1	Page 14 STATE OF MISSOURI					
	PUBLIC SERVICE COMMISSION					
2						
3	TRANSCRIPT OF PROCEEDINGS					
4	Evidentiary Hearing					
5	June 28, 2012					
6	Jefferson City, Missouri					
7	Volume 4					
8						
9						
10	In the Matter of Missouri-American )					
11	Water Company For a Certificate of )					
12	Convenience and Necessity )					
13	Authorizing it to Install, Own, ) File No. WA-2012-0066					
14	Acquire, Construct, Operate, ) et al.					
15	Control, Manage and Maintain Water )					
16	And Sewer Systems in Christian and )					
17	Taney Counties, Missouri )					
18						
19	HAROLD STEARLEY, Presiding,					
20	DEPUTY CHIEF REGULATORY LAW JUDGE.					
21						
22	TERRY M. JARRETT,					
23	ROBERT S. KENNEY,					
24	STEPHEN M. STOLL,					
25	COMMISSIONERS.					

1	Page 15
1	APPEARANCES:
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17	FOR: Office of the Public Counsel and the Public.
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19	GOLDIE TOMPKINS, Legal Counsel P.O. Box 360
20	200 Madison Street Jefferson City, MO 65102
21	(573)751-3234 FOR: Staff of the Missouri Public
22	Service Commission.
23	REPORTED BY: KELLENE K. FEDDERSEN, CSR, RPR, CCR
24	MIDWEST LITIGATION SERVICES 711 North Eleventh Street
25	St. Louis, MO 63101 314-644-2191

	Dogg 16							
1	Page 16 PROCEEDINGS							
2	(WHEREUPON, the evidentiary hearing began							
3	at 8:31 a.m.)							
4	(MAWC EXHIBIT NOS. 1 THROUGH 4 WERE MARKED							
5	FOR IDENTIFICATION.)							
6	JUDGE STEARLEY: All right. Good morning.							
7	Today is Thursday, June 28th, 2012. The Commission set							
8	this time for an evidentiary hearing in File							
9	No. WA-2012-0066, which is captioned as in the matter of							
10	Missouri-American Water Company for a certificate of							
11	convenience and necessity authorizing it to install, own,							
12	acquire, construct, operate, control, manage and maintain							
13	water and sewer systems in Christian and Taney Counties,							
14	Missouri.							
15	My name is Harold Stearley. I'm the							
16	preceding officer over today's hearing. We will begin by							
17	taking entries of appearance, starting with							
18	Missouri-American Water Company.							
19	MR. COOPER: Thank you, your Honor. Dean							
20	Cooper from the law firm of Brydon, Swearengen & England,							
21	P.C. and John Reichart from Missouri-American Water							
22	Company appearing on behalf of Missouri-American Water							
23	Company, and our addresses have been supplied to the court							
24	reporter.							
25	JUDGE STEARLEY: Thank you, Mr. Cooper.							

1	Page 17
1	For Ag Processing, Incorporated?
2	MR. CONRAD: Your Honor, for intervenor Ag
3	Processing, Stuart W. Conrad, law firm of Finnegan,
4	Conrad & Peterson, 3100 Broadway, Suite 1209, Kansas City,
5	Missouri 64111. I have not yet done so, but I will give
б	the reporter the formal paperwork.
7	JUDGE STEARLEY: Thank you, Mr. Conrad.
8	For the Office of the Public Counsel?
9	MS. BAKER: Thank you, your Honor.
10	Christina Baker, P.O. Box 2230, Jefferson City, Missouri
11	65102, appearing on behalf of the Office of the Public
12	Counsel and the ratepayers.
13	JUDGE STEARLEY: Thank you, Ms. Baker. And
14	for the Staff of the Missouri Public Service Commission?
15	MS. LEWIS: Thank you, Judge. Rachel Lewis
16	and Goldie Tompkins on behalf of Staff of the Missouri
17	Public Service Commission.
18	JUDGE STEARLEY: All right. I had received
19	word that the parties may want to recess to engage in some
20	negotiations. Is that correct?
21	MS. LEWIS: Yes, Judge.
22	JUDGE STEARLEY: All right. We also have a
23	conflict with trying to split our court reporter in half
24	this morning, and rather than have a messy thing happen
25	here, what I'd like to do is perhaps reconvene at about

1	Page 18 10:30 this morning, and that way our court reporter can
2	cover another discovery conference that's scheduled for
3	10, and I can get an update from you-all at that time, if
4	that's acceptable.
5	MR. CONRAD: Judge, that's fine with us. I
6	did want to mention while we're on the record that I
7	realized this morning I had not given you an exhibit list.
8	There are only two, but I will try to do that while we're
9	on the break and put it on EFIS.
10	JUDGE STEARLEY: That's fine. I think we
11	can handle two exhibits. It gets more problematic when we
12	have many.
13	All right. Are there any other preliminary
14	matters you'd like to take up at this time before we go
15	into recess?
16	(No response.)
17	JUDGE STEARLEY: Okay. Well, hearing none,
18	we will be recessed until 10:30.
19	(A BREAK WAS TAKEN.)
20	JUDGE STEARLEY: All right. We are back on
21	the record in File No. WA-2012-0066, and I've been advised
22	that counsel is ready to update us at this point.
23	MS. LEWIS: Thank you, Judge. Yes. The
24	parties have continued discussions in your absence. We've
25	stayed in the room, and we are progressing to some extent,

1	Page 19 but the parties would like until one o'clock to continue
2	this discussion. So if we could go back on the record at
3	one, the parties would appreciate that.
4	JUDGE STEARLEY: All right. It's very
5	acceptable, and we appreciate your efforts with being able
6	to work towards some settlement of some issues. So we
7	will go ahead and remain in recess, and I'll go back on
8	the record at one o'clock. Thank you all very much.
9	(A BREAK WAS TAKEN.)
