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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
TRANSCRIPT OF PROCEEDINGS
VOLUME 2
Local Public Hearing
May 1, 2012
Branson, Missouri
6:06 p.m.

In the Matter of Missouri-American Water)
Company for a Certificate of Convenience) File No.
and Necessity Authorizing it to Install) WA-2012-0066
Own, Acquire, Construct, Operate, Control,) SA-2012-0067
Manage and Maintain Water and Sewer)
Systems in Christian and Taney Counties,)
Missouri)

HAROLD STEARLEY, Presiding
DEPUTY CHIEF REGULATORY LAW JUDGE
Commissioner: Mr. Terry M. Jarrett

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APPEARANCES

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Also present: Staff and members of the public

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

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3 JUDGE STEARLEY: All right. Well, good
4 evening. It is Tuesday, May 1st, 2012. Commissioners
5 set this time for a local public hearing in files
6 numbers WA-2012-0066 and SA-2012-0067. The cases are
7 captioned as: "In the Matter of Missouri-American
8 Water Company For a Certificate of Convenience and
9 Necessity Authorizing It to Install, Own, Acquire,
10 Construct, Operate, Control, Manage and Maintain Water
11 and Sewer Systems in Christian and Taney Counties,
12 Missouri."

13 My name is Harold Stearley, and I'm the presiding
14 officer over tonight's hearing. With me tonight is
15 Commissioner Jarrett.

16 Before we begin, Commissioner, would you like to
17 make an opening statement?

18 COMMISSIONER JARRETT: Thank you, Judge
19 Stearley.

20 Good evening, everybody. Big crowd tonight.
21 That's good. I'm glad we have lots of participation
22 tonight. I am Terry Jarrett, one of the Commissioners
23 on the Public Service Commission. We currently have
24 three Commissioners. We have two vacancies right now.
25 But, anyway, we have other things going on and so we

1 try to split these local public hearings between us
2 kind of equally. The fact that the other
3 Commissioners aren't here doesn't reflect that they're
4 not interested. It's just that there are other things
5 that we're dealing with. And there is a court
6 reporter here transcribing this, and so all the
7 Commissioners will read that and have this information
8 that you're going to provide for us tonight.

9 These open public hearings are very important to
10 the Commissioners. Normally in cases we have
11 attorneys appear that represent the parties. We hear
12 from expert witnesses, whether they're economists or
13 accountants or engineers or lawyers, and we don't
14 often get a chance to hear from average consumers, the
15 rate-payers. So this is an opportunity, number one,
16 for you to come and give us your thoughts. It's also
17 a chance for us as Commissioners to hear directly from
18 the rate-payers who are affected in these cases.

19 So I welcome you. I'm glad you're here. Look
20 forward to your comments, and I'll turn it back over
21 to the Judge.

22 JUDGE STEARLEY: Thank you, Commissioner.

23 Normally we begin by me going down our witness
24 list where people have signed in, but I know some
25 people may have some other obligations. So is there

1 anyone who would like to offer some comments to the
2 Commission that may have to leave early tonight as
3 opposed to being able to stay?

4 Yes, sir.

5 MR. CATT: How do you do this? Do you want
6 me to say my name and where I live?

7 JUDGE STEARLEY: I'll have you state and
8 spell your name for our court reporter. I will then
9 swear you in.

10 MR. CATT: Do you want me to come that way?

11 JUDGE STEARLEY: Yeah, you can come forward
12 if you wish. As long as we can hear you.

13 MR. CATT: I'm soft-spoken.

14 JUDGE STEARLEY: So if you would go ahead
15 and please state and spell your name.

16 MR. CATT: My name is Larry Catt, C-A-T-T.

17 LARRY CATT,
18 being first duly sworn by the Judge, testified as
19 follows:

20 JUDGE STEARLEY: All right. You may
21 proceed.

22 MR. CATT: Well, I live in Saddlebrooke;
23 I've lived there for five years. And I'll be brief
24 because I know that people want to speak. But one of
25 the things that I'm concerned about, and my wife and a

1 lot of my neighbors, we have a developer who has
2 basically abandoned our area, our village. He owns
3 the water and the sewage, and we're all real concerned
4 about what will happen if this sale doesn't go
5 through. Because, quite honestly, he's done some
6 things that normal developers and good people don't
7 do. We're worried about the ability to have water and
8 sewage in the future.

9 We've heard tonight that American -- the American
10 Water Company is proposing a rate that is the same as
11 the rate they're proposing at StoneBridge, which is
12 our neighbors just not too far from here. It's a
13 larger community than Saddlebrooke. And nobody wants
14 to pay too much, but on the other hand, that seems
15 fair if you're paying the same amount as somebody else
16 in the area in a similar situation. StoneBridge is
17 quite a bit larger than Saddlebrooke, so I'm guessing
18 that the cost to run that system is less per person or
19 per entity.

