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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
TRANSCRIPT OF PROCEEDINGS

Conference
April 30, 2015
Governor Office Building
200 Madison Street, Room 305
Jefferson City, Missouri 65101

Volume I

In the Matter of the)
Application of Branson)
Cedars Resort Utility)
Company LLC for Certificates) File No. WA-2015-0049
of Convenience and)
Necessity Related to Water)
and Sewer Systems)

Daniel R. E. Jordan, Presiding
SENIOR REGULATORY LAW JUDGE

REPORTED BY:
AMANDA N. FARRAR, CCR
MIDWEST LITIGATION SERVICES

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MR. JIM BUSCH

MR. JIM RUSSO

MS. AMANDA McMELLEN

MS. SHANA GRIFFIN

MS. DEBBIE BERNSEN

MR. DERICK MILES

MR. KEITH FOSTER

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

2 (The conference commenced at 10:32 a.m.)

3 JUDGE JORDAN: The Commission is calling
4 the action in File No. WA-2015-0049, and that is the
5 application originally filed under the name of
6 Tranquility Group doing business as Branson Cedars
7 Resort. The style of this case is now in the matter
8 of the application of Branson Cedars Resort Utility
9 Company, LLC for certificates of convenience and
10 necessity related to water and sewer systems.

11 My name is Daniel Jordan. I'm the
12 regulatory law judge assigned to this action.

13 We're here for a conference and we're
14 going to talk about the status of this case and
15 perhaps scheduling matters. Most of our discussion
16 will take place off the record, during which the
17 parties will discuss some things with me I hope and
18 be free to discuss matters in my absence as well so
19 that I don't hear anything that is confidential they
20 don't want shared.

21 So let's begin with entries of
22 appearance. Let's start with the applicant.

23 MR. POPPEN: Yes. It's Jud Poppen and
24 Melissa Bade, the Law Firm of Neale & Newman, on
25 behalf of the applicant. And also for Branson

1 Cedars Resort I have Michael Hyams and Patsy O'Keefe
2 who are also here on the phone with me as
3 representatives of the company.

4 JUDGE JORDAN: And that's for the --
5 that's all related to the applicant; is that
6 correct?

7 MR. POPPEN: Yes, sir.

8 JUDGE JORDAN: And the reason I ask that
9 is because we also have an intervenor, which is
10 Branson Cedars, Incorporated, which I understand to
11 be the homeowners association. Is there anyone
12 appearing for that entity?

13 MR. TEXTOR: Yes. Michael Textor with
14 Lathrop & Gage.

15 JUDGE JORDAN: Very good. And,
16 Mr. Textor, do you have any other representative of
17 your client with us today?

18 MR. TEXTOR: No, I don't.

19 JUDGE JORDAN: Very good. I want to
20 make that clear because some of us are on the phone
21 and those who are only on the phone cannot see who
22 all is in the room.

23 MR. TEXTOR: Right.

24 JUDGE JORDAN: So that's why I want to
25 make that altogether clear.

1 Let's see. And for the staff of the
2 Public Service Commission?

3 MS. MAYFIELD: Cydney Mayfield for
4 staff. And for the people that are on the phone,
5 since you can't see, we have a number of staff
6 members who are in here of which you will be able to
7 ask questions of.

8 JUDGE JORDAN: Yeah. There's a lot. Do
9 we want to list them and have them announce
10 themselves, introduce themselves?

11 MS. MAYFIELD: Well.

12 MR. MERCIEL: Go around the room.

13 JUDGE JORDAN: Yeah.

14 MR. MERCIEL: Jim Merciel, water and
15 sewer unit.

16 MR. BUSCH: Jim Busch, water and sewer.

17 MR. RUSSO: Jim Russo, water and sewer.

18 MS. McMELLEN: Amanda McMellen,
19 auditing.

20 MS. GRIFFIN: Shana Griffin, financial
21 analysis.

22 MS. BERNSEN: Debbie Bernsen,
23 engineering and management services.

24 MR. MILES: Derick Miles, depreciation
25 unit.

1 MR. FOSTER: Keith Foster, auditing.

2 JUDGE JORDAN: So you get the idea.
3 We've got a pretty full room here.

4 And then for the Office of the Public
5 Counsel.

6 MS. BAKER: Thank you. Christina Baker
7 appearing on behalf of the Office of the Public
8 Counsel and the customers, and I have with me
9 Mr. Ted Robertson.

10 JUDGE JORDAN: Oh, very good, very good.

11 The first thing I wanted to discuss was
12 the status of this action, and I'll start with the
13 Office of the Public Counsel, whose response to
14 staff's recommendation recited that they hadn't had
15 the opportunity to review documents in support of
16 the recommendation. Counselor, can you give me an
17 update on the status?

18 MS. BAKER: We have now reviewed the
19 entire staff recommendation and the work papers that
20 have come from that and I believe Mr. Robertson has
21 had some conversations with staff members. We
22 continue to oppose staff's recommendation.

23 JUDGE JORDAN: Do any of the other
24 parties have anything to say about where they are
25 with the status of this action, this application?

1 And I'm not hearing anything. So once
2 we go off the record and after I've left the room,
3 maybe the parties can use this time to discuss what
4 those differences are and may be, and if they cannot
5 resolve that, the parties can certainly propose a
6 schedule to the Commission, and you can use this
7 time for that purpose as well.

8 Anything else that the parties would
9 like to raise on the record before we go off the
10 record and I make my inquires?

11 MR. POPPEN: None by the applicant.

12 JUDGE JORDAN: Anything from the
13 intervenor?

14 MR. TEXTOR: No.

15 JUDGE JORDAN: Anything from anyone else
16 in the room? Yes, Counsel.

17 MS. BAKER: I would bring up one thing
18 about in our response we did ask that a customer
19 notice go out.

20 JUDGE JORDAN: Uh-huh.

21 MS. BAKER: And I have not heard
22 anything back from that.

23 JUDGE JORDAN: Right. I don't think
24 there's any response to that and certainly the
25 Commission has made no order on that.

1 MS. BAKER: Right. And I would renew,
2 then, my request for a customer notice.

3 JUDGE JORDAN: And you might want to
4 consider that in the context of scheduling as well
5 as to when that should go out, maybe you'll want
6 comments and things like that as well.

7 MS. BAKER: All right.

8 JUDGE JORDAN: So anything else before
9 we go off the record?

10 MR. POPPEN: No, Your Honor.

11 JUDGE JORDAN: I'm not hearing anything,
12 so with that we will adjourn the on-the-record
13 portion of this conference and we will go off the
14 record.

15 (The on-the-record portion of the
16 conference concluded at 10:38 a.m.)

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CERTIFICATE OF REPORTER

I, Amanda N. Farrar, a Certified Court Reporter for the State of Missouri, do hereby certify that this transcript was taken by me to the best of my ability and thereafter reduced to typewriting by me; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this conference 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.

Certified Court Reporter

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