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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
Procedural Conference
March 25, 2013
Jefferson City, Missouri
Volume 1

In the Matter of Cedar)
Green Land Acquisition,)
LLC for a Certificate of)
Convenience and Necessity)
Authorizing it to Own,) File No. WA-2013-0117
Operate, Maintain, Control)
And Manage Water Systems)
In Camden County, Missouri.)

In the Matter of Cedar)
Green Land Acquisition,)
LLC for a Certificate of)
Convenience and Necessity) File No. SA-2013-0354
Authorizing it to Own,)
Operate, Maintain, Control)
And Manage Sewer Systems)
In Camden County, Missouri.)

HAROLD STEARLEY, Presiding,
DEPUTY CHIEF REGULATORY LAW JUDGE.

REPORTED BY:
KELLENE K. FEDDERSEN, CSR, RPR, CCR
MIDWEST LITIGATION SERVICES

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APPEARANCES:

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FOR: Office of the Public Counsel
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(573)751-3234

FOR: Staff of the Missouri Public
Service Commission.

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

2 (WHEREUPON, the procedural conference
3 began at 1:34 p.m.)

4 JUDGE STEARLEY: Good afternoon. It
5 is Monday, March 25th, 2013, and the Commission has
6 set this time for a procedural conference in two
7 files, File No. WA-2013-0117, which is captioned as
8 in the matter of Cedar Green Land Acquisition, LLC
9 for certificate of convenience and necessity
10 authorizing it to own, operate, maintain, control
11 and manage water systems in Camden County,
12 Missouri, and File No. SA-2013-0354, which is
13 captioned as in the matter of Cedar Green Land
14 Acquisition, LLC for certificate of convenience and
15 necessity authorizing it to own, operate, maintain,
16 control and manage sewer systems in Camden County,
17 Missouri.

18 My name is Harold Stearley, and I'm
19 the presiding officer over today's conference.
20 We'll begin by taking entries of appearance of
21 counsel, starting with the Office of the Public
22 Counsel.

23 MS. BAKER: Thank you. Christina
24 Baker, P.O. Box 2230, Jefferson City, Missouri
25 65102, appearing on behalf of the Office of the

1 Public Counsel and the customers.

2 JUDGE STEARLEY: Thank you,
3 Ms. Baker. For the Staff of the Missouri Public
4 Service Commission.

5 MS. McCLOWRY: Meghan McClowry and
6 Kevin Thompson for the Staff of the Missouri Public
7 Service Commission. Our business address is
8 P.O. Box 360, Jefferson City, Missouri 65102.

9 JUDGE STEARLEY: All right. And we
10 have Gary Myers on the phone with us. Mr. Myers, I
11 know you have representation from a Robert Paulson,
12 who's an attorney, but I'm not sure that he's
13 called in yet. That is correct, isn't it?

14 MR. MYERS: That is correct.

15 JUDGE STEARLEY: All right. And he
16 may join us before the on-the-record portion of
17 this is over, but if not, I'm hoping he'll call in
18 and be able to engage with the discussions the
19 parties have after I leave.

20 Are there any preliminary matters we
21 need to take up?

22 MS. McCLOWRY: No.

23 JUDGE STEARLEY: If I'm understanding
24 the posture of the current proceedings, we have
25 applications for CCNs, we have a recommendation for

1 conditional approval from Staff, and we have an
2 objection by the Office of Public Counsel, which I
3 believe is two bases. There's question as to clear
4 ownership of the assets in question and a question
5 as to whether the ROE cost of service is
6 overstated.

