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STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
  
TRANSCRIPT OF PROCEEDINGS  
Public Hearing  
April 29, 2015  
Waynesville, Missouri  
Volume 1

In the Matter of the Application       )  
of Ridge Creek Water Company, LLC       )  
for a Certificate of Convenience       )  
and Necessity Authorizing it to       )  
Construct, Install, Own, Operate,       ) File No.  
Control, Manage and Maintain a Water) WA-2015-0182  
System for the Public Located in an )  
Unincorporated Area in Pulaski       )  
County, Missouri.                       )

KIM S. BURTON, Presiding,  
REGULATORY LAW JUDGE.

REPORTED BY:  
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MIDWEST LITIGATION SERVICES

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21 Service Commission.

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25

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

2 (WHEREUPON, the public hearing began  
3 at 7:05 p.m.)

4 JUDGE BURTON: We're on the record in  
5 the matter of the application of Ridge Creek Water  
6 Company, LLC for a certificate of convenience and  
7 necessity authorizing it to construct, install,  
8 own, operate, control, manage and maintain a water  
9 system for the public located in an unincorporated  
10 area in Pulaski County, Missouri. This is File  
11 No. WA-2015-0182.

12 Good evening, everyone. My name is  
13 Kim Burton. I'm a Regulatory Law Judge with the  
14 Missouri Public Service Commission. I don't have  
15 the microphone on right now, so just raise your  
16 hands if you can't hear me or if you have any  
17 difficulties hearing me.

18 Right now, I'm here on behalf of the  
19 Commission. Everything that will be offered as  
20 testimony will be part of the record and will be  
21 reviewed by the five Commissioners later. And you  
22 see this lovely lady over here that is transcribing  
23 everything that is going to be stated.

24 Now, what will happen is I have a  
25 list of two individuals who have printed your name.

1 I know you've already had the Q and A session, but  
2 if you'd like to, I'd ask you to please come up  
3 here to the podium and I will swear you in. I'll  
4 take your testimony. I might have some questions  
5 for you. If not, I would ask that you please stay  
6 up at the podium because all of the attorneys  
7 present will have an opportunity to ask you a  
8 question.

9 Now, I know they probably already  
10 answered some questions you might have had  
11 previously, but this way the Commission will have  
12 an opportunity to review and ensure that everything  
13 is answered on the record. So please stay up at  
14 the podium until I excuse you.

15 Now, I know we just have two people  
16 up here who have identified themselves as possibly  
17 wanting to testify today. Now, perhaps all of your  
18 questions were answered during the question and  
19 answer session. If so, you don't have to testify.  
20 But if for some reason your name isn't on here,  
21 I'll see if you want to testify and you'll have an  
22 opportunity to come up afterwards.

23 Now, at this time I'm going to go  
24 ahead and have the parties enter their appearance  
25 for the record, and we'll start with the

1 representatives for Ridge Creek Water Company, LLC.

2 MR. COMLEY: Good evening, Judge

3 Burton. Let the record reflect the entry of

4 Mark W. Comley of Newman, Comley & Ruth on behalf

5 of Ridge Creek Water Company, LLC.

6 JUDGE BURTON: Thank you, Mr. Comley.

7 And on behalf of the Staff of the Missouri Public

8 Service Commission?

9 MS. MUETH: Marcella Mueth.

10 JUDGE BURTON: And on behalf of the

11 Office of the Public Counsel?

12 MS. BAKER: Thank you. Christina

13 Baker, P.O. Box 2230, Jefferson City, Missouri

14 65109, appearing on behalf of the Office of the

15 Public Counsel and the customers.

16 JUDGE BURTON: Thank you. And the

17 Missouri Department of Natural Resources?

18 MS. FOLTA: Thais Folta, T-h-a-i-s,

19 Folta, F-o-l-t-a, attorney with the Attorney

20 General's Office, here on behalf of DNR.

21 JUDGE BURTON: All right. Thank you.

22 At this time I would ask James Laderer to please

23 step forward. Now, would you please raise your

24 right hand.

25 (Witness sworn.)

1 JUDGE BURTON: Would you please state  
2 your name and spell it for the record.

3 MR. LADERER: James Laderer,  
4 J-a-m-e-s, L-a-d-e-r-e-r.

5 JUDGE BURTON: All right. Thank you.

6 MR. LADERER: You're welcome. Ma'am,  
7 earlier, a few years ago, we got a letter stating  
8 that Ridge Creek had installed water meters, and  
9 according to their letter, they realized that it  
10 was going to be too cost prohibitive for them to  
11 operate this.

12 Now, one of the things that I have an  
13 issue with is, it seems to me that they're going  
14 to -- they would stand to lose money because my  
15 typical water bill when I was in North Carolina was  
16 between 20 and \$24. Now I'm paying a flat fee of  
17 \$33 a month.