10	(OPC EXHIBIT NOS. 1 AND 2 WERE MARKED FOR
11	IDENTIFICATION.)
12	JUDGE STEARLEY: All right. We are back on
13	the record with the evidentiary hearing in File
14	No. WA-2012-0066. Counsel have been in recess and
15	negotiating this morning, and if they could please give me
16	a status report.
17	MS. LEWIS: Yes. We continued our
18	settlement discussion since we went off the record the
19	last time, and I believe we have come to an agreement in
20	principle. We're still working on the language. I have
21	permission from the company's counsel to represent to you
22	that we are going to work on language, and that a recess
23	until tomorrow morning at 9 a.m. is probably proper I
24	don't know that we need to reconvene on the record
25	today to allow the parties to meet and work through the

	Page 20						
1	language of any settlement that we can come to.						
2	And the settlement we're talking, I						
3	believe, I don't want to misrepresent, covers all issues						
4	and would be a unanimous stipulation.						
5	JUDGE STEARLEY: So this would resolve all						
6	issues in the matter and would be unanimous?						
7	MS. BAKER: That is the indication so far.						
8	MS. LEWIS: Right. So far to the agreement						
9	in principle, that's what the understanding is.						
10	JUDGE STEARLEY: I hope you can find the						
11	magic language to make that happen.						
12	MS. LEWIS: We're working on it.						
13	JUDGE STEARLEY: Just for purposes of						
14	announcement, since we've been on the record for just						
15	brief little snippets this morning, I did want it to be						
16	announced that Commissioner Jarrett has been reviewing						
17	this remotely and Commissioner Kenney has been video						
18	conferencing from St. Louis. I don't know if we have more						
19	than five minutes total time on the record at this point,						
20	but I did want to let you know that there are						
21	Commissioners actually participating, just not sitting						
22	here on the bench with me today.						
23	MS. LEWIS: We appreciate that. Thank you,						
24	Judge.						
25	JUDGE STEARLEY: And are there any other						

	Page 21
1	matters we need to take up?
2	MS. LEWIS: Not that I'm aware of.
3	MR. CONRAD: I'm sure it's been intensely
4	interesting to them.
5	JUDGE STEARLEY: I'm afraid to make any
6	comparisons.
7	MS. LEWIS: Judge, I do have one question
8	just sort of as a housekeeping measure. The other the
9	procedural schedule indicated we needed to have our
10	exhibit list prior to the hearing. I know that the other
11	parties have already supplied that. Staff has not. We
12	are capable of doing that, but if this resolves in the
13	settlement, is that still necessary? Is that your
14	preference?
15	JUDGE STEARLEY: It's not. You could
16	submit it tomorrow, though, if all of you would file them
17	in EFIS, because often the settlements will include
18	language saying that the parties agree to admitting
19	prefiled testimony, and that way there will be a list of
20	those exhibits.
21	MS. LEWIS: So file the exhibit list, not
22	necessarily the exhibits?
23	JUDGE STEARLEY: That will be fine.
24	MS. LEWIS: So just the list, or do we need
25	to file the exhibits as well?

I JUDGE STEARLEY: They're already prefiled.  MS. LEWIS: Right.  JUDGE STEARLEY: So just the list is fine.  MS. LEWIS: I just wanted clarification.  JUDGE STEARLEY: That's fine. If nothing  else, we stand in recess until nine o'clock tomorrow  morning.  (WHEREUPON, the hearing was recessed at  1:11 p.m.)  (WHEREUPON, the hearing was recessed at  1:11 p.m.)  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24		
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JUDGE STEARLEY: That's fine. If nothing else, we stand in recess until nine o'clock tomorrow morning.  (WHEREUPON, the hearing was recessed at 1:11 p.m.)  10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	3	JUDGE STEARLEY: So just the list is fine.
6 else, we stand in recess until nine o'clock tomorrow 7 morning. 8 (WHEREUPON, the hearing was recessed at 9 1:11 p.m.) 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	4	MS. LEWIS: I just wanted clarification.
7 morning. 8 (WHEREUPON, the hearing was recessed at 9 1:11 p.m.) 10 11 12 13 14 15 16 17 18 19 20 21 22 23	5	JUDGE STEARLEY: That's fine. If nothing
8 (WHEREUPON, the hearing was recessed at 9 1:11 p.m.)  10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	6	else, we stand in recess until nine o'clock tomorrow
9 1:11 p.m.)  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24	7	morning.
10 11 12 13 14 15 16 17 18 19 20 21 22 23	8	(WHEREUPON, the hearing was recessed at
11 12 13 14 15 16 17 18 19 20 21 22 23 24	9	1:11 p.m.)
12 13 14 15 16 17 18 19 20 21 22 23 24	10	
13 14 15 16 17 18 19 20 21 22 23 24	11	
14         15         16         17         18         19         20         21         22         23         24	12	
15 16 17 18 19 20 21 22 23	13	
16 17 18 19 20 21 22 23 24	14	
17 18 19 20 21 22 23 24	15	
18   19   20   21   22   23   24	16	
19 20 21 22 23 24	17	
<ul> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> </ul>	18	
<ul><li>21</li><li>22</li><li>23</li><li>24</li></ul>	19	
22 23 24	20	
23 24	21	
24	22	
	23	
25	24	
	25	

1	EXHIBITS INDEX		Page 23
2	MAWC'S EXHIBITS		
		MARKER	DEGETIED
3		MARKED	RECEIVED
4	EXHIBIT NO. 1NP/HC		
5	Direct Testimony of Brian W. LaGrand	16	
6	EXHIBIT NO. 2NP/HC		
7	Direct Testimony of Dennis R. Williams	16	
8	EXHIBIT NO. 3		
9	Rebuttal Testimony of Dennis R.		
10	Williams	16	
11	EXHIBIT NO. 4		
12	Surrebuttal Testimony of Dennis R.		
13	Williams	16	
14			
15	OPC'S EXHIBITS		
16	EXHIBIT NO. 1NP/HC		
17	Rebuttal Testimony of Ted Robertson	19	
18	EXHIBIT NO. 2		
19	Surrebuttal Testimony of Ted Robertson	19	
20			
21			
22			
23			
24			
25			

	Page 24
1	CERTIFICATE
2	STATE OF MISSOURI )
3	) ss.