7 MS. BAKER: That is correct.

8 JUDGE STEARLEY: Is that a fair
9 summary?

10 MS. BAKER: Yes.

11 JUDGE STEARLEY: There's been
12 responses filed. Does that clear up anything or is
13 there still some dispute?

14 MS. BAKER: Basically, the responses
15 just said that we were wrong but not a lot of
16 explanations.

17 JUDGE STEARLEY: You don't agree with
18 that?

19 MS. BAKER: I don't quite agree that
20 I'm wrong. So I think we're still in the same
21 spot.

22 JUDGE STEARLEY: All right.

23 Mr. Myers, just so you know, if this becomes what
24 we call a contested proceeding and actually goes to
25 an evidentiary hearing, you will definitely need to

1 have counsel to represent the LLC. By Missouri
2 law, that's something you cannot do as an
3 individual.

4 MR. MEYER: I understand.

5 JUDGE STEARLEY: It will require an
6 attorney. So it's not necessary that your attorney
7 necessarily has to be here today, although that
8 would have been preferable, and he may still call
9 in, but if this does move further down the line,
10 you will need representation.

11 All right. I guess I've clarified
12 things really haven't changed any.

13 MS. BAKER: Actually, we have been in
14 discussion, and there may be a settlement that
15 comes from this in the near future, but we are not
16 quite there yet.

17 JUDGE STEARLEY: All right. And I
18 may not be here at the time that that happens, so
19 I'm not sure which Regulatory Law Judge may be
20 assigned this matter. My guess right now is it
21 will be Judge Bushmann that you'll be speaking
22 with.

23 MS. BAKER: We will keep him or
24 whoever is appointed to it informed.

25 JUDGE STEARLEY: Okay.

1 MR. MEYER: I don't know what -- I'm
2 sorry, your Honor. I don't know what the question
3 is. We sent the warranty deeds and everything
4 clearly showing Cedar Green Land Acquisition owns
5 the lots that the sewer and water treatment plant
6 is built on and the lot that the fresh water tower
7 and pump is built on.

8 JUDGE STEARLEY: Okay. And I'm not
9 sure entirely of all the details of the dispute
10 here either, Mr. Myers, and I'm going to exit here
11 shortly because if you-all engage in any type of
12 settlement discussions, that's kept confidential
13 and I should not be in the room for that.

14 MR. MEYER: Okay.

15 JUDGE STEARLEY: I do appreciate you
16 bringing that up. As soon as I leave here, you can
17 continue on with these discussions and maybe you
18 can clarify some more details for counsel that's
19 present.

20 I'll ask that Staff file a status
21 report next Monday, which would be April Fools Day.

22 MR. THOMPSON: Will do, Judge.

23 JUDGE STEARLEY: All right. You can
24 inform the Commission if you think a procedural
25 schedule is necessary, but at this point I'm not

1 going to require one.

2 All right. Well, this will conclude
3 the on-the-record portion of this conference, and
4 thank you all for being here. I'll leave you to
5 your discussions.

6 (WHEREUPON, the recorded portion of
7 the procedural conference was concluded at
8 1:40 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

