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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Prehearing Conference

June 19, 2003
Jefferson City, Missouri
Volume 1

In the Matter of Missouri-American)
Water Company's Tariff to Revise) Case No. WR-2003-0500
Water and Sewer Rate Schedules.)

BILL HOPKINS, Presiding,
SENIOR REGULATORY LAW JUDGE.

REPORTED BY:

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

2 JUDGE HOPKINS: This is Case No. WR-2003-0500,
3 and the operation of law date is currently April 16th, 2004.

4 My name is Bill Hopkins, and I'm the Law Judge
5 here. And if we could have you-all make your oral entries
6 of appearance, and we need the written ones, too. If we
7 could start with Mr. Snodgrass and go over this way, please.

8 MR. SNODGRASS: Good morning, Judge. My name
9 is Cliff Snodgrass. I represent the interests of the Staff
10 of the Missouri Public Service Commission. Keith Krueger
11 and Victoria Kizito from the General Counsel's Office will
12 also be appearing in this case, your Honor, and perhaps
13 several other attorneys from the General Counsel's Office
14 may appear in this case, too.

15 MR. COOPER: Dean L. Cooper from the law firm
16 of Brydon, Swearngen & England, P.C., P.O. Box 456,
17 Jefferson City, Missouri 65102, appearing on behalf of
18 Missouri-American Water Company.

19 MS. O'NEILL: Good morning, Judge. Ruth
20 O'Neill from the Office of the Public Counsel representing
21 the Office of the Public Counsel and the public. Our
22 mailing address is P.O. Box 7800, Jefferson City, Missouri
23 65102.

24 MR. CURTIS: Good morning, Judge. Leland B.
25 Curtis of the law firm of Curtis, Oetting, Heinz, Garrett &

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1 O'Keefe, 130 South Bemiston, Suite 200, St. Louis, Missouri
2 63105, enter appearance on behalf of the City of
3 Warrensburg.

4 MR. CONRAD: Good morning. Stuart W. Conrad,
5 law firm of Finnegan, Conrad & Peterson, 1209 Penntower,
6 3100 Broadway, Kansas City, Missouri 64111, on behalf of
7 intervenor Ag Processing.

8 I'd also like to enter the appearance
9 remotely, if I may, of Mr. Jeremiah D. Finnegan who is in
10 other parts of the world today, but had -- of the same law
11 firm, same address, not surprisingly, but he has filed a
12 petition to intervene on behalf of the City of Riverside.

13 JUDGE HOPKINS: Thank you. Anybody else?

14 MR. DEUTSCH: Jim Deutsch with the law firm of
15 Blitz, Bardgett & Deutsch, 308 East High Street, Suite 301,
16 Jefferson City, 65101, representing the intervenor City of
17 Joplin.

18 MR. STEWART: Good morning. Charles Brent
19 Stewart of the law firm Stewart & Keevil, 1001 Cherry
20 Street, Suite 302, Columbia, Missouri 65201, representing
21 the Empire District Electric Company.

22 MR. FISCHER: James M. Fischer, Fischer &
23 Dority, PC, 101 Madison Street, Suite 400, Jefferson City,
24 Missouri, appearing today on behalf of three public water
25 supply districts, Public Water Supply District No. 1 and 2

1 of Andrew County, and Public Water Supply District No. 1 of
2 DeKalb County.

3 MS. BOND: Good morning. Jan Bond on behalf
4 of Utility Workers Local 335 out of St. Louis. I'm with the
5 firm of Diekemper, Hammond. My address is 7730 Carondelet,
6 Suite 200, St. Louis, Missouri 63105.

7 MR. DOWNEY: Good morning, Judge. Ed Downey,
8 Bryan Cave, LLP, 221 Bolivar Street, Suite 101, Jeff City,
9 Missouri, representing the Missouri Industrial Energy
10 Consumers.

11 MS. LANGENECKERT: Good morning, Judge. My
12 name is Lisa C. Langeneckert, law office of Robert Johnson,
13 720 Olive, 24th Floor, St. Louis, Missouri 63101. I and
14 Robert Johnson will be representing the Missouri Energy
15 Group in this matter.