4	COUNTY OF COLE )
5	I, Kellene K. Feddersen, Certified
6	Shorthand Reporter with the firm of Midwest Litigation
7	Services, do hereby certify that I was personally present
8	at the proceedings had in the above-entitled cause at the
9	time and place set forth in the caption sheet thereof;
10	that I then and there took down in Stenotype the
11	proceedings had; and that the foregoing is a full, true
12	and correct transcript of such Stenotype notes so made at
13	such time and place.
14	Given at my office in the City of
15	Jefferson, County of Cole, State of Missouri.
16	
17	
18	
19	
20	Kellene K. Feddersen, RPR, CSR, CCR
21	
22	
23	
24	
25	

	<b>Baker</b> 15:14	Commission	24:20	21.16 21 25
<u>A</u>	17:9,10,13	14:1 15:21	24:20	21:16,21,25 <b>find</b> 20:10
<b>able</b> 19:5	20:7			fine 18:5,10
<b>about</b> 17:25		16:7 17:14,17	<b>D</b> 16:1	· · · · · · · · · · · · · · · · · · ·
above-entitled	<b>before</b> 18:14	Commissioner	<b>Dean</b> 15:2 16:19	21:23 22:3,5
24:8	began 16:2	20:16,17	deanc@brydo	Finnegan 15:10
absence 18:24	<b>begin</b> 16:16	Commissioners	15:5	17:3
acceptable 18:4	<b>behalf</b> 16:22	14:25 20:21		<b>firm</b> 16:20 17:3
19:5	17:11,16	Company 14:11	<b>Dennis</b> 23:7,9,12	24:6
acquire 14:14	being 19:5	15:8 16:10,18	<b>Deputy</b> 14:20	<b>five</b> 20:19
16:12	believe 19:19	16:22,23	15:18 D: +22.5.7	foregoing 24:11
actually 20:21	20:3	company's	Direct 23:5,7	formal 17:6
addresses 16:23	<b>bench</b> 20:22	19:21	discovery 18:2	<b>forth</b> 24:9
admitting 21:18	<b>Box</b> 15:3,14,19	comparisons	discussion 19:2	<b>from</b> 16:20,21
advised 18:21	17:10	21:6	19:18	18:3 19:21
afraid 21:5	<b>break</b> 18:9,19	conference 18:2	discussions	20:18
<b>Ag</b> 15:13 17:1,2	19:9	conferencing	18:24	<b>full</b> 24:11
agree 21:18	<b>Brian</b> 23:5	20:18	<b>doing</b> 21:12	
agreement	<b>brief</b> 20:15	conflict 17:23	<b>done</b> 17:5	G
19:19 20:8	<b>Broadway</b> 15:10	<b>Conrad</b> 15:9,10	down 24:10	<b>G</b> 16:1
ahead 19:7	17:4	17:2,3,4,7 18:5		<b>gets</b> 18:11
al 14:14	Brydon 15:2	21:3	E	<b>give</b> 17:5 19:15
allow 19:25	16:20	construct 14:14	<b>E</b> 16:1,1 24:1,1	<b>given</b> 18:7 24:14
already 21:11		16:12	East 15:3	<b>go</b> 18:14 19:2,7
22:1	C	continue 19:1	efforts 19:5	19:7
announced	<b>C</b> 16:1 24:1,1	continued 18:24	<b>EFIS</b> 18:9 21:17	<b>going</b> 19:22
20:16	capable 21:12	19:17	Eleventh 15:24	Goldie 15:18
announcement	Capitol 15:3	control 14:15	<b>engage</b> 17:19	17:16
20:14	caption 24:9	16:12	England 15:2	<b>Good</b> 16:6
another 18:2	captioned 16:9	convenience	16:20	
	cause 24:8	14:12 16:11	entries 16:17	H
appearance 16:17	CCR 15:23	Cooper 15:2	et 14:14	half 17:23
	24:20	16:19,20,25	evidentiary 14:4	<b>handle</b> 18:11
APPEARAN	Center 15:11	correct 17:20	16:2,8 19:13	<b>happen</b> 17:24
15:1	certificate 14:11	24:12	<b>exhibit</b> 16:4 18:7	20:11
appearing 16:22	16:10	counsel 15:14,16	19:10 21:10,21	<b>Harold</b> 14:19
17:11	Certified 24:5	15:18 17:8,12	23:4,6,8,11,16	16:15
appreciate 19:3	certify 24:7	18:22 19:14,21	23:18	hearing 14:4
19:5 20:23	CHIEF 14:20	Counsel/Water	exhibits 18:11	16:2,8,16
Assistant 15:14	Christian 14:16	15:18	21:20,22,25	18:17 19:13
<b>Attorney</b> 15:2,6	16:13	Counties 14:17	23:1,2,15	21:10 22:8
15:9	Christina 15:14	16:13	extent 18:25	<b>Honor</b> 16:19
authorizing	17:10			17:2,9
14:13 16:11	City 14:6 15:4	County 24:4,15	<b>F</b>	hope 20:10
aware 21:2	15:11,15,20	court 16:23	<b>F</b> 24:1	housekeeping
<b>a.m</b> 16:3 19:23	17:4,10 24:14	17:23 18:1	<b>far</b> 20:7,8	21:8
	clarification	cover 18:2	Feddersen 15:23	
<u>B</u>	22:4	covers 20:3	24:5,20	I
back 18:20 19:2	Cole 24:4,15	Craig 15:6	<b>file</b> 14:13 16:8	IDENTIFICA
19:7,12	come 19:19 20:1	<b>CSR</b> 15:23	18:21 19:13	16:5 19:11
	Come 19:19 20:1			·

include 21:17	LoCrond 22.5	meet 19:25	<b>O</b> 16:1	nmagant 24:7
	LaGrand 23:5	meet 19:25 mention 18:6	off 19:18	present 24:7
Incorporated 17:1	language 19:20		office 15:16 17:8	Presiding 14:19
INDEX 23:1	19:22 20:1,11 21:18	messy 17:24 Midwest 15:23	17:11 24:14	<b>principle</b> 19:20 20:9
indicated 21:9	last 19:19	24:6	officer 15:11	
				prior 21:10
indication 20:7	law 14:20 15:2,6	minutes 20:19	16:16	probably 19:23
install 14:13	15:9 16:20 17:3	misrepresent 20:3	often 21:17	problematic 18:11
16:11			Okay 18:17	
intensely 21:3	Legal 15:18	<b>Missouri</b> 14:1,6	one 19:1,3,8 21:7	procedural 21:9
interesting 21:4	let 20:20	14:17 15:21		proceedings
