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BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

Pre-Hearing Conference

May 1, 2018

Jefferson City, Missouri

Volume 1

In The Matter Of The) File No. WM-2018-0116 &
Application of Confluence) File No. SM-2018-0117
Rivers Utility Operating)
Company, Inc. To Acquire)
Certain Water And Sewer)
Assets, For A Certificate)
Of Convenience And)
Necessity, And, In)
Connection Therewith, To)
Issue Indebtedness And)
Encumber Assets)

RONALD D. PRIDGIN, Presiding
DEPUTY CHIEF REGULATORY LAW JUDGE

REPORTED BY:
Tracy Taylor, CCR No. 939
TIGER COURT REPORTING, LLC

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A P P E A R A N C E S

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1 JUDGE PRIDGIN: Good morning. We are on
2 the record. This is the pre-hearing conference in
3 Files Number WM-2018-0116 and SM-2018-0117. I am Ron
4 Pridgin. I'm a Regulatory Law Judge assigned to
5 preside over this pre-hearing conference. It's being
6 held on May 1st, 2018 in the Governor Office Building
7 in Jefferson City, Missouri. The time is 10:00 a.m.

8 I would like to get a verbal entries of
9 appearance from counsel, please. And let me begin
10 with the applicant, Confluence Rivers.

11 MS. CARTER: Diana Carter and Dean Cooper
12 of Brydon, Swearngen and England for the applicant.
13 And the court reporter has our contact information on
14 the written entry of appearance.

15 JUDGE PRIDGIN: Ms. Carter, thank you.
16 Mr. Cooper, thank you.

17 On behalf of the Staff of the Commission,
18 please.

19 MS. PAYNE: Whitney Payne and Jacob
20 Westen on behalf of the Staff of the Missouri Public
21 Service Commission.

22 JUDGE PRIDGIN: Ms. Payne, thank you.
23 Mr. Westen, thank you.

24 On behalf of the Office of Public
25 Counsel, please.

1 MR. SMITH: Ryan Smith on behalf of
2 Public Counsel, 200 Madison Street, Jefferson City,
3 Missouri 65102, Suite 650.

4 JUDGE PRIDGIN: Mr. Smith, thank you.
5 And Mr. Linton, please correct me if I
6 get the name of your client -- I'm doing this from
7 memory -- if I get your client's name wrong, I
8 apologize. Is it Lake Perry Lot Owners Association?

9 MR. LINTON: Yes, sir.

10 JUDGE PRIDGIN: Very good.

11 MR. LINTON: Good morning, Your Honor.
12 My name is David Linton. I'm here on behalf of the
13 Lake Perry Lot Owners Association. My address is 825
14 Maryville Centre Drive, Suite 300, Town and Country,
15 Missouri.

16 JUDGE PRIDGIN: Mr. Linton, thank you.
17 Anyone else wishing to enter an
18 appearance?

19 All right. Hearing no one, I have the
20 phone port open. I don't think anyone's on the line.
21 I'm happy to leave that open after we go off the
22 record if you'd like, or if not, I can disconnect the
23 call. I don't think I have anything else for the
24 parties.

25 I would normally ask for some sort of

1 pleading or pleadings within a week, but I think a
2 week from today is a State holiday and so I don't want
3 to ask for anything due on that date. So would, I
4 guess, Wednesday, May the 9th, be a date in which
5 parties could file some sort of pleading or pleadings
6 telling the Commission how they would like to proceed?

7 MS. CARTER: And would it be all right if
8 that is a status report?

9 JUDGE PRIDGIN: Certainly.

10 MS. CARTER: I mean that's --

11 JUDGE PRIDGIN: Absolutely. Something as
12 simple as a status report saying we would like more
13 time to continue talking, that's absolutely fine.

14 And if you do request hearing dates, just
15 a warning, I have some operation of law dates upcoming
16 in KCP&L and GMO and I just got a couple of ISRS
17 filings yesterday which may have an operation of law
18 date coming up about that time as well. So that may
19 impact my availability to hold a hearing in this case.

