

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Prehearing Conference

September 13, 2007
Jefferson City, Missouri
Volume 1

In the Matter of the)
Application of Innsbrook)
Utilities, LLC, for a)
Certificate of Convenience and)
Necessity Authorizing it to Own,) Case No. WA-2008-0018
Operate, Control, Manage,)
Improve, and Maintain a Water)
and Sewer System for the Public,)
Located in an Incorporated Area)
of Warren County, Missouri.)

In the Matter of the)
Application of Innsbrook)
Utilities, LLC, for a)
Certificate of Convenience and)
Necessity Authorizing it to Own,)
Operate, Control, Manage,) Case No. SA-2008-0020
Improve, and Maintain a Water)
and Sewer System for the Public,)
Located in an Incorporated Area)
of Warren County, Missouri.)

HAROLD STEARLEY, Presiding,
REGULATORY LAW JUDGE

REPORTED BY:

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32 Service Commission.

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

2 JUDGE STEARLEY: Good morning.
3 today's Thursday, September 13th, 2007, and we
4 are here for a prehearing conference in the matter
5 of the application of Innsbrook Utilities, LLC, for
6 Certificate of Convenience and Necessity
7 Authorizing it to Own, Operate, Control, Manage,
8 Improve, and Maintain a Water and Sewer System for
9 the Public, Located in an Incorporated Area of
10 Warren County, Missouri, Case No. WA-2008-0018,
11 et al.

12 My name is Harold Stearley. I'm the
13 presiding officer over this matter. The court
14 reporter this morning is Pam Fick. And we'll
15 begin by taking oral entries of appearance,
16 beginning with Innsbrook.

17 MR. LUMLEY: Good morning, Judge.
18 Carl Lumley of the Curtis Heinz law firm,
19 130 South Bemiston, Suite 200, Clayton, Missouri
20 63105, appearing on behalf of Innsbrook Utilities,
21 LLC.

22 JUDGE STEARLEY: Thank you, Mr. Lumley.
23 The Public Water Supply District No. 2
24 of St. Charles County.

25 MR. STEWART: Good morning, Judge.

1 Charles Brent Stewart of the law firm of Stewart &
2 Keevil, LLC, 4603 John Garry Drive, Suite 11,
3 Columbia, Missouri 65203, appearing on behalf of
4 Public Water Supply District No. 2 of St. Charles
5 County, Missouri.

6 JUDGE STEARLEY: Thank you, Mr. Stewart.
7 Staff of the Missouri Public Service
8 Commission.

9 MR. KRUEGER: Keith R. Krueger for the
10 Staff of the Missouri Public Service Commission. My
11 address is P.O. Box 360, Jefferson City, Missouri
12 65102.

13 JUDGE STEARLEY: Thank you, Mr. Krueger.
14 And the Office of the Public Counsel.

15 MS. BAKER: Thank you, your Honor.
16 Christina Baker, Assistant Public Counsel, P.O. Box
17 2230, Jefferson City, Missouri 65102, appearing on
18 behalf of the Office of Public Counsel and the
19 ratepayers.

20 JUDGE STEARLEY: Okay. Thank you,
21 Ms. Baker.

22 Are there any preliminary matters we
23 need to take up at this point in time?

24 (NO RESPONSE.)

25 JUDGE STEARLEY: Hearing none,

1 Mr. Stewart, let me ask a question. On your
2 application to intervene, you had indicated that
3 the service territory at Innsbrook was seeking a
4 certificate for wholly within your water district.

5 MR. STEWART: That's my understanding.
6 One of -- I might just advise the bench that we have
7 been in discussions regarding some of those
8 territorial boundaries, and I suspect that we'll
9 continue to be discussing that today.

10 JUDGE STEARLEY: Okay. So I'm assuming
11 at this point it's not totally clear, or at least it
12 remains in dispute factually as to where those
13 boundaries may cross or overlap?

14 MR. STEWART: Well, generally
15 speaking, the district -- I -- again, I don't have
16 the maps in front of me, but generally speaking, the
17 district has a very large court-approved service
18 territory.

19 Exactly where those lines fall with
20 respect to their requested certificated area, I think
21 we're trying to sort through that. But that's one of
22 the issues we're talking about.

23 JUDGE STEARLEY: Okay. And the only
24 reason I was asking for clarification is I was
25 trying to pinpoint if we're looking at just simply

1 legal issues in this matter, in which case the
2 commissioners determined it's really not in the
3 public interest to have hearings if there's no
4 factual matters in dispute; we're just looking
5 at legal issues.

6 But it sounds like the parties have
7 a little work to do to figure out exactly where
8 the territories are and if there's some legal
9 barriers here in terms of the application for
10 certificate.

11 So I guess there's no other preliminary
12 matters we need to take up. I did ask for a
13 procedural schedule to be filed by next week.

14 However, if the parties are in
15 discussions and they are reaching some kind of
16 an agreement or there's another route that they
17 want to go, then you're certainly free to file a
18 status report instead on September 20th just to
19 advise the Commission of where the parties are at
20 with this.

21 Anything else we need to take up at
22 this time?

23 (NO RESPONSE.)

24 JUDGE STEARLEY: Okay. Very well. We
25 will go ahead and end the on-the-record portion of

1 the prehearing conference and I'll leave you-all
2 to your discussions. Thank you all very much.

3 MS. BAKER: Thank you.

4 (WHEREUPON, the recorded portion of the
5 prehearing conference was concluded.)

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