20 But I think what I really want to make sure I get
21 across is the concern we have that if this doesn't go
22 through, we may be in a situation where we won't have
23 water or sewage, and that's a very likely possibility
24 based on some history that we've experienced in this
25 situation. I'm thinking some of the people here will

1 agree with me and some may not, but I'd suspect most
2 people would agree.

3 And like I said, I think from what we have heard
4 earlier, the rates sound fair, if that's what other
5 people are paying in the same area, rather than some
6 other part of the country or the state.

7 And I think that's all I have, and thank you for
8 listening.

9 JUDGE STEARLEY: Before you step back,
10 Commissioner, do you have any questions for this
11 witness?

12 COMMISSIONER JARRETT: No, I don't. I
13 appreciate your comments. You're straightforward and
14 understandable. So thank you very much for coming and
15 sharing with us.

16 MR. CATT: Thank you.

17 JUDGE STEARLEY: And do any of the
18 attorneys have any questions for this witness?

19 Thank you very much for your testimony.

20 MR. CATT: Thank you, Judge.

21 JUDGE STEARLEY: Anyone else who would need
22 to leave early who would like to offer some comments
23 for the Commission?

24 If not, I will go ahead and start reading names
25 off our sign-in sheet, and the first one I have is

1 Joel Trautmann.

2 Mr. Trautmann, if you'd please raise your right
3 hand.

4 MR. TRAUTMANN: Okay. Do you want me to
5 spell my name first?

6 JUDGE STEARLEY: Yes, you can do that.

7 MR. TRAUTMANN: T-R-A-U-T-M-A-N-N.

8 JOEL TRAUTMANN,
9 being first duly sworn by the Judge, testified as
10 follows:

11 JUDGE STEARLEY: Please proceed.

12 MR. TRAUTMANN: Well, I am the president of
13 the Property Owners Association in Saddlebrooke, and I
14 think everybody here tonight and everybody who is
15 currently on the system is in the Property Owners
16 Association. And I have to apologize, first, because
17 I'm president of the Property Owners Association, I
18 don't get to act like I'm retired anymore, so the only
19 chance I get is to come casual.

20 But at any rate, representing the Property Owners
21 Association, I just want to present that I have not
22 heard one voice of dissent from anybody about their
23 desire for Missouri-American to take over our system
24 and to operate it. And as Mr. Catt spoke previously,
25 I think the primary concern is that we not get left in

1 a lurch. I get calls quite frequently, Well, what if,
2 you know, my system goes down tomorrow, or what if the
3 sewer line breaks or whatever? Because we are
4 concerned that we don't know that our developer, who
5 is still maintaining it at this point, whether or not
6 he's going to be here, going to be able to do it
7 tomorrow.

8 I had another question I had wanted to ask earlier
9 I didn't get a chance to ask, but that question would
10 have been that if he walks and leaves tomorrow and
11 he's not around to fix the system or he doesn't have
12 the wherewithal in the interim while this process is
13 going through, my question is, and I think the
14 question of most people here is, what is our recourse?

15 We kind of feel like we're living on borrowed
16 time, and so we all feel a real sense of urgency on
17 this. And I guess that's why my comments weren't too
18 sympathetic to the intervenor, and my apologies for
19 that, but we have a very serious concern here that
20 this deal go through and that it go through as quickly
21 as possible. And that's all I have.

22 JUDGE STEARLEY: All right. Thank you,
23 Mr. Trautmann.

24 Any questions from Counsel of this witness?

25 MR. CONRAD: No offense taken, sir. I

1 would ask you this question, though: If your rates in
2 the future were to go up 30 percent, 40 percent, 50
3 percent, would that still be okay?

4 MR. TRAUTMANN: Well, I guess I would have
5 to answer that in the future, based on the underlying
6 facts. I mean, you're asking me a hypothetical
7 question without any factual background.

8 MR. CONRAD: Well, forgive me, sir, your
9 concern was about what was going to happen in the
10 future, so I thought it was appropriate maybe to ask
11 you about something that might be in the future also.

12 MR. TRAUTMANN: Well, my concern is what's
13 going to happen tomorrow. That's my first concern.
14 What's going to happen further down the road if it
15 goes up 50 percent, then I suppose I will be
16 concerned, but I will be asking for the facts of why
17 it's going up. You're not providing me any facts. So
18 will I be concerned in the future? Maybe I will,
19 maybe I won't. Give me the facts.