18 Now, I understand it'd probably  
19 fluctuate a little bit, different areas, different  
20 states. However, a \$13 uptick is quite  
21 significant. And if they have already installed  
22 all of this equipment, they should be utilizing  
23 this equipment.

24 And one of the things that's also  
25 hurting us is because I've been over a year without

1 a water bill -- or correction, a sewer bill or  
2 anything like that. The sewer district had to  
3 charge me on the -- what the DNR says that they  
4 have to charge me. Now, that right there comes out  
5 to about another \$65 or so. So approximately every  
6 month I pay \$100 for water and sewer.

7 If these meters were in place and the  
8 sewer district could see how much water I was  
9 actually using, they too could properly bill me  
10 instead of me having to pay an exorbitant amount of  
11 money each month for water and sewer.

12 So I would like to offer in this  
13 letter.

14 JUDGE BURTON: Okay. It's got two  
15 pages, correct?

16 MR. LADERER: Yes, ma'am.

17 JUDGE BURTON: I'm going to give the  
18 attorneys an opportunity to review this if you  
19 would like.

20 MR. LADERER: That was the one  
21 stating about the water meters. And the second  
22 one, and many of the other residents also received  
23 it, is the one for the billing that we haven't been  
24 billed for for nine months. And we weren't going  
25 to pay because we didn't receive a bill. Every

1 other utility or creditor that we have every month  
2 we receive a bill or quarterly or however it's  
3 established, and we pay those. Well, without  
4 having an actual invoice or something to prove  
5 where our money is going to, we didn't feel  
6 comfortable actually paying the quarterly fees.

7 And now, Ms. Stoner has sent out a  
8 letter stating that, you know, she was behind  
9 sending out the bills, which was perfectly fine,  
10 and that she wanted us to pay it, and that's  
11 perfectly fine as well because we were using the  
12 water.

13 However, in here she said that she  
14 wanted the first bill due pretty much upon receipt  
15 of the bill, and then the one for the following  
16 quarter two weeks later, and the following quarter  
17 another two weeks later, which comes out to  
18 approximately \$300. So within four to six weeks,  
19 an outlay of \$300 just for water.

20 And on the Facebook page for our  
21 neighborhood, she had said that we had until the  
22 July billing period to have this paid. So I'd also  
23 like to offer up this as well, ma'am.

24 I guess my chief concern and  
25 complaint is that the inconsistency of the billing,



1 the higher prices that we have to pay, some of us  
2 have to pay to the sewer district. And also  
3 Ms. Stoner claims that the water was tested for  
4 potability and drinkability June of last year. So  
5 all these wells are not getting properly tested for  
6 drinking water.

7 I have a three-year-old and a  
8 ten-month-old at home. So obviously my concerns  
9 are quite high. Is the water that I'm using to  
10 prepare our food and give to my children and bathe  
11 my children in actually safe for me and my entire  
12 family? And these things are not, in my opinion,  
13 being properly addressed.

14 JUDGE BURTON: Okay. Thank you. I  
15 have a few questions for you.

16 MR. LADERER: Yes, ma'am.

17 JUDGE BURTON: First of all, where do  
18 you reside?

19 MR. LADERER: I live at 18730 Lynn  
20 Lane.

21 JUDGE BURTON: And that's -- is that  
22 in a certain subdivision?

23 MR. LADERER: It's in the Ridge Creek  
24 Subdivision, ma'am.

25 JUDGE BURTON: Okay. Now, you

1 identified -- I'm going to go ahead and, for the  
2 parties to know -- hold on one second. We're going  
3 to mark the first exhibit, the Ridge Creek  
4 development later dated November 30th, 2013 as  
5 LPH-1. And I believe that the attorney for Staff  
6 is still reviewing the second item that was  
7 produced by Mr. Laderer, and I'm going to have that  
8 marked as LPH-2.

9 So it's the Ridge Creek residence in  
10 the Ridge Creek Subdivision whenever you state that  
11 the individuals we didn't -- weren't going to pay  
12 because you got the letter late; is that correct?

13 MR. LADERER: No, no. Me, my wife  
14 and I. So yes, it was just my household. It was a  
15 decision that we made. I'm not speaking for any  
16 other residents of the neighborhood.

17 JUDGE BURTON: Okay. I just wanted  
18 to check and see.

19 MR. LADERER: Yes, ma'am.

20 JUDGE BURTON: Okay. I think those  
21 are all the questions I have for you right now, but  
22 hold on one moment, please.

23 Have the attorneys had an opportunity  
24 to review the exhibits? Are there any objections  
25 to the admission of Exhibits LPH-1 and LPH-2?

1 MR. COMLEY: No.

2 MS. BAKER: No objection.

3 MS. FOLTA: No.

4 MS. MUETH: No.

5 JUDGE BURTON: LPH-1 and LPH-2 will  
6 be admitted into the record.

7 (EXHIBIT NOS. LPH-1 AND LPH-2 WERE  
8 RECEIVED INTO EVIDENCE.)

