:7,9 4:8,19 9:15</p> <p>Judge 2:19 4:3,5 4:16,21 5:6,11 5:17,25 6:7,20 7:7,13,22,25 8:3</p> <p>jurisdictional 5:21</p> <p>K</p> <p>Kim 2:19 4:4</p> <p>know 5:19,25 6:4 7:4,4,9</p> <p>knowledge 6:5</p>	<p>L</p> <p>L 3:10</p> <p>Larson 3:22 4:25 5:1,4</p> <p>LASHLY 3:18</p> <p>Law 2:19 3:5,11 3:17</p> <p>let's 6:16</p> <p>Litigation 2:23 6:3 9:6</p> <p>Locust 3:18 5:10</p> <p>Louis 3:19 5:10</p> <p>L-a-r-s-o-n 5:1</p> <p>M</p> <p>Madison 3:6</p> <p>Manager 4:24 5:1</p> <p>Maple 3:12</p> <p>matter 4:5 6:21 6:22</p> <p>matters 5:13</p> <p>Midwest 2:23 9:6</p> <p>MIKALE 3:11</p> <p>Missouri 1:1,10 2:1,8,11,15,16 2:22 3:5,9,16 4:7,9,9,17,19 5:3,5,10 9:2,15</p> <p>MO 2:24 3:7,13 3:19</p> <p>month 7:3</p> <p>Moore 3:4 4:16 4:18 5:16,25 6:2 7:2,8,19,24 8:6</p> <p>M-o-o-r-e 4:18</p> <p>N</p> <p>N 3:1 4:2</p> <p>name 4:4,12</p> <p>need 5:14</p> <p>needs 6:25 7:18</p> <p>normally 5:12</p> <p>notes 9:12</p> <p>notice 6:18</p> <p>notify 6:25</p>
<p>B</p> <p>back 7:10</p> <p>BAER 3:18</p> <p>Barnhart 5:5</p> <p>based 5:21</p> <p>behalf 4:16</p> <p>Bianca 3:10 4:24</p> <p>BISHOP 3:12</p> <p>Boulevard 2:23</p> <p>Box 3:7,13 4:19 5:3,4</p> <p>Building 3:6</p> <p>Burton 2:19 4:3 4:4,21 5:6,11</p>				

O	R 3:1 4:2 9:1 receive 6:17 record 4:5 5:13 7:23 8:8 regards 5:24 REGULATORY 2:19 report 7:3 REPORTED 2:21 Reporter 4:13 9:6 resolution 7:4 resolved 6:21 RESPONDENT 3:9,16 Respondents 2:17 right 7:20	9:12 STEWART 3:11 Street 3:6,12,18 submit 7:15 sufficient 6:17 7:7,12 Suite 2:24 Supply 2:15 3:9 4:8,23 5:2 sure 6:7	Water 2:14 3:9 4:8,23 5:2 way 5:22 WC-2014-0018 2:13 4:6 Wednesday 4:3 WEGMANN 3:11 West 2:23 Western 5:23 wonderful 8:4 writ 5:20 6:12 www.wegman... 3:14	63101 3:19 5:10 636 3:14 636-7551 2:25 64012 5:5 65102 3:7 4:20 65109 2:24
P	S S 2:19,22 3:1 4:2 9:5,18 schedule 6:14 7:2 Service 1:3 2:3 2:11 3:5 4:7,15 4:17 Services 2:23 9:6 set 9:9 settlement 6:12 7:6 sheet 9:9 SHERMAN 3:11 sort 6:9 7:17 spell 4:12 ss 9:3 St 3:19 5:10 Staff 2:11 4:6,15 4:17 5:16,19 6:2,24 7:14,24 start 4:14 Starting 1:18 4:1 State 1:1 2:1 9:2 9:15 status 6:1,15,20 7:3,15,18 Stenotype 9:10	T T 9:1,1 telephone 3:10 3:17,22 Terry 3:17 5:8 TESREAU 3:11 thank 4:16,21 5:6,11 8:3,5,6 thereof 9:9 think 7:18 Thirty 7:12 time 1:18 4:1,3 4:10 5:12,15 6:9,17 7:10 9:8 9:12 tjgood@lashly... 3:20 transcript 1:6 2:6 9:12 transferred 5:22 true 9:11 Truman 2:23 trying 5:21 6:14 turn 4:22 T-e-r-r-y 5:8	# #426 9:18 1 1 1:11 2:8 1:29 1:18 4:1,3 1:35 8:8 18 1:9 2:7 18th 4:4 7:14 2 200 3:6 2013 1:9 2:7 4:4 2014 7:14 207 2:24 3 30 6:16 7:7 314 3:19 3432 2:23 360 3:7 4:19 4 426 2:22 430 5:4 455 3:12 5 573 2:25 3:8 6 621-2939 3:19 63050 3:13 5:3	7 714 3:18 5:10 740 3:13 5:3 751-7505 3:8 797-2665 3:14
R		U update 7:15,19 updates 6:16 V versus 4:7 Volume 1:11 2:8 vs 2:13 W waiting 7:10		