20 MR. CONRAD: Okay.

21 JUDGE STEARLEY: All right. Any other
22 questions? Commissioner?

23 COMMISSIONER JARRETT: Mr. Trautmann, I
24 don't have any questions. I appreciate your position
25 here and your position's stated very clearly, and

1 thank you for that.

2 JUDGE STEARLEY: And I'll take a moment
3 here. You can go ahead and sit down, Mr. Trautmann.
4 Thank you.

5 I did kind of go a little out of order because I
6 was trying to make sure we got everyone's comments in
7 if someone had to leave early. But I do want to take
8 entries of appearance from counsel real quickly and
9 make sure we get that on the record. This little
10 exchange reminded me I'd better do that.

11 So let me ask for entries beginning with the
12 counsel for Missouri-American.

13 MR. REICHART: Thank, Your Honor.
14 Appearing on behalf of Missouri-American Water,
15 John J. Reichart. My address is 727 Craig Road,
16 St. Louis, Missouri 63141.

17 JUDGE STEARLEY: Thank you, Mr. Reichart.
18 For Ag Processing.

19 MR. CONRAD: Sure. Appearing on behalf,
20 Your Honor, of Ag Processing, Stuart W. Conrad of the
21 law firm of Finnegan, Conrad & Peterson. Our office
22 is at 3100 Broadway, Suite 1200, Kansas City, Missouri
23 64111.

24 JUDGE STEARLEY: Thank you, Mr. Conrad.
25 For the office of the Public Counsel?

1 MS. BAKER: Thank you. Christina Baker,
2 P.O. Box 2230, Jefferson City, Missouri 65102,
3 appearing on behalf of the Office of the Public
4 Counsel and the customers.

5 JUDGE STEARLEY: Thank you, Ms. Baker.

6 And for the staff of the Missouri Public Service
7 Commission?

8 MS. TOMPKINS: Appearing on behalf of the
9 staff of the Missouri Public Service Commission,
10 Goldie Tompkins, P.O. Box 360, Jefferson City,
11 Missouri 65102.

12 JUDGE STEARLEY: Thank you, Ms. Tompkins.

13 And now I'll get back -- yes?

14 MR. CONRAD: I think I misspoke. Our suite
15 is 1209, rather than 1200, but not a big deal. It
16 will get there.

17 COMMISSIONER JARRETT: We can find you if
18 we need to.

19 MR. CONRAD: I think so.

20 JUDGE STEARLEY: Thank you, Mr. Conrad.

21 Now we'll get back to our witness list, and it
22 looks like the next person up is John King. Mr. King,
23 if you would please state and spell your name for our
24 court reporter.

25 MR. KING: John, J-O-H-N, King, K-I-N-G.

1 JUDGE STEARLEY: Thank you. Raise your
2 right hand.

3 JOHN KING,
4 being first duly sworn by the Judge, testified as
5 follows:

6 JUDGE STEARLEY: You may proceed.

7 MR. KING: I live at 305 Kramer Lane, so
8 obviously I'm in Saddlebrooke, a resident of
9 Saddlebrooke. And I'm here to speak a little bit
10 different angle. The rates are important to me as a
11 resident, but I'm also here to speak from and for all
12 the community regarding life safety and how it relates
13 to water.

14 I am a member of the Highlandville Rural Fire
15 Protection District. I serve as a captain on that
16 fire department. That fire department covers 135
17 square miles, approximately, has five stations and one
18 of the stations is in Saddlebrooke, and we have
19 firemen that are members of that station.

20 That station is equipped, fully equipped for
21 response to our community. Has an engine in it, fully
22 equipped, carries a thousand gallons of water. It has
23 a water tender/tanker that carries 1600 gallons of
24 water; has a wildland brush truck and it carries
25 approximately 200 gallons of water, and we also have a

1 rescue unit for rescue situations such as car wrecks
2 and so forth.

3 Over the last few years, myself and our fellow
4 firemen, we haven't had any serious incidents in
5 Saddlebrooke regarding fire, thank goodness. We've
6 had a couple of close calls. But we also train. So,
7 therefore, we go to the hydrants to refill our
8 equipment, and we have found over the years several
9 hydrants that don't work.

10 Now, we have not done a thorough inventory of the
11 hydrants, so I cannot tell you how many don't work,
12 and I can't tell you where they would be if they
13 didn't work. I know when I first moved into my house,
14 the one right in front of my house did not work. I
15 did report it to the developer and it got fixed. But
16 I'm very confident that there are several hydrants
17 that do not work.