TRANSCRIPT OF PROCEEDINGS 3/25/2013

<p style="text-align: center;">A</p> <p>able 4:18 above-entitled 9:9 Acquisition 1:12,17 3:8 3:14 7:4 address 4:7 afternoon 3:4 agree 5:17,19 appearance 3:20 APPEARAN... 2:1 appearing 3:25 applications 4:25 appointed 6:24 appreciate 7:15 approval 5:1 April 7:21 assets 5:4 assigned 6:20 Assistant 2:2 attorney 4:12 6:6,6 authorizing 1:14,18 3:10 3:15</p> <hr/> <p style="text-align: center;">B</p> <p>Baker 2:2 3:23 3:24 4:3 5:7 5:10,14,19 6:13,23 bases 5:3 Basically 5:14 began 3:3 behalf 3:25 believe 5:3 Box 2:3,8 3:24 4:8 bringing 7:16 built 7:6,7 Bushmann 6:21 business 4:7</p>	<p style="text-align: center;">C</p> <p>C 3:1 9:2,2 call 4:17 5:24 6:8 called 4:13 Camden 1:15 1:20 3:11,16 caption 9:10 captioned 3:7 3:13 cause 9:9 CCNs 4:25 CCR 1:24 9:18 Cedar 1:12,16 3:8,13 7:4 certificate 1:13 1:17 3:9,14 Certified 9:5 certify 9:7 changed 6:12 Chief 1:22 2:7 Christina 2:2 3:23 City 1:9 2:4,9 3:24 4:8 9:15 clarified 6:11 clarify 7:18 clear 5:3,12 clearly 7:4 Cole 9:4,16 comes 6:15 Commission 1:2 2:8,11 3:5 4:4,7 7:24 conclude 8:2 concluded 8:7 conditional 5:1 conference 1:7 3:2,6,19 8:3,7 confidential 7:12 contested 5:24 continue 7:17 control 1:14,19 3:10,16 convenience 1:13,18 3:9</p>	<p>3:14 correct 4:13,14 5:7 9:12 cost 5:5 counsel 2:2,2,5 2:7,7 3:21,22 4:1 5:2 6:1 7:18 County 1:15,20 3:11,16 9:4 9:16 CSR 1:24 9:18 current 4:24 customers 4:1</p> <hr/> <p style="text-align: center;">D</p> <p>D 3:1 Day 7:21 deeds 7:3 definitely 5:25 DEPUTY 1:22 details 7:9,18 discussion 6:14 discussions 4:18 7:12,17 8:5 dispute 5:13 7:9</p> <hr/> <p style="text-align: center;">E</p> <p>E 3:1,1 9:2,2 either 7:10 engage 4:18 7:11 entirely 7:9 entries 3:20 evidentiary 5:25 exit 7:10 explanations 5:16</p> <hr/> <p style="text-align: center;">F</p> <p>F 9:2 fair 5:8 Feddersen 1:24 9:5,18</p>	<p>file 1:14,18 3:7 3:12 7:20 filed 5:12 files 3:7 firm 9:6 Fools 7:21 foregoing 9:12 forth 9:10 fresh 7:6 full 9:12 further 6:9 future 6:15</p> <hr/> <p style="text-align: center;">G</p> <p>G 3:1 Gary 4:10 Given 9:15 goes 5:24 going 7:10 8:1 Good 3:4 Green 1:12,17 3:8,13 7:4 guess 6:11,20</p> <hr/> <p style="text-align: center;">H</p> <p>happens 6:18 Harold 1:21 3:18 hearing 5:25 he'll 4:17 Honor 7:2 hoping 4:17</p> <hr/> <p style="text-align: center;">I</p> <p>individual 6:3 inform 7:24 informed 6:24</p> <hr/> <p style="text-align: center;">J</p> <p>Jefferson 1:9 2:4,9 3:24 4:8 9:16 join 4:16 Judge 1:22 3:4 4:2,9,15,23 5:8,11,17,22 6:5,17,19,21 6:25 7:8,15</p>	<p>7:22,23</p> <hr/> <p style="text-align: center;">K</p> <p>K 1:24 9:5,18 keep 6:23 Kellene 1:24 9:5,18 kept 7:12 Kevin 2:7 4:6 know 4:11 5:23 7:1,2</p> <hr/> <p style="text-align: center;">L</p> <p>Land 1:12,17 3:8,13 7:4 law 1:22 6:2,19 leave 4:19 7:16 8:4 Legal 2:7 line 6:9 Litigation 1:24 9:7 LLC 1:13,17 3:8,14 6:1 lot 5:15 7:6 lots 7:5</p> <hr/> <p style="text-align: center;">M</p> <p>Madison 2:3,9 maintain 1:14 1:19 3:10,15 manage 1:15 1:19 3:11,16 March 1:8 3:5 matter 1:12,16 3:8,13 6:20 matters 4:20 McCLOWRY 2:7 4:5,5,22 Meghan 2:7 4:5 MEYER 6:4 7:1,14 Midwest 1:24 9:6 Missouri 1:1,9 1:15,20 2:8</p>