9 JUDGE BURTON: I actually did have  
10 another question for you. You mentioned the water  
11 service from Ridge Creek. However, it looks like  
12 it's Ridge Creek Development, LLC?

13 MR. LADERER: Yes.

14 JUDGE BURTON: Okay. Not Ridge Creek  
15 Water Company, LLC?

16 MR. LADERER: As far as I know,  
17 they're one and the same, ma'am.

18 MR. COMLEY: For clarification,  
19 Judge, the Applicant is a different LLC than the  
20 development company. The assets of the water  
21 system are developed by the development company,  
22 and that's the letterhead for the development  
23 company.

24 JUDGE BURTON: Okay. All right.  
25 Now, at this time I'm going to see if any of the

1 attorneys have any questions for you. Mr. Comley?

2 MR. COMLEY: Mr. Laderer, you were in  
3 the question and answer session earlier this  
4 evening, were you not?

5 MR. LADERER: Yes, sir.

6 MR. COMLEY: You understand that you  
7 have until July of this year to pay the bill that  
8 you referred to in your testimony?

9 MR. LADERER: Yes, sir. However, in  
10 the letter it states the 15th of May, I believe.

11 MR. COMLEY: To confirm, you  
12 understand that Ms. Stoner this evening has said  
13 that you have until July?

14 MR. LADERER: Yes, sir. Yes.

15 MR. COMLEY: I have no other  
16 questions.

17 JUDGE BURTON: Staff?

18 MS. MUETH: No questions, your Honor.

19 JUDGE BURTON: DNR?

20 MS. FOLTA: Mr. Laderer, how long  
21 have you lived in Ridge Creek?

22 MR. LADERER: Just over two years  
23 now.

24 MS. FOLTA: That's all.

25 JUDGE BURTON: OPC?

1 MS. BAKER: No questions. Thank you.

2 JUDGE BURTON: Okay. Thank you. I  
3 actually do have a question for you. These are  
4 going to be admitted into the record. So is that  
5 okay if you don't receive it back?

6 MR. LADERER: Well, if I could just  
7 receive a copy back, that would be -- I don't need  
8 to get the original. I'd just like to have a copy.  
9 My wife is very meticulous about this, about our  
10 bills.

11 MS. BAKER: I can make copies and  
12 give you them.

13 JUDGE BURTON: That will work then.  
14 Thank you very much. We'll make sure, as long as  
15 Ms. Baker has your contact information.

16 MR. LADERER: It does not need to be  
17 this evening.

18 JUDGE BURTON: All right. Thank you.  
19 Next up we have Brian White.

20 MR. WHITE: Good evening, ma'am.

21 (Witness sworn.)

22 JUDGE BURTON: Okay. Would you  
23 please state your name and spell it for the record.

24 MR. WHITE: Brian White, B-r-i-a-n,  
25 W-h-i-t-e.

1 JUDGE BURTON: Okay.

2 MR. WHITE: Ma'am, I've been a  
3 resident of Ridge Creek Development since September  
4 2008, and from that time up until where we are  
5 today, when I initially moved in we were paying a  
6 flat water rate of \$28 per month for every month  
7 with the exception of, I want to say, June, July or  
8 August our rates was increased to \$33 a month, and  
9 that was due to the summer, people watering grass,  
10 kids playing in the water, whatever the case may  
11 be.

12 October/November time frame of 2013  
13 is when all the residents received the letter from  
14 the Stoners saying that they were going to meter  
15 all of the wells and that we would be charged a  
16 flat rate for the first 5,000 gallons and then an  
17 additional rate per every thousand gallons over  
18 that. We were told that that billing was going to  
19 start in January of 2014.

20 In January of 2014, when that billing  
21 did not start, I contacted Mr. Stoner, and he told  
22 me that there was a glitch between the computer  
23 system and the meters that was installed on all of  
24 the wells. That's why they wasn't being put into  
25 use. He also stated at that time that they were

1 sending a letter out saying that the monthly rate  
2 for water was going to be a flat rate of \$33.

3 I present to the court that that's  
4 high. Although this is not my bill, this is a bill  
5 from one of my coworkers who lives in the city of  
6 St. Robert, that shows her water consumption on her  
7 bill for the last month was \$22.50.

8 It's my opinion that the people of  
9 Ridge Creek are being charged an exorbitant amount  
10 of money just for the water. Our water, as  
11 previously stated, has not been tested. Although,  
12 you know, they say that the water was tested in  
13 June of last year, we have no proof of that. None  
14 of the residents have proof of that.

15 The water is hard. Even running my  
16 water through a water softener, this past weekend I  
17 had to vacuum out all the sediment out of the  
18 bottom of my hot water tank just to get it to  
19 operate, and I had to replace both heating  
20 elements.