18 And, furthermore, I'm very confident that,
19 speaking on behalf of the community, I would support
20 the purchase. Because last winter American Water came
21 and gave a presentation to one of our board of trustee
22 meetings, and a lot of us were there and it was in the
23 winter, and they stated that they were very, very
24 concerned about the hydrants and that they would --
25 oh, and by the way, I spoke to one of our members on

1 the board of trustees, and I know they met with them,
2 and I was told that they would probably inspect the
3 hydrants at least twice a year.

4 I just spoke to the fire chief a couple days ago,
5 and he is working on an ISO inspection, which is an
6 insurance rating inspection, and they will, I'm sure,
7 require some type of an inventory and a testing of the
8 hydrants in our community. Well, we as a community
9 are very concerned with our fire insurance rates, and
10 we don't want those to change. If anything, we do
11 want them to change to the better, of course.

12 So I'm here to speak on behalf of the community to
13 say that we need a company to take over the system.
14 And I'm very confident, from what I've heard from
15 American Water, that they will, in fact, pick up the
16 ball, get onto this hydrant situation in an immediate
17 manner. I feel confident, after hearing testimony at
18 other meetings, that this will happen, and it's very
19 important that it does happen. It's a life safety
20 factor, as well, and not a rate factor.

21 So as I understand it, we are here to speak for or
22 against this purchase, and I'm here to speak for that
23 purchase. Okay.

24 JUDGE STEARLEY: All right. Counsel, any
25 questions for Mr. King?

1 MR. REICHART: No questions, Your Honor.

2 JUDGE STEARLEY: Commissioner?

3 COMMISSIONER JARRETT: No questions,
4 Mr. King. Thank you for your testimony, appreciate it
5 very much.

6 JUDGE STEARLEY: And next on our list, I
7 have Jerald Sears.

8 MR. SEARS: That would be me, sir.

9 JUDGE STEARLEY: And if you'd please state
10 and spell your name for our court reporter.

11 MR. SEARS: Jerald R. Sears, J-E-R-A-L-D,
12 middle initial R, S-E-A-R-S is the last name.

13 JERALD R. SEARS,
14 being first duly sworn by the Judge, testified as
15 follows:

16 JUDGE STEARLEY: Please proceed.

17 MR. SEARS: Thank you.

18 First, I'd like to preface my comments by stating
19 I am a member of the board of trustees, elected
20 officials for the Village, and I also want to state
21 that we are very much in favor, as a whole, on the
22 board that this purchase and transfer of assets go
23 through.

24 One thing that has not been mentioned is that in
25 the past -- well, last year, we had approximately a

1 ten percent growth in the number of homes that were
2 built in the Village, which is unheard of. Nationwide
3 that's unbelievably good. That just shows that our
4 growth rate is expanding even in the face of the worst
5 economy in decades, and we're well on the track of
6 doing that same thing this year, if not exceeding it.

7 The second thing I'd like to do, if I could,
8 please, I have here a signed petition that is signed
9 by in excess of 100 people, I believe, certainly 100
10 or more people here that are Village residents, and
11 this is their statement that I would like to read:
12 "We, the undersigned residents of the Village of
13 Saddlebrooke, petition the Public Service Commission
14 to approve the proposed sale and transfer of the
15 assets of Saddlebrooke Water and Sewer Infrastructure
16 LLC to [the] Missouri-American Water Company.

17 "Approval of this sale will afford the residents
18 of Saddlebrooke the experience and high quality of
19 service provided by American Water Company and the
20 future protection of the Public Serve Commission."

21 That's basically all I have to say, gentlemen.
22 And you are welcome to these if you want it.

23 JUDGE STEARLEY: I was going to say, would
24 you like to offer that as an exhibit?

25 MR. SEARS: Absolutely, sir.

1 JUDGE STEARLEY: Okay. We will mark it as
2 Exhibit 1. You can give the copy to our court
3 reporter.

4 MR. SEARS: Thank you, ma'am.

5 (Exhibit No. 1 was marked for identification.)

6 JUDGE STEARLEY: Are there any objections
7 to the admission of Exhibit No. 1? Hearing none, it
8 shall be received into the record.

9 Any questions from Counsel for this witness?

10 MR. REICHART: No.

11 JUDGE STEARLEY: Commissioner, any
12 questions for Mr. Sears?

13 COMMISSIONER JARRETT: Yes, Mr. Sears, I do
14 have a question.

15 MR. SEARS: Sir.

16 COMMISSIONER JARRETT: Mr. King, who spoke
17 before you, talked a little bit about the problems
18 with the hydrants, and that sparked a question in me.
19 Are there any other problems with the system that you
20 are aware of as far as quality of water, quality of
21 the service? Anything you can tell me on that would
22 be appreciated.

