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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
Evidentiary Hearing
June 28, 2012
Jefferson City, Missouri
Volume 4

In the Matter of Missouri-American)
Water Company For a Certificate of)
Convenience and Necessity)
Authorizing it to Install, Own,) File No. WA-2012-0066
Acquire, Construct, Operate,) et al.
Control, Manage and Maintain Water)
And Sewer Systems in Christian and)
Taney Counties, Missouri)

HAROLD STEARLEY, Presiding,
DEPUTY CHIEF REGULATORY LAW JUDGE.

TERRY M. JARRETT,
ROBERT S. KENNEY,
STEPHEN M. STOLL,
COMMISSIONERS.

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REPORTED BY:
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1 P R O C E E D I N G S

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, Swearingen & 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 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
6 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 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 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

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

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?

1 JUDGE STEARLEY: They're already prefiled.

2 MS. LEWIS: Right.

3 JUDGE STEARLEY: So just the list is fine.

4 MS. LEWIS: I just wanted clarification.

5 JUDGE STEARLEY: That's fine. If nothing
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.)

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C E R T I F I C A T E

STATE OF MISSOURI)

) ss.

COUNTY OF COLE)

I, Kellene K. Feddersen, Certified

Shorthand Reporter with the firm of Midwest Litigation Services, do hereby certify that I was personally present at the proceedings had in the above-entitled cause at the time and place set forth in the caption sheet thereof; that I then and there took down in Stenotype the proceedings had; and that the foregoing is a full, true and correct transcript of such Stenotype notes so made at such time and place.

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

Kellene K. Feddersen, RPR, CSR, CCR

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