21 So there's definitely water issues in  
22 Ridge Creek that needs to be looked at, and I just  
23 ask that the Public Service Commission holds their  
24 feet to the fires and we get this taken care of.  
25 That's all I had.

1 MS. BURTON: All right. Well, thank  
2 you.

3 MR. WHITE: I would like to present  
4 this to the court. Again, that is a bill from one  
5 of my coworkers.

6 JUDGE BURTON: I'm going to mark this  
7 as LPH-3. If the parties would like to review this  
8 and state if they have any objections to the  
9 admission.

10 MS. FOLTA: No objection, your Honor.

11 MS. MUETH: Staff has no objection,  
12 your Honor.

13 JUDGE BURTON: All right. Thank you.

14 MS. BAKER: No objection. I would  
15 just ask that the pertinent information be  
16 redacted.

17 MR. COMLEY: Your Honor, my objection  
18 would be if it's offered for any purpose other than  
19 a rate comparison between the water district and a  
20 utility company regulated by the Commission. If  
21 it's offered for that purpose, I have no objection.

22 JUDGE BURTON: Okay. We'll limit it  
23 to that purpose, and I will make sure before it's  
24 actually admitted into the record that any of the  
25 private information for Mr. and Mrs. Buckley is



1 going to be redacted from this bill.

2 (EXHIBIT LPH-3 WAS RECEIVED INTO  
3 EVIDENCE, PENDING REDACTION OF PRIVATE  
4 INFORMATION.)

5 MR. WHITE: Thank you.

6 JUDGE BURTON: Are there any  
7 questions from company?

8 MR. COMLEY: I have none.

9 JUDGE BURTON: Okay. Staff?

10 MS. MUETH: Just a few. Mr. White,  
11 you said that you were contacted and informed that  
12 your bill -- you would be receiving a notification  
13 that your bill was going to increase to \$33 a  
14 month?

15 MR. WHITE: Yes, ma'am.

16 MS. MUETH: Did you ever get that  
17 notification in the mail?

18 MR. WHITE: I do not believe so, no,  
19 ma'am.

20 MS. MUETH: Were you told when that  
21 \$33 a month rate would take effect?

22 MR. WHITE: January of 2014, when the  
23 rates did go up.

24 MS. MUETH: And you did begin  
25 receiving bills at that time for that \$33?

1 MR. WHITE: Sporadically, yes.

2 MS. MUETH: I have no further  
3 questions.

4 JUDGE BURTON: DNR?

5 MS. FOLTA: No questions.

6 JUDGE BURTON: OPC?

7 MS. BAKER: No questions. Thank you.

8 JUDGE BURTON: Well, thank you very  
9 much.

10 MR. WHITE: Thank you, ma'am.

11 JUDGE BURTON: Those are the two  
12 names that I have listed of individuals who've  
13 requested prior to the beginning of this session to  
14 testify. Are there any other individuals who would  
15 like to have some statements admitted on the record  
16 for the Commission's review?

17 Seeing no hands, we'll go ahead and  
18 conclude today's hearing. I want to thank you all  
19 for appearing here tonight, and I hope you have a  
20 very pleasant evening. We're off the record.

21 (WHEREUPON, the public hearing  
22 concluded at 7:22 p.m.)

23

24

25

1	EXHIBITS INDEX	
2		RECEIVED
3	EXHIBIT LPH-1	
	November 30, 2013 Ridge Creek	
4	Development Letter	11
5	EXHIBIT LPH-2	
	Letter re Bills	11
6		
	EXHIBIT LPH-3	
7	Bill of Mr. and Mrs. Buckley	17
8		
	EXHIBIT INSTRUCTIONS:	
9		
	Retained by Judge Burton.	
10		
11		
12		
13		
14		
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16		
17		
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C E R T I F I C A T E

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STATE OF MISSOURI)

) ss.

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COUNTY OF COLE )

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I, Kellene K. Feddersen, Certified

6

Shorthand Reporter with the firm of Midwest

7

Litigation Services, do hereby certify that I was

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personally present at the proceedings had in the

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above-entitled cause at the time and place set

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forth in the caption sheet thereof; that I then and

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there took down in Stenotype the proceedings had;

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and that the foregoing is a full, true and correct

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transcript of such Stenotype notes so made at such

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time and place.

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Given at my office in the City of

16

Jefferson, County of Cole, State of Missouri.