23 MR. SEARS: It is my understanding that our
24 septic system, particularly, is state of the art. In
25 fact, it was announced in the State house, and I'm not

1 sure how long ago this was. Probably two thousand --
2 I've been there since 2004. This was probably in 2005
3 or '6, that that system was touted as being one of the
4 best systems in the state. And there was a proposed
5 bill, as I understand it, that was going to mandate
6 that all new systems were going to have this same
7 success rate or -- or, you know, efficacy.

8 As far as the water, our water, as I understand
9 that, we've got a pipe 1500 feet in the ground. It
10 was told to me that our water comes out of the ground
11 cleaner than Springfield's drinking water. We have a
12 2,500 gallon, I believe, tank -- water tower up on the
13 hill.

14 We've never had any problems at all with any of
15 that. The water quality has been superb. It's very
16 clean. Tastes really good. Crystal clear. I don't
17 know of any problems that have not been addressed.
18 Anything that did happen with the system was easily
19 fixed as far as the water system. So, no, sir, I
20 don't know of any problems.

21 COMMISSIONER JARRETT: Okay. Thank you.
22 That's the only question I had. I appreciate it,
23 Mr. Sears.

24 MR. SEARS: Appreciate it, sir.

25 Anyone else?

1 JUDGE STEARLEY: Thank you for your
2 testimony.

3 MR. SEARS: My pleasure.

4 JUDGE STEARLEY: Next on the list, and you
5 might have to help me with your last name here,
6 Marie -- is it Stopyra?

7 MS. STOPYRA: Take me off, please.

8 JUDGE STEARLEY: Okay. I hope I didn't
9 butcher your name.

10 MS. STOPYRA: No, you said it about right.

11 JUDGE STEARLEY: All right. Last, we have
12 Carol Gaines.

13 MS. GAINES: My name is Carol, C-A-R-O-L,
14 Gaines, G-A-I-N-E-S.

15 JUDGE STEARLEY: If you'd raise your right
16 hand.

17 CAROL GAINES,
18 being first duly sworn by the Judge, testified as
19 follows:

20 JUDGE STEARLEY: Okay. Please proceed.

21 MS. GAINES: My name is Carol Gaines. I am
22 a Saddlebrooke resident. I'm also chairman of the
23 Village Board of Trustees, along with Mr. Sears, and I
24 think the other trustees are also in attendance this
25 evening. And I just -- I don't want to repeat a lot

1 of information, but I can't reiterate enough.

2 You can see, the people in this room are the
3 people of the Village of Saddlebrooke. They've taken
4 the time to come to all of our meetings as we've been
5 working with Missouri-American Water Company, who has
6 worked with us very closely, answered all the
7 questions that we've had up to this point.

8 We thought that the sale was going to be concluded
9 hopefully last year. It has seemed to draw out and
10 draw out longer, and it's very disappointing and
11 disturbing to us, as the Village representatives, to
12 hear that now we're still looking at several more
13 months down the road.

14 I'd like to reiterate also what Mr. Trautmann, our
15 Property Owners Association president, said. This is
16 a situation that is very serious for Saddlebrooke. We
17 understand the concerns that other communities have.

18 I also own property in St. Louis, Missouri.
19 Missouri-American is my provider up there. I have had
20 nothing but good service from them.

21 The people of Saddlebrooke deserve some good
22 service, they deserve uninterrupted service, and they
23 deserve quality service from somebody that is
24 regulated by the Public Service Commission, because we
25 have not had that to this point. They come out in

1 numbers, they support the community. Again, you can
2 see by their attendance tonight how important an issue
3 this is to all of us, and I just really want you to
4 understand that this is a vital issue, and time is of
5 the essence here for us. We cannot afford to have any
6 interruptions in our service.

7 The health and safety of our community and
8 everything that we bought into when we bought here,
9 because we were told -- touted the same thing as
10 Mr. Sears said, this was a model system, in Jeff City.

11 As the chairman of the board of trustees, I had a
12 call today from a community in the Lake of the Ozarks
13 area who is trying to put in a sewer system, and they
14 were told to call Saddlebrooke because they heard that
15 our system was a very good system and a model to be
16 used throughout the state for small communities, and
17 they, too, were a village.

18 We had a very long conversation with them, got
19 them in touch with the engineering firm and everybody
20 that designed our system. We have not had any
21 problems with it. It has worked well, but we are
22 concerned because of the ownership and the quality of
23 service and the health issues for our community.

24 So, as a community representative, please note all
25 of the attendance from the people in Saddlebrooke

1 here, because this is a vital issue to everybody.

