In the Matter of the Application of Rex Deffenderfer Enterprises, Inc.

Hearing before:

Judge Kenneth J. Seyer

July 26, 2022

Vol 01



Raising the Bar!

# BEFORE THE PUBLIC SERVICE COMMISSION STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

Local Public Hearing

Tuesday, July 26, 2022 6:50 p.m. - 7:11 p.m.

Nixa City Hall
Council Chambers
715 Mount Vernon Street
Nixa, MO 65714
and WebEx

VOLUME 1 Pages 1 - 18

KENNETH J. SEYER, Presiding REGULATORY LAW JUDGE

JASON R. HOLSMAN, Commissioner GLEN KOLKMEYER, Commissioner

Stenographically Reported By: Beverly Jean Bentch, RPR, CCR No. 640

Job No. 262835

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Page 4 1 The following proceedings began at 6:50 p.m.: 2 JUDGE SEYER: So let's go on the record. Today is July 26, 2022. The time is 6:50 p.m. 3 My name 4 is Ken Seyer. I am a Regulatory Law Judge with the 5 Missouri Public Service Commission and will preside over 6 this hearing. The Commission has set this time for a local 7 8 public hearing in File No. WM-2022-0246, which is 9 captioned as In the Matter of the Application of Rex 10 Deffenderfer Enterprises, Incorporated d/b/a RDE Water Company for Authority to Sell Certain Water Assets to 11 12 the City of Nixa, Missouri, and in Connection Therewith, Certain Other Related Transactions. The Commission has 13 scheduled this local public hearing to give members of 14 15 the public a chance to comment about RDE Water Company's application. 16 The Missouri Public Service Commission 17 18 regulates the rates charged by public utility companies 19 in Missouri to ensure that those rates are just and 20 reasonable. The Commission also regulates the quality 21 of service and safety of the operations of public 2.2 utilities. 23 RDE Water Company is a public utility under 24 the Missouri Statutes and as such is subject to 25 regulation by the Commission. The Commission is made up

Page 5 The Commissioners are appointed 1 of five Commissioners. 2 by the Governor to fixed terms and confirmed by the 3 Senate. The Commissioners employ a staff of engineers, accountants, attorneys, financial analysts, and other 4 specialists in the field of utility regulation. 5 At this time would any of the Commissioners 6 7 that are on line identify themselves, please. 8 COMMISSIONER KOLKMEYER: Thank you, Judge. 9 Commissioner Kolkmeyer here. 10 JUDGE SEYER: All right. Thank you, 11 Commissioner. This is an official hearing of the Missouri Public Service Commission, and the statements 12 and testimony of witnesses will be recorded by a court 13 reporter and must be given under oath. Once the hearing 14 testimony is transcribed, the Commissioners will have 15 the opportunity to read all of the witnesses' remarks. 16 17 Know that the Commissioners value your comments and input. 18 19 At this time, Commissioner Kolkmeyer, would 20 you like to make any opening remarks? 21 COMMISSIONER KOLKMEYER: Yes. Thank you, 2.2 Appreciate everyone joining in this evening. 23 take all the public comments serious. So we appreciate you joining in this evening. So with that, thanks 24 25 again, Judge.

Page 6 1 JUDGE SEYER: Thank you. Well, as you 2 probably know, there are attorneys here tonight 3 representing the parties in the matter. For the record, 4 would each of you identify yourselves and state which 5 party you're representing. 6 MR. VANDERGRIFF: My name is Eric Vandergriff. 7 I work as Legal Counsel. 8 THE STENOGRAPHER: Judge Seyer, if someone is 9 speaking, I can't hear them. 10 MR. VANDERGRIFF: My name is Eric Vandergriff. 11 JUDGE SEYER: Excuse me, Mr. Vandergriff. Can 12 you hear him now, Ms. Bentch? 13 THE STENOGRAPHER: Yes. Thank you. Third time is 14 JUDGE SEYER: Okay. 15 a charm. 16 MR. VANDERGRIFF: My name is Eric Vandergriff. 17 I'm Legal Counsel with the Public Service Commission. 18 My address is P.O. Box 360, 200 Madison Street, Jefferson City, Missouri 65102. My phone number is 19 20 573-522-9524. 21 MR. WILLIAMS: Nathan Williams appearing on behalf of the Office of the Public Counsel and the 2.2 23 public. My address is 200 Madison Street, P.O. Box 2230, Jefferson City, Missouri 65102. 24 25 JUDGE SEYER: Anyone on behalf of RDE? All