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Kellene K. Feddersen, RPR, CSR, CCR

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<b>A</b>	13:11,15 16:14 18:7 <b>bathe</b> 9:10 <b>began</b> 3:2 <b>beginning</b> 18:13 <b>behalf</b> 3:18 5:4,7 5:10,14,20 <b>believe</b> 10:5 12:10 17:18 <b>bill</b> 6:15 7:1,1,9 7:25 8:2,14,15 12:7 15:4,4,7 16:4 17:1,12,13 19:7 <b>billed</b> 7:24 <b>billing</b> 7:23 8:22 8:25 14:18,20 <b>bills</b> 8:9 13:10 17:25 19:5 <b>bit</b> 6:19 <b>bottom</b> 15:18 <b>Box</b> 2:3,8,13,18 5:13 <b>Brian</b> 13:19,24 <b>Buckley</b> 16:25 19:7 <b>Building</b> 2:8 <b>Burton</b> 1:18 3:4 3:13 5:3,6,10 5:16,21 6:1,5 7:14,17 9:14,17 9:21,25 10:17 10:20 11:5,9,14 11:24 12:17,19 12:25 13:2,13 13:18,22 14:1 16:1,6,13,22 17:6,9 18:4,6,8 18:11 19:9 <b>B-r-i-a-n</b> 13:24	<b>cause</b> 20:9 <b>CCR</b> 1:23 20:17 <b>certain</b> 9:22 <b>certificate</b> 1:12 3:6 <b>Certified</b> 20:5 <b>certify</b> 20:7 <b>charge</b> 7:3,4 <b>charged</b> 14:15 15:9 <b>check</b> 10:18 <b>chief</b> 8:24 <b>children</b> 9:10,11 <b>Christina</b> 2:12 5:12 <b>city</b> 2:4,9,14,19 5:13 15:5 20:15 <b>claims</b> 9:3 <b>clarification</b> 11:18 <b>Cole</b> 20:4,16 <b>come</b> 4:2,22 <b>comes</b> 7:4 8:17 <b>comfortable</b> 8:6 <b>Comley</b> 2:2,2 5:2 5:4,4,6 11:1,18 12:1,2,6,11,15 16:17 17:8 <b>comleym@ncr...</b> 2:5 <b>Commission</b> 1:2 2:17,21 3:14,19 4:11 5:8 15:23 16:20 <b>Commissioners</b> 3:21 <b>Commission's</b> 18:16 <b>company</b> 1:11 2:6 3:6 5:1,5 11:15,20,21,23 16:20 17:7 <b>comparison</b> 16:19 <b>complaint</b> 8:25 <b>computer</b> 14:22 <b>concern</b> 8:24	<b>concerns</b> 9:8 <b>conclude</b> 18:18 <b>concluded</b> 18:22 <b>confirm</b> 12:11 <b>construct</b> 1:13 3:7 <b>consumption</b> 15:6 <b>contact</b> 13:15 <b>contacted</b> 14:21 17:11 <b>control</b> 1:13 3:8 <b>convenience</b> 1:12 3:6 <b>copies</b> 13:11 <b>copy</b> 13:7,8 <b>correct</b> 7:15 10:12 20:12 <b>correction</b> 7:1 <b>cost</b> 6:10 <b>Counsel</b> 2:12,12 2:15,17 5:11,15 <b>County</b> 1:15 3:10 20:4,16 <b>court</b> 2:8 15:3 16:4 <b>coworkers</b> 15:5 16:5 <b>creditor</b> 8:1 <b>Creek</b> 1:11 2:6 3:5 5:1,5 6:8 9:23 10:3,9,10 11:11,12,14 12:21 14:3 15:9 15:22 19:3 <b>CSR</b> 1:23 20:17 <b>customers</b> 5:15	10:4 11:12,20 11:21,22 14:3 19:4 <b>different</b> 6:19,19 11:19 <b>difficulties</b> 3:17 <b>district</b> 7:2,8 9:2 16:19 <b>DNR</b> 5:20 7:3 12:19 18:4 <b>drinkability</b> 9:4 <b>drinking</b> 9:6 <b>due</b> 8:14 14:9
		<b>D</b>	<b>E</b>	
	<b>C</b>	<b>D</b> 3:1 <b>dated</b> 10:4 <b>decision</b> 10:15 <b>definitely</b> 15:21 <b>Department</b> 2:10 5:17 <b>developed</b> 11:21 <b>development</b>	<b>E</b> 3:1,1 20:2,2 <b>earlier</b> 6:7 12:3 <b>effect</b> 17:21 <b>elements</b> 15:20 <b>ensure</b> 4:12 <b>enter</b> 4:24 <b>entire</b> 9:11 <b>entry</b> 5:3 <b>equipment</b> 6:22 6:23 <b>established</b> 8:3 <b>evening</b> 3:12 5:2 12:4,12 13:17 13:20 18:20 <b>EVIDENCE</b> 11:8 17:3 <b>exception</b> 14:7 <b>excuse</b> 4:14 <b>exhibit</b> 10:3 11:7 17:2 19:3,5,6,8 <b>exhibits</b> 10:24,25 19:1 <b>exorbitant</b> 7:10 15:9	
<b>B</b>	<b>Care</b> 3:1 20:2,2 <b>caption</b> 20:10 <b>care</b> 15:24 <b>Carolina</b> 6:15 <b>case</b> 14:10		<b>F</b>	
<b>back</b> 13:5,7 <b>Baker</b> 2:12 5:12 5:13 11:2 13:1			<b>F</b> 20:2 <b>Facebook</b> 8:20 <b>family</b> 9:12 <b>far</b> 11:16 <b>Feddersen</b> 1:23 20:5,17	