intervenor 17:2	Lewis 15:18	16:14 17:5,10	only 18:8	14:3 24:8,11
issues 19:6 20:3	17:15,15,21	17:14,16 24:2	<b>OPC</b> 19:10	Processing
20:6	18:23 19:17	24:15	<b>OPC'S</b> 23:15	15:13 17:1,3
J	20:8,12,23	Missouri-Ame	operate 14:14	progressing
<b>Jarrett</b> 14:22	21:2,7,21,24	14:10 15:8	16:12	18:25
20:16	22:2,4	16:10,18,21,22	other 18:13	<b>proper</b> 19:23
Jefferson 14:6	like 17:25 18:14	MO 15:4,7,11,15	20:25 21:8,10	Public 14:1
15:4,15,20	19:1	15:20,24	over 16:16	15:14,16,17,21
17:10 24:15	list 18:7 21:10	more 18:11	own 14:13 16:11	17:8,11,14,17
John 15:6 16:21	21:19,21,24	20:18	o'clock 19:1,8	purposes 20:13
John.reichart	22:3	morning 16:6	22:6	put 18:9
15:8	Litigation 15:23	17:24 18:1,7	P	<b>P.C</b> 15:2 16:21
Judge 14:20	24:6	19:15,23 20:15	<b>P</b> 16:1	<b>p.m</b> 22:9
16:6,25 17:7	little 20:15	22:7	paperwork 17:6	<b>P.O</b> 15:3,14,19
17:13,15,18,21	Louis 15:7,24	<b>much</b> 19:8	participating	17:10
17:22 18:5,10	20:18	N	20:21	Q
18:17,20,23	M	N 16:1	parties 17:19	question 21:7
19:4,12 20:5	<b>M</b> 14:22,24	name 16:15	18:24 19:1,3	
20:10,13,24,25	made 24:12	necessarily	19:25 21:11,18	R
21:5,7,15,23	Madison 15:15	21:22	Penntower	<b>R</b> 16:1 23:7,9,12
22:1,3,5	15:19	necessary 21:13	15:11	24:1
<b>June</b> 14:5 16:7	<b>magic</b> 20:11	necessity 14:12	perhaps 17:25	<b>Rachel</b> 15:18
just 20:13,14,21	maintain 14:15	16:11	permission	17:15
21:8,24 22:3,4	16:12	need 19:24 21:1	19:21	ratepayers
	make 20:11 21:5	21:24	personally 24:7	17:12
<u>K</u>	manage 14:15	needed 21:9	Peterson 15:10	rather 17:24
<b>K</b> 15:23 24:5,20	16:12	negotiating	17:4	ready 18:22
Kansas 15:11	many 18:12	19:15	<b>place</b> 24:9,13	realized 18:7
17:4	<b>MARKED</b> 16:4	negotiations	please 19:15	<b>Rebuttal</b> 23:9,17
<b>Kellene</b> 15:23	19:10 23:3	17:20	<b>point</b> 18:22	received 17:18
24:5,20	matter 14:10	nine 22:6	20:19	23:3
Kenney 14:23	16:9 20:6	none 18:17	preceding 16:16	recess 17:19
20:17	matters 18:14	North 15:24	preference	18:15 19:7,14
know 19:24	21:1	<b>NOS</b> 16:4 19:10	21:14	19:22 22:6
20:18,20 21:10	<b>MAWC</b> 16:4	notes 24:12	prefiled 21:19	recessed 18:18
	MAWC'S 23:2	nothing 22:5	22:1	22:8
L 15:2	may 17:19		preliminary	reconvene 17:25
12.2	measure 21:8	<u> </u>	18:13	19:24
L	ı	1	l .	1

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19:24.20:14,19   REGULATO   14:20   Reichart 15:6   16:21   some 17:19   18:25 19:6,6   sort 21:8   string 20:21   some 17:19   18:25 19:6,6   sort 21:8   sort 21:8   string 20:21   save 18:15   15:22   remotely 20:17   report 19:16   Split 17:23   ss 24:3   15:22   staff 15:21   17:14.16 21:11   stand 22:6   represent 19:21   resolve 20:5   resolves 21:12   resolve 20:5   resolves 21:12   resolves 18:16   reviewing 20:16   right 16:6 17:18   try 18:18	record 18:6,21	<b>sheet</b> 24:9	Swearengen		<b>10</b> 18:3
19:24 20:14,19   REGULATO   14:20   stiting 20:21   snippets 20:15   some 17:19   remain 19:7   remotely 20:17   report 19:16   SEZ   15:22   reporter 16:24   17:6,23 18:1   24:6   represent 19:21   resolve 20:5   resolves 21:12   resolve 20:5   resolves 21:12   resolve 20:5   19:4,12 20:8   19:4,12 20:8   19:4,12 20:8   19:4,12 20:8   19:4,12 20:8   19:4,12 20:5   ROBERT 14:23   22:13,35   Robertson 23:17   23:19   room 18:25   ROBERT 14:23   24:12   Status 19:16   stortype 24:10   19:4,12 20:5   Robertson 23:17   23:19   room 18:25   Robertson 23:17   23:19   scheduled 18:2   Strip 16:16   15:24   15				<u>U</u>	
REGULATO   14:20   20:14   sitting 20:21   remain 19:7   remotely 20:17   remotely 20:17   remotely 20:17   report 19:16   REPORTED   15:22   S1:57,24 20:18   Staff 15:21   17:14,16 21:11   17:14,17   16:13   TAKEN 18:19   19:9   taking 16:17   taking 20:2   TAKEN 18:19   taking 16:17   taking 20:2   taking 16:17   taking 16:17   taking 20:2   taking 16:17   taking 16:17   taking 16:17   take 18:14 21:1					
14:20	*		•		
Reichart 15:6   16:21   some 17:19   18:25   19:6.6   sort 21:8   split 17:23   19:9   taking 16:17   takk 18:14   21:1   19:23   22:6   take 18:3,22   22:1   take 18:14   21:1   19:23   22:6   take 18:3,22   22:1   take 18:14   21:1   19:23   22:6   take 18:3,22   22:1   take 18:14   21:1   19:23   22:6   take 18:3,22   22:2   taking 16:17   takking 20:2   taking 16:17   talking 20:2   talk			10.13		
Table   Tabl		C	T		1) 23.17,17