2 Thank you.

3 JUDGE STEARLEY: Are there any questions
4 from Counsel for this witness?

5 Yes, Mr. Conrad?

6 MR. CONRAD: Yes, ma'am. Thank you very
7 much for your attendance. Has anyone from the
8 company, by "company" I mean Missouri-American, made
9 any statements or representations to you with respect
10 to what the future might hold on rates?

11 MS. GAINES: No.

12 MR. CONRAD: Thank you. That's all.

13 MS. GAINES: I can tell you from my
14 experience in St. Louis from years and years --

15 MR. CONRAD: You've answered the question,
16 unless the Commissioner wants you to go ahead.

17 COMMISSIONER JARRETT: Please go ahead.

18 MS. GAINES: They have Public Service
19 Commission hearings for the water rates in St. Louis
20 all of the time. I'm sure that people are in this
21 room who are always involved with that, and they get
22 good attendance. But percentage-wise, they don't have
23 the attendance that we have here, and they've always
24 worked out the issue for the benefit of the consumer.

25 You're looking at the consumers, you're looking at

1 the people who need the service very badly, and that
2 has to be at the very top of the list of -- we'll work
3 out all of these other small details. The people here
4 understand that the rates probably will go up or will
5 increase because of our service, but I don't think
6 you'll find them objecting to that. We want to have
7 quality assurance service on our utilities in
8 Saddlebrooke. It's a vital issue for any community,
9 and we are all here telling you that that is what we
10 want.

11 COMMISSIONER JARRETT: Thank you. As
12 Mr. Conrad will attest, sometimes it's fun being the
13 Commissioner and getting to go last. Thank you very
14 much.

15 JUDGE STEARLEY: That completes the list
16 that we had where people had signed up to testify, but
17 anyone is certainly welcome to. Is there someone else
18 who'd like to -- oh, please come forward, sir.

19 Like with everyone else, would you please state
20 and spell your name.

21 MR. WILSON: Robert Wilson, W-I-L-S-O-N.

22 JUDGE STEARLEY: Mr. Wilson, if you'd raise
23 your right hand.

24 ROBERT WILSON,
25 being first duly sworn by the Judge, testified as

1 follows:

2 JUDGE STEARLEY: Okay. Please proceed.

3 MR. WILSON: I'm a property owner in
4 Saddlebrooke. We do not currently live there. We
5 have not built yet. So I kind of want to speak from
6 the position of somebody that's got about 35 years of
7 public works experience, water, sewer, storm water,
8 pretty much streets, everything you can think of.

9 I appreciate the fact that there have been no
10 major issues with the sewer or the water at this point
11 and that it's of good quality, and the sewer system is
12 supposed to be and I would believe is state of the
13 art. But the one thing that is untangible is we
14 really don't know what condition that these systems
15 are in.

16 We don't even really know where they are in some
17 respects. We don't know where the water mains are,
18 the sewer mains are. We have no drawings. We have no
19 nothing -- I mean, nothing to base anything on, which
20 is something we desperately need. And we would expect
21 that, you know, eventually down the road, should this
22 go through, that we would be able to get that
23 information so we could use it for other important
24 purposes as the operation of the Village.

25 So, really, we just -- you know, we don't know

1 what we're really up against, per se, and we
2 desperately need to know that. We desperately need to
3 have a system that we can rely on and a company we can
4 rely on, and -- you know, so we can trust that our
5 system is in good shape and that the health of the
6 people, you know, are being maintained and the health
7 of the system is being maintained.

8 As a public works employee, as an engineer, I
9 understand exactly what the fire department is saying.
10 You know, you can't afford to have a hydrant that is
11 in a non-working condition, when you might have a fire
12 right next to it and you can't use it, and you don't
13 know exactly how far away the other one is.

14 So, you know, even though things may be going well
15 right now, how long will that last without some sort
16 of management? And I don't believe that we can rely
17 on the current developer to really do anything to help
18 us out. So the quicker this goes through, the better
19 off we all will be. So that's all I have.

20 JUDGE STEARLEY: Any questions from Counsel
21 for this witness?

22 MR. CONRAD: Just to clarify. You have no
23 management now from the developer?

24 MR. WILSON: I'm not aware of any. We may,
25 we may not. I don't know.

1 MR. CONRAD: And no drawings of where lines
2 are?

3 MR. WILSON: No. That's been asked for by
4 multiple entities many times within the Village, and I
5 don't believe those have ever been provided.