<b>fee</b> 6:16 <b>feel</b> 8:5 <b>fees</b> 8:6 <b>feet</b> 15:24 <b>File</b> 1:13 3:10 <b>fine</b> 8:9,11 <b>fires</b> 15:24 <b>firm</b> 20:6 <b>first</b> 8:14 9:17 10:3 14:16 <b>five</b> 3:21 <b>flat</b> 6:16 14:6,16 15:2 <b>fluctuate</b> 6:19 <b>following</b> 8:15,16 <b>Folta</b> 2:7 5:18,18 5:19 11:3 12:20 12:24 16:10 18:5 <b>food</b> 9:10 <b>foregoing</b> 20:12 <b>forth</b> 20:10 <b>forward</b> 5:23 <b>four</b> 8:18 <b>frame</b> 14:12 <b>full</b> 20:12 <b>further</b> 18:2 <b>F-o-l-t-a</b> 5:19 <hr/> <b>G</b> <hr/> <b>G</b> 3:1 <b>gallons</b> 14:16,17 <b>General</b> 2:7 <b>General's</b> 5:20 <b>getting</b> 9:5 <b>give</b> 7:17 9:10 13:12 <b>Given</b> 20:15 <b>glitch</b> 14:22 <b>go</b> 4:23 10:1 17:23 18:17 <b>going</b> 3:23 4:23 6:10,13 7:17,24 8:5 10:1,2,7,11 11:25 13:4 14:14,18 15:2 16:6 17:1,13	<b>Good</b> 3:12 5:2 13:20 <b>grass</b> 14:9 <b>guess</b> 8:24 <hr/> <b>H</b> <hr/> <b>hand</b> 5:24 <b>hands</b> 3:16 18:17 <b>happen</b> 3:24 <b>hard</b> 15:15 <b>hear</b> 3:16 <b>hearing</b> 1:6 3:2 3:17 18:18,21 <b>heating</b> 15:19 <b>high</b> 9:9 15:4 <b>higher</b> 9:1 <b>hold</b> 10:2,22 <b>holds</b> 15:23 <b>home</b> 9:8 <b>Honor</b> 12:18 16:10,12,17 <b>hope</b> 18:19 <b>hot</b> 15:18 <b>household</b> 10:14 <b>hurting</b> 6:25 <hr/> <b>I</b> <hr/> <b>identified</b> 4:16 10:1 <b>inconsistency</b> 8:25 <b>increase</b> 17:13 <b>increased</b> 14:8 <b>INDEX</b> 19:1 <b>individuals</b> 3:25 10:11 18:12,14 <b>information</b> 13:15 16:15,25 17:4 <b>informed</b> 17:11 <b>initially</b> 14:5 <b>install</b> 1:13 3:7 <b>installed</b> 6:8,21 14:23 <b>INSTRUCTIO...</b> 19:8 <b>invoice</b> 8:4	<b>issue</b> 6:13 <b>issues</b> 15:21 <b>item</b> 10:6 <b>it'd</b> 6:18 <hr/> <b>J</b> <hr/> <b>James</b> 5:22 6:3 <b>January</b> 14:19 14:20 17:22 <b>Jefferson</b> 2:4,9 2:14,19 5:13 20:16 <b>Judge</b> 1:19 3:4 3:13 5:2,6,10 5:16,21 6:1,5 7:14,17 9:14,17 9:21,25 10:17 10:20 11:5,9,14 11:19,24 12:17 12:19,25 13:2 13:13,18,22 14:1 16:6,13,22 17:6,9 