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<p>2:11 3:12,17 3:24 4:3,6,8 6:1 9:3,16 MO 2:4,9 Monday 3:5 7:21 move 6:9 Myers 4:10,10 4:14 5:23 7:10</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>N 3:1 name 3:18 near 6:15 necessarily 6:7 necessary 6:6 7:25 necessity 1:13 1:18 3:9,15 need 4:21 5:25 6:10 notes 9:13</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>O 3:1 objection 5:2 office 2:2,5 3:21,25 5:2 9:15 officer 3:19 Okay 6:25 7:8 7:14 on-the-record 4:16 8:3 operate 1:14,19 3:10,15 overstated 5:6 ownership 5:4 owns 7:4</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>P 3:1 parties 4:19 Paulson 4:11 personally 9:8 phone 4:10</p>	<p>place 9:9,14 plant 7:5 point 7:25 portion 4:16 8:3,6 posture 4:24 preferable 6:8 preliminary 4:20 present 7:19 9:8 presiding 1:21 3:19 procedural 1:7 3:2,6 7:24 8:7 proceeding 5:24 proceedings 1:6 4:24 9:8 9:11 Public 1:2 2:2,2 2:5,6,8,11 3:21 4:1,3,6 5:2 pump 7:7 p.m 3:3 8:8 P.O 2:3,8 3:24 4:8</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>question 5:3,4 5:4 7:2 quite 5:19 6:16</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>R 3:1 9:2 really 6:12 recommenda... 4:25 recorded 8:6 Regulatory 1:22 6:19 report 7:21 REPORTED 1:23 Reporter 9:6 represent 6:1</p>	<p>representation 4:11 6:10 require 6:5 8:1 responses 5:12 5:14 right 4:9,15 5:22 6:11,17 6:20 7:23 8:2 Robert 4:11 ROE 5:5 room 7:13 RPR 1:24 9:18</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>S 3:1 SA-2013-0354 1:18 3:12 schedule 7:25 sent 7:3 service 1:2 2:8 2:11 4:4,7 5:5 Services 1:24 9:7 set 3:6 9:9 settlement 6:14 7:12 sewer 1:19 3:16 7:5 sheet 9:10 Shorthand 9:6 shortly 7:11 showing 7:4 soon 7:16 sorry 7:2 speaking 6:21 spot 5:21 ss 9:3 Staff 2:7,11 4:3 4:6 5:1 7:20 starting 3:21 State 1:1 9:3,16 status 7:20 Stearley 1:21 3:4,18 4:2,9 4:15,23 5:8 5:11,17,22 6:5,17,25 7:8</p>	<p>7:15,23 Stenotype 9:11 9:13 Street 2:3,9 Suite 2:3 summary 5:9 sure 4:12 6:19 7:9 systems 1:15 1:19 3:11,16</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>T 9:2,2 take 4:21 thank 3:23 4:2 8:4 thereof 9:10 things 6:12 think 5:20 7:24 Thompson 2:7 4:6 7:22 time 3:6 6:18 9:9,14 today 6:7 today's 3:19 tower 7:6 transcript 1:6 9:13 treatment 7:5 true 9:12 two 3:6 5:3 type 7:11</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>understand 6:4 understanding 4:23</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>Volume 1:9</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>warranty 7:3 water 1:15 3:11 7:5,6 WA-2013-0117 1:14 3:7 We'll 3:20</p>	<p>we're 5:20 wrong 5:15,20</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>you-all 7:11</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1 1:9 1:34 3:3 1:40 8:8</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>200 2:3,9 2013 1:8 3:5 2230 2:3 3:24 25 1:8 25th 3:5</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>360 2:8 4:8</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>573)751-3234 2:10 573)751-4857 2:4</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>650 2:3 65102 2:9 3:25 4:8 65102-2230 2:4</p>
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