24

25

Page 7 1 right. I'm sorry. 2 MS. SPEAKE: My name is Penny Speake. I'm an 3 attorney with Healy Law Offices. I'm appearing here on 4 behalf of Terry Jarrett. We represent RDE Water 5 Company. 6 JUDGE SEYER: And how do you spell your last 7 name? 8 MS. SPEAKE: S-p-e-a-k-e. 9 JUDGE SEYER: All right. Thank you. 10 The way this portion of the hearing will proceed right. 11 tonight will be to call the names listed on the sign-up 12 sheet in the order that people signed up. There are 11 13 names on the list. When I call your name, please step 14 up to the podium. Before you speak, I will place you 15 under oath and ask you to state and spell your name and 16 then you can offer your comments to the Commission. 17 Also, and this is important, also please 18 remain at the podium after your remarks as there may be 19 follow-up questions from Commissioner Kolkmeyer or one 20 of the attorneys for the parties. Please understand 21 that the Commissioners won't be able to answer any of 2.2 your questions today, because they have to remain 23 impartial and only consider evidence presented at the

evidentiary hearing for this matter should one

eventually take place.

1	Page 8 The Commission has not made any decisions in
2	this case as to whether to approve the sale. The
3	Commission is interested in your comments and will use
4	them to help make their decision. If you have questions
5	after the hearing, you can use the same email address
6	you likely used to register for this hearing, which is
7	watersewercomments@psc.mo.gov for the Commission's staff
8	and mopco@opc.mo.gov, g-o-v, for the Office of the
9	Public Counsel.
10	COMMISSIONER HOLSMAN: Judge, Commissioner
11	Holsman is on.
12	JUDGE SEYER: I'm sorry?
13	COMMISSIONER HOLSMAN: I said Commissioner
14	Holsman has joined.
15	JUDGE SEYER: Oh, good evening, Commissioner
16	Holsman. All right. So the first name I have on the
17	list is Bob Rubino. Mr. Rubino, before you testify,
18	would you raise your right hand, please.
19	Do you swear or affirm that the testimony you
20	give in this hearing shall be the truth, the whole
21	truth, and nothing but the truth?
22	MR. RUBINO: I do.
23	JUDGE SEYER: All right. Thank you. You may
24	proceed with your comments.
25	BOB RUBINO,

Page 9 having been duly sworn, testified as follows: 1 2 MR. RUBINO: After listening to all the 3 discussions and questions and answers being given here 4 this evening, I have come to the conclusion the best 5 opportunity for the RDE customers is to go ahead and agree to the sale. I shouldn't say agree. 6 7 basically recommend that the sale occur to the City of 8 Nixa because of the options available other than the 9 City of Nixa I do not find acceptable. So that's my 10 comment. 11 JUDGE SEYER: Okay. Are there any questions from the Commissioners? 12 13 THE STENOGRAPHER: Judge Seyer, could be spell his last name? 14 15 MR. RUBINO: R-u-b-i-n-o. 16 JUDGE SEYER: All right. No questions from 17 the Commissioners? All right. Thank you, you're 18 excused. 19 MR. RUBINO: Thank you. 20 (Witness excused.) 21 JUDGE SEYER: Next on the list is Steve King. 22 MR. KING: My questions were answered in the 23 earlier segment. Thank you. 24 JUDGE SEYER: All right. Thank you, Mr. King. 25 And then next is Norm Stewart.

2	• •
1	Page 10 MR. STEWART: My questions were answered in
2	the earlier segment.
3	JUDGE SEYER: All right. Ms. Bentch, did you
4	hear that?
5	THE STENOGRAPHER: No, I didn't.
6	JUDGE SEYER: All right. The last two
7	witnesses, Steve King and Norm Stewart, they both stated
8	that their questions were answered during the question
9	and answer portion and so they don't wish to testify.
10	THE STENOGRAPHER: Thank you.
11	JUDGE SEYER: Next on the list is Robert
12	Turner. No comment from Mr. Turner as well. Carol
13	Hammond.
14	MS. HAMMOND: My questions were also answered.
15	JUDGE SEYER: Okay. Excellent. Next is Micky
16	Dees.
17	MS. DEES: My questions were also answered.
18	THE STENOGRAPHER: Judge Seyer, how do I spell
19	her last name?
20	JUDGE SEYER: It's on the list as D-e-e-s. Is
21	that correct? Correct. Okay. And the person before
22	that is Carol Hammond, H-a-m-m-o-n-d.
23	Next on the list is Tony Gilbert. Is Mr.
24	Gilbert here? All right. And then next is Kelly
25	Rogers. Okay. So Mr. Rogers has stated that his