Temain 19:7   remotely 20:17   report 19:16   split 17:23   split 17:24   split 17:25   split 17:34   split 17:25   split 17:34   split 17:34   split 17:25   split 17:34   split 17:25   split 17:34   split 17:25   split 17:34   split 17:25   split 17:34   split 17:2			T 24:1.1		2
remotely 20:17 report 19:16 REPORTED 15:22 st 15:7,24 20:18 reporter 16:24 17:6,23 18:1 24:6 represent 19:21 resolve 20:5 resolves 21:12 resolves 18:16 reviewing 20:16 right 16:6 17:18 17:22 18:13,20 19:4,12 20:8 22:2 Road 15:6 ROBERT 14:23 Robertson 23:17 23:19 room 18:25 ROBERT 14:23 Robertson 23:17 23:19 room 18:25 ROBERT 14:23 24:20 STEPHEN S14:23 16:1 saying 21:18 scheduled 18:2 Scheduled 18:2 Service 14:1 15:21 17:14,17 Services 15:23 24:7 set16:7 24:9 settlement 19:6 19:18 20:12 17:KKEN 18:19 19:9 taking 16:17 talking 20:2 Taney 14:17 16:13 Ted 23:17,19 TERRY 14:22 testimony 21:19 23:57,9,12,17 TERRY 14:22 testimony 21:19 23:57,9,12,17 Testimony 21:19 23:19 TERRY 14:22 testimony 21:19 23:57,9,12,17 Testimony 21:19 23:19 Thank 16:19,25 Thank 16:19,25 18:23 19:8 16:18,21,22 20:23 way 18:1 21:19 WA-2012-0066 14:13 16:9 33 23:8 3100 15:10 17:2 312 15:3 3100 15:10 17:2 312 15:3 3100 15:10 17:2 312 15:3 310 15:10 17:2 312 15:3 310 15:10 17:2 32:19 WA-2012-0066 14:13 16:9 15:25 Thursday 16:7 time 16:8 18:3 19:10 20:12:18 scheduled 18:2 Service 14:1 15:21 17:14,17 Services 15:23 24:7 set16:7 24:9 settlement 19:6 19:18 20:1,2 21:17 set16:7 24:9 settlement 19:6 19:18 20:1,2 21:17 settlements 21:17 settlements 21:17 sewer 14:16 20:21 Taney 14:17 16:13 Ted 23:17,19 TERRY 14:22 testimony 21:19 vwanted 22:4 water 14:17, 15 15:8 16:10,13 32:18 water 14:11,15 15:8 16:10,13 15:22 way 18:1 21:19 WERE 16:4 19:18 WERE 16:4 19:18 WERE 16:4 19:18 Were 18:6.5,22  video 20:17 Volume 14:7 16:13 W Water 14:7 15:10 17:10  We water 14:7 15:10 18:25 Sath 16:7  Water 14:17,15 15:20 18:23 19:8 16:18,21,22 20:23 way 18:1 21:19 WERE 16:4 19:19 we've 18:6,8 19:19 20:212 44:5 15:25 15:20 15:24  Thursday 16:7 time 16:8 18:3 19:20 20:12 20:12 20:13 stimular 17:19 we've 18:6  Water 14:11,15 15:8 16:10,13 312:15:3 3100 15:10 17:2 312:15:3 3100 15:10 17:2 31:15:21 15:21 15:21 15:22 15:3 3100 15:10 17:10  We've 18:6  Water 14:11,15 15:20 20:12 way 18:12 21:9 We've 18:6 20:30 15:4 44:4:7 16:4 23:11 44:7 16:4 23:11 45:10 20:12 20:12 20:12 20:13 w			,		<b>2</b> 19:10 23:18
Split 17:23   split 17:23   ss 24:3   ss 24:3   staking 16:17   staking 20:2   tresporter 16:24   17:6,23 18:1   24:6   represent 19:21   resolve 20:5   resolves 21:12   resolve 20:5   resolves 21:12   resolve 20:5   status 19:16   right 16:6 17:18   17:22 18:13,20   16:6,15,25   19:4,12 20:8   22:2   18:10,17,20   19:4,12 20:8   22:1,3,5   Sobertson 23:17   23:19   room 18:25   Status 19:16   Split 19:20 21:13   scheduled 18:2   Service 14:1   15:21 17:14,17   Services 15:23   24:7   settlement 19:6   19:18 20:1,2   21:13   settlements 21:17   settlements 21:17   sewer 14:16   sewer 14:16   signs 21:2,19   status 19:16   total 20:19   settlements 21:17   sewer 14:16   signs 21:2,19   through 18:3   try 18:2   19:25   total 20:19   settlements 21:17   sewer 14:16   signs 21:2,19   through 18:3   try 1		· ·		<b>update</b> 18:3,22	
REPORTED   15:22   reporter 16:24   17:14,23   17:14,16   21:11   stand 22:6   represent 19:21   resolve 20:5   resolves 21:12   response 18:16   reviewing 20:16   right 16:6 17:18   17:22   18:13,20   19:4,12 20:8   22:2   18:10,17,20   19:4,12 20:8   22:2   18:10,17,20   19:4,12 20:8   22:15,5 23   22:2,13,5   Robertson 23:17   23:19   room 18:25   RPR 15:23   24:20   Stheetitement 19:6   15:24   Street 15:15,19   scheduled 18:2   Service 14:1   15:21   17:14,17   Services 15:23   24:7   set 16:7 24:9   stetlements 21:17   settlements 21:17   settlements 21:17   sewer 14:16   stave 14:16   23:12,19   though 21:10   though 20:19   towards 19:6   total 20:19   total 20:10   total 20:19   total 20:10   total 20:10   total 20:10	•			V	
15:22   reporter 16:24   17:6,23 18:1   24:6   represent 19:21   resolve 20:5   resolves 21:12   resolves 21:12   resolves 21:12   resolves 21:12   resolves 21:12   resolves 21:12   24:15   status 19:16   right 16:6 17:18   17:22 18:13,20   16:6,15,25   19:4,12 20:8   22:2   18:10,17,20   19:4,12 20:8   22:1,3,5   Robertson 23:17   23:19   room 18:25   Robertson 23:17   23:19   room 18:25   RPR 15:23   24:20   Status 19:18   still 19:20 21:13   still 19:20 21:	_	_	<b>taking</b> 16:17		
Tamey 14:17			$\sim$		<b>209</b> 15:10