18:4,6,8 18:11 19:9 <b>July</b> 8:22 12:7,13 14:7 <b>June</b> 9:4 14:7 15:13 <b>J-a-m-e-s</b> 6:4 <hr/> <b>K</b> <hr/> <b>K</b> 1:23 20:5,17 <b>Kellene</b> 1:23 20:5 20:17 <b>kids</b> 14:10 <b>Kim</b> 1:18 3:13 <b>know</b> 4:1,9,15 8:8 10:2 11:16 15:12 <hr/> <b>L</b> <hr/> <b>Laderer</b> 5:22 6:3 6:3,6 7:16,20 9:16,19,23 10:7 10:13,19 11:13 11:16 12:2,5,9 12:14,20,22	13:6,16 <b>lady</b> 3:22 <b>Lane</b> 9:20 <b>late</b> 10:12 <b>Law</b> 1:19 2:2 3:13 <b>letter</b> 6:7,9 7:13 8:8 10:12 12:10 14:13 15:1 19:4 19:5 <b>letterhead</b> 11:22 <b>limit</b> 16:22 <b>list</b> 3:25 <b>listed</b> 18:12 <b>Litigation</b> 1:23 20:7 <b>little</b> 6:19 <b>live</b> 9:19 <b>lived</b> 12:21 <b>lives</b> 15:5 <b>LLC</b> 1:11 3:6 5:1 5:5 11:12,15,19 <b>located</b> 1:14 3:9 <b>long</b> 12:20 13:14 <b>looked</b> 15:22 <b>looks</b> 11:11 <b>lose</b> 6:14 <b>lovely</b> 3:22 <b>LPH-1</b> 10:5,25 11:5,7 19:3 <b>LPH-2</b> 10:8,25 11:5,7 19:5 <b>LPH-3</b> 16:7 17:2 19:6 <b>Lynn</b> 9:19 <b>L-a-d-e-r-e-r</b> 6:4 <hr/> <b>M</b> <hr/> <b>Madison</b> 2:13,18 <b>mail</b> 17:17 <b>maintain</b> 1:13 3:8 <b>manage</b> 1:13 3:8 <b>Marcella</b> 5:9 <b>MARCIE</b> 2:17 <b>mark</b> 2:2 5:4 10:3 16:6	<b>marked</b> 10:8 <b>matter</b> 1:11 3:5 <b>ma'am</b> 6:6 7:16 8:23 9:16,24 10:19 11:17 13:20 14:2 17:15,19 18:10 <b>mentioned</b> 11:10 <b>meter</b> 14:14 <b>meters</b> 6:8 7:7,21 14:23 <b>meticulous</b> 13:9 <b>microphone</b> 3:15 <b>Midwest</b> 1:23 20:6 <b>Missouri</b> 1:1,8 1:15 2:10,17,20 3:10,14 5:7,13 5:17 20:3,16 <b>MO</b> 2:4,9,14,19 <b>moment</b> 10:22 <b>money</b> 6:14 7:11 8:5 15:10 <b>Monroe</b> 2:3 <b>month</b> 6:17 7:6 7:11 8:1 14:6,6 14:8 15:7 17:14 17:21 <b>monthly</b> 15:1 <b>months</b> 7:24 <b>moved</b> 14:5 <b>Mueth</b> 2:17 5:9,9 11:4 12:18 16:11 17:10,16 17:20,24 18:2 <hr/> <b>N</b> <hr/> <b>N</b> 3:1 <b>name</b> 3:12,25 4:20 6:2 13:23 <b>names</b> 18:12 <b>Natural</b> 2:10 5:17 <b>necessity</b> 1:12 3:7 <b>need</b> 13:7,16 <b>needs</b> 15:22
--	---	--	--	---