20 So just -- even though the dates look
21 clear on the Commission's calendar upstairs and
22 electronically, I may not be available. So just a
23 warning of the possible conflict of that.

24 Anything further from counsel before I go
25 off the record?

1 MR. SMITH: Judge, I have one thing.

2 JUDGE PRIDGIN: Mr. Smith, go ahead.

3 MR. SMITH: I was reviewing the docket
4 and saw an order directing notice November 3rd, 2017
5 and had seen in the second paragraph that notice of
6 the application would be given to local newspapers.
7 And then later in that same order it -- I guess I just
8 wanted to make sure that that had either been done if
9 the intent was that the applicant give that notice, or
10 that the Data Center give that notice. Just receive
11 some clarity.

12 JUDGE PRIDGIN: Well, I don't have the
13 order in front of me. I'd have to look. Normally we
14 would ask the Data Center to provide notice to local
15 media.

16 MR. SMITH: Okay.

17 JUDGE PRIDGIN: Again, I don't have the
18 order in front of me, but I don't know if anybody else
19 has it or wants to speak to that.

20 Mr. Smith, thank you.

21 MR. COOPER: We would have certainly
22 interpreted it that way. I think we would have
23 accepted that customer notice is our responsibility,
24 but that the other would normally be done by the Data
25 Center.

1 JUDGE PRIDGIN: We do have a public
2 information office that would give notice to the local
3 media and it's up to the local media to do whatever
4 they'd like with that information, so.

5 MR. SMITH: Okay. So that's been done?

6 JUDGE PRIDGIN: To my kno-- I'm unaware
7 that this hasn't been done. I'm sorry. Did you want
8 this back? I'm sorry.

9 MR. SMITH: Doesn't matter.

10 JUDGE PRIDGIN: Mr. Smith, thank you.
11 Anything further?

12 MR. COOPER: The only thing I'd like to
13 raise, Judge, is that we haven't -- and it's my fault
14 probably. I haven't moved to consolidate these cases
15 previously. I guess I'm -- I'm curious, one, whether
16 we could just make an oral motion to consolidate the
17 cases and -- and how my fellow parties would react to
18 that?

19 And I'm really -- I'm really just
20 thinking about the administrative efficiency of
21 consolidation and filing things once rather than twice
22 as we move through the rest of these proceedings.

23 JUDGE PRIDGIN: Okay. Any counsel wish
24 to speak to Mr. Cooper's request?

25 MR. LINTON: I guess without giving it

1 more thought, we have a very particular interest in
2 this one case and I'm concerned about if it's
3 consolidated, if the issues would be combined such
4 that it would diminish our right to take on just this
5 particular -- this particular issue. And so I would
6 be concerned about that. And until such time as we
7 understand how that would be treated, I guess I would
8 object to that.

9 JUDGE PRIDGIN: Okay. Fair enough. You
10 know, with that, I'm not going to grant any sort of
11 oral motion. And Mr. Cooper, if you wanted to file
12 some sort of written motion later, you certainly can
13 and I'd be glad to entertain objections or comments to
14 that motion and proceed accordingly.

15 MR. COOPER: Thank you.

16 JUDGE PRIDGIN: You're welcome.

17 Anything further I can do for you?

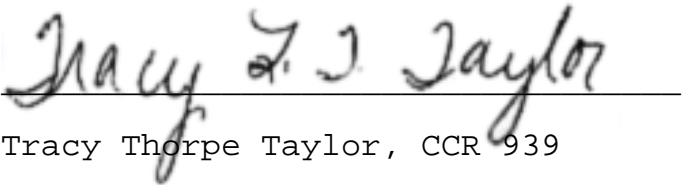
18 All right. Hearing nothing, we will go
19 off the record and that concludes the on-the-record
20 portion of the pre-hearing conferences in WM-2018-0016
21 and SM-2018-0117. Thank you. We are off the record.

22 (Off the record.)
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CERTIFICATE OF REPORTER

I, Tracy Thorpe Taylor, CCR No. 939, within the State of Missouri, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.


Tracy Thorpe Taylor, CCR 939

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