25

Page 11 questions were answered during the previous question and 1 2 answer portion, and his last name is spelled 3 R-o-q-e-r-s, correct? Okay. Thank you. And then next on the list is Diane Wallace. 4 5 Is Ms. Wallace here? All right. And then next is Jim 6 Wade. 7 All right. Mr. Wade, would you raise your 8 right hand, please. 9 Do you swear or affirm that the testimony you 10 give in this hearing shall be the truth, the whole truth, and nothing but the truth? 11 12 MR. WADE: I do. JUDGE SEYER: Could you state and spell your 13 14 name, please? 15 Jim Wade spelled W-a-d-e last name. MR. WADE: 16 JUDGE SEYER: Okay. And what would you like the Commissioners to know? 17 18 JIM WADE, 19 having been duly sworn, testified as follows: 20 MR. WADE: Okay. My concern, most of them 21 were answered previously, but I still have a concern about the difference in rates for a resident within the 22 23 city limits of Nixa or one without where if I understand 24 correctly, if you sign an agreement to annex your

property in at some future date that you have a

Page 12 reduction in your rate of approximately \$9.46. 1 Now, I'm 2 questioning why there should be a difference in the rate 3 and is it legal. JUDGE SEYER: Okay. All right. Ms. Bentch, 4 5 did you get all that? 6 THE STENOGRAPHER: Yes. 7 JUDGE SEYER: Okay. All right. Thank you. 8 Like I had mentioned previously, I can't answer that 9 question and the Commissioners can't, but I do 10 appreciate your comments. 11 Anything else? 12 MR. WADE: That's it. 13 JUDGE SEYER: Any questions from the Commissioners? 14 15 COMMISSIONER HOLSMAN: No questions, Judge. 16 Thank you. 17 JUDGE SEYER: Thank you. All right. You may 18 be excused. 19 (Witness excused.) 20 JUDGE SEYER: Last name on the list that I 21 have is Jim Kreider. All right. Good evening. 2.2 MR. KREIDER: Yes. 23 Would you raise your right hand, JUDGE SEYER: 24 please. 25 Do you swear or affirm that the testimony you

Page 13 give in this hearing shall be the truth, the whole 1 2 truth, and nothing but the truth? MR. KREIDER: I do. 3 4 JUDGE SEYER: Would you state your name, 5 please, and spell it? 6 MR. KREIDER: My name is Jim, J-i-m, Kreider, 7 K-r-e-i-d-e-r. JUDGE SEYER: Okay. You may go ahead and 8 9 proceed with your comments. 10 JIM KREIDER, 11 having been duly sworn, testified as follows: 12 MR. KREIDER: Yes. I thank you. I'm a lifetime resident of Christian County. I have a farm on 13 the north end of the county with about one-and-a-half 14 15 miles of RDE water main through my property. So I have some concerns that I'd like to voice. I'm also a 16 17 neighbor to the proposed new city parks that have been 18 donated by the Eoff family. 19 I'm sorry. By the what family? JUDGE SEYER: 20 The Eoff, E-o-f-f. MR. KREIDER: It's a 21 family. It's a last name, Eoff family. 22 So I'm going to be a neighbor to the City of 23 Nixa quite a bit. And so my concern -- First of all, I 24 want to state that I am not opposed to the sale, but I 25 have some very legitimate concerns, I believe.

25

interrupt.

July 26, 2022 Page 14 1 basically deals with what I'm going to say is people 2 have heard it before many, many times but it's taxation 3 without representation. I've been in government for 30 4 years and I've seen it many, many times where the City 5 Council such as Nixa that are elected, the mayor is elected, and our residents of Christian County and the 6 7 RDE water system, most of us, do not have a voice in those elections. 8 Currently we have a voice at the PSC when it 9 10 comes to the water rates of the RDE Water Company. 11 can call the PSC. We can get representation from the 12 Public Counsel. We have process. I'm worried about the process here with the City of Nixa. 13 I was involved back, several years back with the City Utilities of 14 15 Springfield and was part of the reason why they do have a representative at large on their utilities board. 16 17 I would highly recommend to the City of Nixa that they 18 put a person on the City Council, maybe a non-voting 19 person, at large because if this sale is approved of RDE 20 Water, if the sale is approved of the sewer system for 21 Tuscany Hills, we are going to have many, many people 2.2 that are going to be basically at the mercy of the City 23 of Nixa. 24 Mr. Kreider, I'm sorry to JUDGE SEYER:

I just want to make sure I understood what

Page 15 You said you were involved and eventually 1 vou said. there was a non-voting member on the utilities board of 3 the City of Springfield? MR. KREIDER: 4 Yes. JUDGE SEYER: I wanted to make sure that 5 6 that's the words that you used. I couldn't quite 7 understand it. 8 MR. KREIDER: Yes. City of Springfield has a 9 utility board --10 JUDGE SEYER: Gotcha. 11 MR. KREIDER: -- that deals with utilities, of 12 City of Nixa does not have that kind of board. It has a City Council. That's all great. 13 But my concern is is that who is going to take our call out in 14 15 the county. We're represented by county commissioners. We're not represented by City Council. We're not 16 represented by the mayor of Nixa. So in the efforts of 17 18 having a great water company, of eventually getting 19 sewer out that way, I'm not opposed to this sale, but I 20 am concerned for that reason that it's kind of taxation 21 without representation. I love Nixa. I was raised 22 here, went to school here. It's all good. That's my 23 concern. 24 Do the Commissioners have JUDGE SEYER: Okay. 25 any questions of Mr. Kreider? All right. Thank you,

Page 16 Mr. Kreider. 1 You're excused. 2 MR. KREIDER: Thank you. 3 (Witness excused.) 4 JUDGE SEYER: Is there anyone else present who 5 would like to offer their testimony who did not sign up 6 on the list? All right. It does not look like there is 7 anyone else that wishes to testify. Would any of the 8 Commissioners like to make any closing remarks? 9 COMMISSIONER HOLSMAN: Judge, this is 10 Commissioner Holsman. I just want to thank everybody for taking their time to voice their opinions. 11 12 appreciate it and we do listen. Thank you for running the hearing and appreciate it. 13 Judge, this is 14 COMMISSIONER KOLKMEYER: 15 Commissioner Kolkmeyer. I echo Commissioner Holsman's 16 thoughts there. I want to thank everyone for attending 17 the hearing this evening. So thank you, Judge. 18 JUDGE SEYER: Okay. And I'll coattail on that 19 and say I would like to thank all the participants today for their testimony and even for those that are here 20 21 just because they're interested and would like to be 2.2 involved. If you have any additional comments or if you 23 know of someone who could not be present tonight but 24 would like to comment, that person can make written 25 comments by contacting the same email address used to

Page 17

- 1 register for this hearing which is
- 2 watersewercomments@psc.mo.gov or the Office of the
- 3 Public Counsel at mops -- I think this is wrong. Can
- 4 you help me, Mr. Williams? I think in this portion --
- 5 mopco, correct, Public Counsel Office?
- 6 MR. WILLIAMS: The best way to reach us by
- 7 email would be opcservice@opc.mo.gov. It is in the
- 8 notice.
- 9 JUDGE SEYER: Opcservice. All right. I would
- 10 also like to thank the City of Nixa for the use of its
- 11 council chambers and their assistance with this hearing.
- 12 If there is nothing further --
- 13 MR. WILLIAMS: Judge, if I might.
- 14 JUDGE SEYER: Yes, Mr. Williams.
- MR. WILLIAMS: I'd like to thank the
- 16 Commission for holding this live local public hearing.
- 17 We have something like 60 people in attendance here. I
- 18 want to make sure the Commission understands that and
- 19 our appreciation.
- JUDGE SEYER: Okay. Thank you, Mr. Williams.
- 21 Anything further?
- 22 All right. Then this hearing is now adjourned
- 23 and we're off the record.
- 24 (Thereupon, the public hearing concluded at
- 25 7:11 p.m.)

1	Page 18 CERTIFICATE OF REPORTER
2	STATE OF MISSOURI )
3	COUNTY OF COLE )
4	I, Beverly Jean Bentch, RPR, CCR No. 640, do
5	hereby certify that I was authorized to and did
6	stenographically report the foregoing Public Service
7	Commission local public hearing and that the transcript,
8	pages 1 through 17, is a true record of my stenographic
9	notes.
10	I FURTHER CERTIFY that I am not a relative,
11	employee, attorney, or counsel of any of the parties,
12	nor am I a relative or counsel connected with the
13	action, nor am I financially interested in the action.
14	Dated this 8th day of August, 2022.
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16	Beverly Jean Bertch
17	Beverly Jean Bentch, RPR, CCR No. 640
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