<b>neighborhood</b> 8:21 10:16 <b>Newman</b> 2:2 5:4 <b>nine</b> 7:24 <b>North</b> 6:15 <b>NOS</b> 11:7 <b>notes</b> 20:13 <b>notification</b> 17:12,17 <b>November</b> 10:4 19:3 <hr/> <b>O</b> <hr/> <b>O</b> 3:1 <b>objection</b> 11:2 16:10,11,14,17 16:21 <b>objections</b> 10:24 16:8 <b>obviously</b> 9:8 <b>October/Nove...</b> 14:12 <b>offer</b> 7:12 8:23 <b>offered</b> 3:19 16:18,21 <b>office</b> 2:12,15 5:11,14,20 20:15 <b>okay</b> 7:14 9:14 9:25 10:17,20 11:14,24 13:2,5 13:22 14:1 16:22 17:9 <b>OPC</b> 12:25 18:6 <b>operate</b> 1:13 3:8 6:11 15:19 <b>opinion</b> 9:12 15:8 <b>opportunity</b> 4:7 4:12,22 7:18 10:23 <b>original</b> 13:8 <b>outlay</b> 8:19 <hr/> <b>P</b> <hr/> <b>P</b> 3:1 <b>page</b> 8:20	<b>pages</b> 7:15 <b>paid</b> 8:22 <b>part</b> 3:20 <b>parties</b> 4:24 10:2 16:7 <b>pay</b> 7:6,10,25 8:3 8:10 9:1,2 10:11 12:7 <b>paying</b> 6:16 8:6 14:5 <b>PENDING</b> 17:3 <b>people</b> 4:15 14:9 15:8 <b>perfectly</b> 8:9,11 <b>period</b> 8:22 <b>personally</b> 20:8 <b>pertinent</b> 16:15 <b>place</b> 7:7 20:9,14 <b>playing</b> 14:10 <b>pleasant</b> 18:20 <b>please</b> 4:2,5,13 5:22,23 6:1 10:22 13:23 <b>podium</b> 4:3,6,14 <b>possibly</b> 4:16 <b>potability</b> 9:4 <b>prepare</b> 9:10 <b>present</b> 4:7 15:3 16:3 20:8 <b>Presiding</b> 1:18 <b>pretty</b> 8:14 <b>previously</b> 4:11 15:11 <b>prices</b> 9:1 <b>printed</b> 3:25 <b>prior</b> 18:13 <b>private</b> 16:25 17:3 <b>probably</b> 4:9 6:18 <b>proceedings</b> 1:5 20:8,11 <b>produced</b> 10:7 <b>prohibitive</b> 6:10 <b>proof</b> 15:13,14 <b>properly</b> 7:9 9:5 9:13	<b>prove</b> 8:4 <b>public</b> 1:2,6,14 2:12,12,15,16 2:17,20 3:2,9 3:14 5:7,11,15 15:23 18:21 <b>Pulaski</b> 1:14 3:10 <b>purpose</b> 16:18,21 16:23 <b>put</b> 14:24 <b>p.m</b> 3:3 18:22 <b>P.O</b> 2:3,8,13,18 5:13 <hr/> <b>Q</b> <hr/> <b>quarter</b> 8:16,16 <b>quarterly</b> 8:2,6 <b>question</b> 4:8,18 11:10 12:3 13:3 <b>questions</b> 4:4,10 4:18 9:15 10:21 12:1,16,18 13:1 17:7 18:3,5,7 <b>quite</b> 6:20 9:9 <hr/> <b>R</b> <hr/> <b>R</b> 3:1 20:2 <b>raise</b> 3:15 5:23 <b>rate</b> 14:6,16,17 15:1,2 16:19 17:21 <b>rates</b> 14:8 17:23 <b>realized</b> 6:9 <b>reason</b> 4:20 <b>receipt</b> 8:14 <b>receive</b> 7:25 8:2 13:5,7 <b>received</b> 7:22 11:8 14:13 17:2 19:2 <b>receiving</b> 17:12 17:25 <b>record</b> 3:4,20 4:13,25 5:3 6:2 11:6 13:4,23 16:24 18:15,20 <b>redacted</b> 16:16	17:1 <b>REDACTION</b> 17:3 <b>referred</b> 12:8 <b>reflect</b> 5:3 <b>regulated</b> 16:20 <b>Regulatory</b> 1:19 3:13 <b>replace</b> 15:19 <b>REPORTED</b> 1:22 <b>Reporter</b> 20:6 <b>representatives</b> 5:1 <b>requested</b> 18:13 <b>reside</b> 9:18 <b>residence</b> 10:9 <b>resident</b> 14:3 <b>residents</b> 7:22 10:16 14:13 15:14 <b>Resources</b> 2:11 5:17 <b>Retained</b> 19:9 <b>review</b> 4:12 7:18 10:24 16:7 18:16 <b>reviewed</b> 3:21 <b>reviewing</b> 10:6 <b>Ridge</b> 1:11 2:6 3:5 5:1,5 6:8 9:23 10:3,9,10 11:11,12,14 12:21 14:3 15:9 15:22 19:3 <b>right</b> 3:15,18 5:21,24 6:5 7:4 10:21 11:24 13:18 16:1,13 <b>Robert</b> 15:6 <b>RPR</b> 1:23 20:17 <b>running</b> 15:15 <b>Ruth</b> 2:2 5:4 <hr/> <b>S</b> <hr/> <b>S</b> 1:18 3:1 <b>safe</b> 9:11	<b>saying</b> 14:14 15:1 <b>says</b> 7:3 <b>second</b> 7:21 10:2 10:6 <b>sediment</b> 15:17 <b>see</b> 3:22 4:21 7:8 10:18 11:25 <b>Seeing</b> 18:17 <b>sending</b> 8:9 15:1 <b>sent</b> 8:7 <b>September</b> 14:3 <b>service</b> 1:2 2:17 2:21 3:14 5:8 11:11 15:23 <b>Services</b> 1:23 20:7 <b>session</b> 4:1,19 12:3 18:13 <b>set</b> 20:9 <b>sewer</b> 7:1,2,6,8 7:11 9:2 <b>sheet</b> 20:10 <b>Shorthand</b> 20:6 <b>shows</b> 15:6 <b>significant</b> 6:21 <b>sir</b> 12:5,9,14 <b>six</b> 8:18 <b>softener</b> 15:16 <b>speaking</b> 10:15 <b>spell</b> 6:2 13:23 <b>Sporadically</b> 18:1 <b>ss</b> 20:3 <b>St</b> 15:6 <b>Staff</b> 2:17,20 5:7 10:5 12:17 16:11 17:9 <b>stand</b> 6:14 <b>start</b> 4:25 14:19 14:21 <b>state</b> 1:1 6:1 10:10 13:23 16:8 20:3,16 <b>stated</b> 3:23 14:25 15:11 <b>statements</b> 18:15
---	--	---	--	---