17:6,23 18:1   24:6   represent 19:21   resolve 20:5   resolves 21:12   resolves 21:12   response 18:16   reviewing 20:16   right 16:6 17:18   17:22 18:13,20   19:4,12 20:8   22:2   18:10,17,20   19:4,12 20:8   22:1,3,5   Robertson 23:17   23:19   room 18:25   RPR 15:23   24:20   Status 19:18   scheduled 18:2   Stentuype 24:10   saying 21:18   scheduled 18:2   Sterile 19:10   Sterile 19:20 20:13   stipulation 20:4   stipulation 20:4   stipulation 20:4   stipulation 20:4   STOLL 14:24   Street 15:15,19   scheduled 18:2   Service 14:1   15:21 17:14,17   Services 15:23   24:7   settlements   21:17   settlements   21:17   settlements   21:17   sewer 14:16   23:12,19   though 21:3   two 18:8,11   two 18:8,11   two 18:8,11   two 18:8,11   two 18:8,11   two 18:10   though 21:3   two 18:8,11   two 18:6   testimony 21:19   te		, ,	_		<b>2230</b> 15:14
24:6	_			Volume 14.7	17:10
represent 19:21   resolve 20:5   resolve 20:5   resolve 21:12   response 18:16   reviewing 20:16   right 16:6 17:18   17:22 18:13,20   19:4,12 20:8   19:4,12 20:8   22:2   Rodal 15:6   ROBERT 14:23   Robertson 23:17   23:19   room 18:25   RPR 15:23   24:20   Stenotype 24:10   Staying 21:18   scheduled 18:2   Steroite 18:16   staying 21:18   scheduled 18:2   Steroite 18:15   15:24   Steroite 18:15,19   scheduled 18:2   Steroite 18:15,19   scheduled 18:2   Steroite 18:15,19   settlement 19:6   19:18 20:1,2   21:13   settlements   21:17   sewer 14:16   23:12,19   swer 14:16   23:12,19   swer 14:16   23:12,19   swer 18:8,11   stipulation 20:4   true 24:11   true 24:11   true 24:11   true 24:11   true 18:8,11   true 18:9   true 18:9   true 24:11   true 18:9   true 24:11   true 18:9   true 18:9   true 24:11   true 18:9   true 18:9   true 24:11   true 18:9   true 24:11   true 18:9   true 24:11   true 18:9   true 18:9   true 18:9   true 24:11   true 18:9   true 24:11   true 18:9   true 24:11   true 18:9   true 18:9   true 18:9   true 18:9   true 24:11   true 18:9   true 18:9   true 24:11   true 18:9   true 18:9   true 18:9   true 18:9   true 24:11   true 18:9   true			<b>Ted</b> 23:17,19	$\mathbf{W}$	<b>28</b> 14:5
resolve 20:5   resolve 20:5   resolves 21:12   response 18:16   reviewing 20:16   reviewing 20:16   right 16:6 17:18   17:22 18:13;20   19:4,12 20:8   22:2   18:10,17,20   19:4,12 20:5   18:10,17,20   19:4,12 20:5   18:10,17,20   19:4,12 20:5   18:10,17,20   19:4,12 20:5   18:10,17,20   19:4,12 20:5   18:10,17,20   19:4,12 20:5   18:23 19:8   16:18,21,22   way 18:1 21:19   WA-2012-0066   14:13 16:9   15:2   wert 14:13 16:9   15:2   stough 21:16   though 21:16   though 21:16   though 21:16   though 21:16   though 21:16   though 16:4   19:10   services 15:23   24:12   Street 15:15,19   sethedule 21:9   sethedule 18:2   Service 14:1   15:21 17:14,17   Services 15:23   24:17   settlements   21:17   settlements   21:17   sewer 14:16   23:12,19   though 27:23   though 27:23   though 27:23   though 27:23   though 27:23   though 27:24   though 27:25   though 27:25   though 27:25   though 16:4   19:10   though 27:25   though 27:2			<b>TERRY</b> 14:22	<b>W</b> 17:3 23:5	<b>28th</b> 16:7
Tesolves 21:12   Tesponse 18:16   Teviewing 20:16   Tright 16:6 17:18   Tright 16:19   Tright 16:6 17:18   Tright 16:6 17:18   Tright 16:6 17:18   Tright 16:6 17:18   Tright 16:19   Tright 17:24   Tright 17:25   Tright 17:24   Tright 17:25   Tright 17:24   Tright 17:25   Tright		$\sim$	testimony 21:19		
response   18:16			23:5,7,9,12,17	20:3,15,20	
reviewing 20:16   right 16:6 17:18   17:22 18:13,20   19:4,12 20:8   17:7,13,18,22   22:2   18:10,17,20   19:4,12 20:5   18:10,17,20   19:4,12 20:5   18:10,17,20   19:4,12 20:5   20:13,35   20:13,15   23:19   20:13,35			23:19		
Tright 16:6 17:18	_		<b>Thank</b> 16:19,25	water 14:11,15	
17:22 18:13,20	O		17:7,9,13,15	15:8 16:10,13	
19:4,12 20:8   22:2   18:10,17,20   19:4,12 20:5   19:4,12 20:2   19:4,12 20:5   19:4,12 20:5   19:4,12 20:5   19:4,12 20:2   19:4,12 20:2   19:4,12 20:2   19:4,12 20:2   19:4,12 20:2   19:10	O	v	18:23 19:8	16:18,21,22	· · · · · · · · · · · · · · · · · · ·
18:10,17,20	,	, ,	20:23	way 18:1 21:19	
19.4,1,2 20.3   20:10,13,25   20:10,13,25   20:15,15,23   20:13,35   20:13,35   24:20   STEPHEN   14:24   saying 21:18   schedule 21:9   scheduled 18:2   Service 14:1   15:21 17:14,17   Services 15:23   24:7   set 16:7 24:9   set16:7 24:9   set16:most 5 21:17   sewer 14:16   Suire buttal	*		thereof 24:9	WA-2012-0066	