6 MR. CONRAD: And you've asked the
7 developer?

8 MR. WILSON: Oh, yeah. I mean, please
9 correct me if I'm wrong. That's the information I'm
10 going off of.

11 MR. CONRAD: Thank you.

12 JUDGE STEARLEY: Any other questions?
13 Commissioner Jarrett?

14 COMMISSIONER JARRETT: None from me,
15 Mr. Wilson. Thank you for your testimony. I
16 appreciate it.

17 JUDGE STEARLEY: Is there anyone else who
18 would like to -- yes, please come forward.

19 MR. BAKER: Richard Baker.

20 JUDGE STEARLEY: All right, Mr. Baker, if
21 you'd raise your right hand.

22 RICHARD BAKER,
23 being first duly sworn by the Judge, testified as
24 follows:

25 JUDGE STEARLEY: Please proceed.

1 MR. BAKER: Thank you, Your Honor.

2 I just actually wanted to clarify something that
3 Mr. Wilson said. I have been in contact with the
4 Department of Natural Resources, and I know that when
5 those lines were put in and the systems were put in,
6 that those blueprints were there. I've seen
7 blueprints there.

8 So I'm confident that there are at least some
9 blueprints on file at some location which would
10 indicate where those water lines are and where the
11 mains are. There was a big issue because some of
12 those were put in before they knew it, but I think
13 they've settled that issue. In other words, he did it
14 without getting permits, but he did it and the
15 blueprints were there.

16 JUDGE STEARLEY: Any questions of
17 Mr. Baker? Mr. Jarrett?

18 COMMISSIONER JARRETT: Thank you for
19 clarifying that, Mr. Baker.

20 MR. REICHART: Your Honor, I believe we
21 have some more clarification from the company on that
22 issue if Your Honor would like to hear that --

23 JUDGE STEARLEY: Certainly.

24 MR. REICHART: -- the question about the
25 blueprints of the mains.

1 MR. BARNHART: Yes, we do have drawings.
2 We have different sets.

3 JUDGE STEARLEY: All right. And before you
4 continue, if you would please identify yourself.

5 MR. BARNHART: Matthew A. Barnhart with
6 Missouri-American Water Company. I'm the operations
7 manager. And the answer is, yes, we do have some
8 drawings. Do they need some fine work? I'm sure they
9 do.

10 Like the gentleman said before, there were
11 drawings submitted when different phases of the
12 projects were done. So I just want to get that
13 clarified.

14 MR. WILSON: May I speak to that?

15 JUDGE STEARLEY: All right. Mr. Wilson.

16 MR. WILSON: I didn't want to give the
17 impression that I didn't think that no drawings had
18 ever been -- you know, had never been used or any of
19 the system had not been designed per a drawing. What
20 I was trying to say was, the residents, the occupants
21 of Saddlebrooke, do not have that information and have
22 never been able to obtain that information.

23 I would assume that Missouri Water would have been
24 able to get them or would at least get them if the
25 sale went through. And that's one of the reasons to

1 push for this, in that we would then have a resource
2 for that to be able to conduct some of our other city
3 business -- or village business. Just to clarify
4 that.

5 JUDGE STEARLEY: All right. Thank you for
6 the clarifying statements.

7 Is there anyone else who would like to offer
8 testimony?

9 MR. TRAUTMANN: Joel Trautmann again. I
10 assume I'm still under oath.

11 JUDGE STEARLEY: You're still under oath.

12 MR. TRAUTMANN: Maybe to tag onto what
13 Mr. Wilson said as a point of clarification. There
14 has been a fairly antagonistic relationship between
15 the developer and the community, and this has a lot to
16 do with why we have difficulty getting documentation
17 on things that we need. So that's just part of the
18 larger problem, and relates to the urgency that so
19 many of us have talked about.

20 JUDGE STEARLEY: Okay. Thank you very
21 much.

22 I see a hand going up; is there someone else who'd
23 like to speak?

24 MS. LEWIS: I'm Joan Lewis.

25 JUDGE STEARLEY: All right. If you don't

1 want to come all the way up here, you can --

2 MS. LEWIS: No, I can make it.

3 JOAN LEWIS,

4 being first duly sworn by the Judge, testified as
5 follows:

6 JUDGE STEARLEY: Please proceed.

7 MS. LEWIS: Okay. I just know in every
8 situation when there's such a tension between
9 different groups, that they're really coming from
10 strong places. You know where we're coming from. I
11 do not quite understand where the intervenor is coming
12 from.

13 I don't know what St. Joe's real concern is. You
14 say that it's because they feel the water rate, their
15 water rate is going up. What is it truly based on?
16 Has the town had an experience that has prompted them
17 to take such an adamant position and prevent us from
18 moving forward?

19 MR. CONRAD: Do you want an answer?

20 JUDGE STEARLEY: Normally for these
21 hearings the comments are directed to the Commission
22 and we make a record of them.