Robertson 23:17         20:10,13,23         though 21:16         well 18:17 21:25         well 18:17 21:25         4         414:7 16:4         23:11         414:7 16:4         23:11         4         414:7 16:4         23:11         4         414:7 16:4         23:11         456 15:3         4         414:7 16:4         23:11         456 15:3         4         414:7 16:4         23:11         456 15:3         4         414:7 16:4         23:11         456 15:3         4         414:7 16:4         23:11         456 15:3         4         414:7 16:4         23:11         456 15:3         4         414:7 16:4         23:11         456 15:3         4         414:7 16:4         23:11         456 15:3         4         414:7 16:4         23:11         456 15:3         4         456 15:3         5         573)635-7166         15:4         573)635-7166         15:4         573)751-3234         15:20         573)751-3234         15:20         573)751-3234         15:20         573)751-3234         15:20         573)751-3234         15:16         573)751-4857         15:16         573)751-4857         15:16         573)751-4857         15:16         573)751-4857         15:16         573)751-4857         15:16         573)751-4857         15:16         573)751-4857         15:16         573)	<b>Road</b> 15:6	19:4,12 20:5	$\cup$	14:13 16:9	
23:19	<b>ROBERT</b> 14:23	20:10,13,25		18:21 19:14	<b>360</b> 15:19
23:19	Robertson 23:17	21:5,15,23	$\cup$	well 18:17 21:25	1
Stenotype 24:10   24:12   Thursday 16:7   time 16:8 18:3   19:10   we're 18:6,8   19:20 20:2,12   we've 18:24   20:14   while 18:6,8   Williams 23:7   23:10,13   word 17:19   word 19:20   573)751-4857   15:20   573)635-7166   15:4   573)751-3234   15:20   573)751-4857   15:16   20:12   word 17:19   word 17:19   word 17:19   word 17:19   word 17:19   word 19:20   20:12   6   63101 15:24   63141 15:7   64111 15:11   17:5   650 15:15   650 15:15   650 15:15   650 15:15   15:20 17:11   11:20   1	23:19	22:1,3,5		went 19:18	
STEPHEN   14:24   still 19:20 21:13   stipulation 20:4   STOLL 14:24   Street 15:15,19   15:21 17:14,17   Services 15:23   24:7   set 16:7 24:9   settlement 19:6   19:18 20:1,2   21:13   settlements 21:17   sewer 14:16   23:12,19   sewer 14:16   23:12,19   STEPHEN   14:24   still 19:20 21:13   14:24   still 19:20 21:13   14:24   still 19:20 21:13   18:14 19:19   20:19 24:9,13   19:10   we're 18:6,8   19:20 20:2,12   we've 18:24   20:14   while 18:6,8   Williams 23:7   23:10,13   word 17:19   work 19:6,22,25   word 17:19   work 19:6,22,25   word 17:19   work 19:6,22,25   15:20   573)635-7166   15:4   573)751-3234   15:20   773)751-3234   15:20   773)751-3234   15:20   773)751-3234   15:20   773)751-3234   15:20   773)751-3234   15:20   773)751-3234   15:20   773)751-3234   15:20   773)751-3234   15:20   773)751-3234   15:20   773)751-3234   15:20   773)751-3234   15:20   773)751-3234   15:20   773)751-3234   15:20   773)751-3234   15:20   173,751   173,751   173,751   173,751   173,751   173,751	room 18:25	Stenotype 24:10			
Siephen   14:24   14:24   still 19:20 21:13   stipulation 20:4   saying 21:18   schedule 21:9   scheduled 18:2   Service 14:1   15:21 17:14,17   Services 15:23   24:7   set 16:7 24:9   settlement 19:6   19:18 20:1,2   21:13   settlements 21:17   sewer 14:16   Siephen   23:12,19   sewer 14:16   Siephen   14:24   Steephen   14:24   still 19:20 21:13   today 16:7 19:25   20:14   while 18:6,8   19:20 20:2,12   we've 18:24   20:14   while 18:6,8   Williams 23:7   23:10,13   word 17:19   work 19:6,22,25   word 17:19   work 19:6,22,25   working 19:20   573)635-7166   15:4   573)751-3234   15:20   17:10	<b>RPR</b> 15:23	24:12	_		
S         still 19:20 21:13         20:19 24:9,13         we've 18:24         573)635-7166           S 14:23 16:1         saying 21:18         still 19:20 21:13         today 16:7 19:25         we've 18:24         20:14         while 18:6,8         573)635-7166         15:4         573)751-3234         15:4         573)751-3234         15:20         573)751-	24:20	STEPHEN		we're 18:6,8	<b>450</b> 13:3
S         still 19:20 21:13         20:19 24:9,13         we've 18:24         573)635-7166           S 14:23 16:1         saying 21:18         stipulation 20:4         STOLL 14:24         coday 16:7 19:25         we've 18:24         20:14         while 18:6,8         Williams 23:7         23:10,13         word 17:19         word 17:19         word 17:19         work 19:6,22,25         573)751-3234         15:20         66         3101 15:24         32:10         32         32:12         32:12         32:12         32:12				· ·	5
Staying 21:18   Schedule 21:9   Schedule 21:9   Street 15:15,19   15:24   Stuart 15:9 17:3   Services 14:1   15:21 17:14,17   Services 15:23   24:7   Set 16:7 24:9   Settlement 19:6   19:18 20:1,2   21:13   Settlements   21:17   Sewer 14:16   Suire buttal   23:12,19   Stipulation 20:4   today 16:7 19:25   20:14   while 18:6,8   Williams 23:7   23:10,13   word 17:19   work 19:6,22,25   word 17:19   work 19:6,22,25   working 19:20   573)751-3234   15:20		<b>still</b> 19:20 21:13			
saying 21:18         STOLL 14:24         20:22         while 18:6,8         573)751-3234		stipulation 20:4	•		· · · · · · · · · · · · · · · · · · ·
schedule 21:9         Street 15:15,19         today's 16:16         Williams 23:7         15:20         15:20         573)751-4857         15:20         573)751-4857         15:20         573)751-4857         15:20         573)751-4857         15:20         573)751-4857         15:20         573)751-4857         15:16         573)751-4857         15:16         573)751-4857         15:16         573)751-4857         15:16         573)751-4857         15:16         573)751-4857         15:16         573)751-4857         15:16         573)751-4857         15:16         573)751-4857         15:16         6         63101 15:24         63101 15:24         63141 15:7         64111 15:11         77:5         64111 15:11         77:5         64111 15:11         77:5         650 15:15         650 15:15         650 15:15         65102 15:4,15         15:20 17:11         11:20         <	· ·			,	= :
Scheduled 18:2   15:24   Stuart 15:9 17:3   15:21 17:14,17   Stucon@fcpla   15:12   submit 21:16   Suite 15:10,15   17:4   supplied 16:23   21:17   sewer 14:16   Surrebuttal		,			· · · · · · · · · · · · · · · · · · ·
Struct 14:1   15:21 17:14,17   Stucon@fcpla   15:12   submit 21:16   22:6   Tompkins 15:18   17:16   work 19:6,22,25   working 19:20   20:12				,	
Services 15:23					· · · · · · · · · · · · · · · · · · ·
24:7 set 16:7 24:9 settlement 19:6 19:18 20:1,2 21:13 settlements 21:17 sewer 14:16  19:18 20:1,2 21:13 settlements 21:17 sewer 14:16  10:18:10:15 total 20:19 towards 19:6 transcript 14:3 24:12 true 24:11 try 18:8 trying 17:23 two 18:8,11  10:12 20:12  20:12  7 63101 15:24 63141 15:7 64111 15:11 17:5 650 15:15 65102 15:4,15 15:20 17:11	,	_	_		
set 16:7 24:9       Suite 15:10,15       towards 19:6       Y       63141 15:7         settlement 19:6       19:18 20:1,2       21:11       you-all 18:3       63141 15:7         supplied 16:23       21:11       true 24:11       you-all 18:3       17:5         settlements       21:17       try 18:8       116:4 19:10       15:20 17:11         sewer 14:16       23:12,19       two 18:8,11       1112:20       15:20 17:11				_	6
settlement 19:6       17:4       transcript 14:3       Y       64111 15:11         19:18 20:1,2       supplied 16:23       24:12       you-all 18:3       17:5         21:13       settlements       21:11       true 24:11       116:4 19:10       15:20 17:11         sewer 14:16       23:12,19       two 18:8,11       1112:20       1112:20       15:20 17:11				20:12	<b>63101</b> 15:24
17:4     17:4       17:4				<b>V</b>	
21:13 settlements 21:17 sewer 14:16  21:11 sure 21:3 Surrebuttal 23:12,19  true 24:11 try 18:8 trying 17:23 two 18:8,11  11:13:00 1NP/HC 23:4,16  17:3 650 15:15 65102 15:4,15 15:20 17:11			-		
settlements         sure 21:3         try 18:8         1 16:4 19:10         65102 15:4,15           sewer 14:16         23:12,19         two 18:8,11         1NP/HC 23:4,16         15:20 17:11				you-all 10.3	
Settlements   Sure 21:3   Surebuttal   23:12,19   Sure 21:3   trying 17:23   two 18:8,11     116:4 19:10   15:20 17:11				1	
sewer 14:16   Surreduttal   13:20 17:11   11123.0   15:20 17:11					
25:12,19 two 10:0,11			• 0		15:20 17:11
1 10:14 1 1 1 1 1 1 1 1 4 4 . J 1	16:13	25:12,19	two 10.0,11	<b>1:11</b> 22:9	
10.13	10.13				

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	T	T	
7			
<b>711</b> 15:24			
<b>727</b> 15:6			
8			
<b>8:31</b> 16:3			
816)753-1122			
15 12			
15:12			
9			
<b>9</b> 19:23			
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