23 MR. CONRAD: I would think so.

24 JUDGE STEARLEY: If the parties want to
25 stick around and kind of continue on with their

1 information session --

2 MR. CONRAD: Judge, I'll be happy to talk
3 with this young lady.

4 JUDGE STEARLEY: If you're free afterwards.
5 I'm assuming you don't want to speak to her on the
6 record right now. You're certainly free to
7 afterwards.

8 MR. CONRAD: I can, but it's your hearing.

9 JUDGE STEARLEY: If you have no preference.
10 If you want to speak on the record, you're certainly
11 free to.

12 MR. CONRAD: I think the answer you posed
13 is simply answered by "yes."

14 MS. LEWIS: I think the question I asked
15 was, Why?

16 MR. CONRAD: Our rates need to be based on
17 the costs in St. Joseph, not in costs in Saddlebrooke,
18 or in St. Louis, or in St. Charles, or Warrensburg, or
19 Mexico.

20 MS. LEWIS: Okay, and they need to be that
21 because you don't want to pay -- you feel you're going
22 to be paying higher rates because of us?

23 MS. BAKER: I do think this is probably
24 something that's better off the record. We will make
25 sure that we answer that question, because I know that

1 that is something that's on everyone's mind.

2 JUDGE STEARLEY: That's perfectly fine.

3 All right. Any other comments for the Commission?

4 All right. I'm not seeing any other hands.

5 I do want to let you all know, if you don't want
6 to speak tonight, there are other ways you can submit
7 comments to the Commission. And our staff can go over
8 those with you, but you can actually file them
9 directly on the computer into the case file. We'll
10 accept letters, phone calls, et cetera, but they can
11 follow up with you with that information. Actually
12 they normally pass out an information sheet which has
13 all that contact information.

14 MS. BAKER: The Public Counsel has the pink
15 sheet, and it has all that information on it.

16 JUDGE STEARLEY: And the Public Counsel is
17 your state-appointed attorney who's representing you
18 all. So if you have any questions specifically about
19 the case or how things are proceeded legally, you can
20 direct them toward Ms. Baker.

21 The evidentiary hearing for this case, where the
22 expert witnesses will come to Jeff City and present
23 testimony, is scheduled for June 28th and 29th. That
24 hearing will be Webcast, so you can log onto the
25 Missouri Public Service Commission's Web page and find

1 a link there and you can actually watch it live on
2 your computer if you would like.

3 I can't tell you exactly a time frame in which the
4 Commission's decision will follow that hearing, but
5 there'll be a briefing period and you can probably
6 expect a decision somewhere in the order of six to
7 eight weeks after the hearing, depending on what
8 happens with that process. So I did want to give you
9 an idea of the timeline in which the case is
10 proceeding.

11 MR. TRAUTMANN: So we're looking at the
12 earliest probably August to September before we get
13 movement on this process?

14 JUDGE STEARLEY: I won't necessarily -- I
15 won't say that conclusively because I don't know what
16 the parties will do in between now and then. Parties
17 do settle cases. Sometimes they settle them right on
18 the eve of hearing. We don't know. They may want to
19 try certain issues. My best guess is if we do go to
20 the evidentiary hearing, there will be a decision
21 sometime in August for you. I can't say if that will
22 be early or mid August.

23 MR. CONRAD: Judge, am I correct that there
24 is a procedural schedule that's been posted on the
25 Commission's Website, if folks wanted to look?

1 JUDGE STEARLEY: I'm not sure if it's been
2 posted there. It is in the file, of course. I do
3 have a copy of the whole procedural schedule with me.
4 I'd be happy to share it with people before we leave
5 tonight, as well. Mr. Jarrett, do you have any
6 closing?

7 COMMISSIONER JARRETT: Just real quickly,
8 Judge. Again, I want to thank everybody for being
9 here. It is very -- I'm very impressed when I come to
10 these local public hearings. I think Ms. Gaines was
11 talking, in some cases we'll have a hearing and maybe
12 two or three people might show up. And I really
13 appreciate everybody coming out. And all of the
14 witnesses gave their testimony very clear, very
15 understandable, so I think it will create a very good
16 record for this local public hearing. So, again, I
17 personally appreciate you all being here. Thank you.

18 JUDGE STEARLEY: And I'd like to thank you
19 all for bearing with us. The room was a little
20 smaller than we had anticipated for the crowd, so I
21 appreciate you all having the patience to stay and
22 stand and offer us your comments tonight.

23 So, with that, we'll go ahead and conclude the
24 hearing and we stand adjourned.

25 (Hearing adjourned at 6:45 p.m.)

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