16 MR. COMLEY: Good morning, Judge Hopkins.
17 Mark W. Comley, and today I'm appearing on behalf of the
18 City of Jefferson law department, representing the
19 intervenor City of Jefferson. And it is an interim post
20 and, as a consequence, I cannot recall the address of the
21 City Hall, and I have told the court reporter that she'll
22 have to look it up.

23 JUDGE HOPKINS: It's right down there, I
24 think.

25 MR. COMLEY: We can both find it. However,

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1 the numbers are escaping me today.

2 JUDGE HOPKINS: Is that all?

3 Now, I have some unruled motions which, of
4 course, are the applications to intervene. They will be
5 ruled on later. I also have some unruled motions that
6 Public Counsel and -- I didn't bring my whole file down here
7 because it weighs too much -- Staff and someone else asked
8 for a different procedural schedule, which if you-all want
9 to fix up a different procedural schedule -- yes, sir?

10 MR. CONRAD: Well, when you're finished.

11 JUDGE HOPKINS: Okay. You can get me a
12 different procedural schedule by June the 26th. Is there
13 anything else that I haven't talked about as far as unruled
14 motions?

15 MR. CONRAD: Well, I did want to mention, your
16 Honor, that my client, Ag Processing, had filed their
17 application to intervene on the 5th, which has been well
18 more than ten days, and I've received no indication of
19 anyone that has any objection. You might inquire, but if
20 it's -- I would say that one's ripe right now.

21 JUDGE HOPKINS: Yes, sir, I'm sure that's
22 true. As you know, there's many motions to intervene. I
23 think the latest one was filed yesterday or maybe the day
24 before. So I was going to wait ten days and do them all in
25 one order. So that will be done within or by ten days.

1 And as I said, if you-all want a different
2 procedural schedule, you can present me with one. And I
3 would ask that if you do this, if you change one part of the
4 procedural schedule, present the whole brand-new one from
5 this point forward because it will be a lot less confusing
6 if we try to modify different parts of it.

7 I see some people shaking their head yes and
8 some people not doing anything. So I'm assuming that's
9 going to be all right.

10 On behalf of Missouri-American Water Company,
11 I'm assuming that the number of witnesses you will have will
12 be the number of witnesses you had filed direct testimony;
13 is that correct?

14 MR. COOPER: In the eventual hearing, your
15 Honor?

16 JUDGE HOPKINS: In the evidentiary hearing.

17 MR. COOPER: It will certainly be at least
18 that many.

19 JUDGE HOPKINS: At least that many. Okay.
20 I'm just trying to get a handle on this. I know we're going
21 to have a three-week hearing, but I'm still trying to get a
22 handle on this. Does anybody else know how many witnesses
23 they're going to call at this point? Mr. Snodgrass?

24 MR. SNODGRASS: Your Honor, I really don't
25 know at this point in time.

1 JUDGE HOPKINS: Public Counsel?

2 MS. O'NEILL: I don't know for sure. I'm sure
3 that we will have at least four or five people prefiling
4 testimony. Whether or not we have more than that I think's
5 going to depend.

6 JUDGE HOPKINS: Who else expects to call
7 witnesses?

8 MR. CONRAD: We would probably, your Honor,
9 have, I would say, a couple, possibly three.

10 JUDGE HOPKINS: Okay. Is there anything that
11 you-all can stipulate to? I know it's very early in the
12 hearing. Mr. Conrad's laughing.

13 MS. O'NEILL: Your Honor, if I can address
14 that. At this point in time we're very early in the
15 proceedings, and we've begun our discovery process, of
16 course. And certainly the procedural schedule that I'm
17 hoping we can put together and propose to you would include
18 a more substantive prehearing conferencing time at which we
19 would certainly explore settlement options on various
20 issues.

21 But at this point in time I think everyone's
22 pretty new in the process, and I'm not sure we're ready to
23 say how many issues we're going to be able to settle. Of
24 course, you know, if we can come to agreement, we do that.
25 So we'll try to do that later on.

1 MR. CONRAD: And, your Honor, that's why I was
2 asking specifically about the time we filed a now more than
3 ten day old petition to intervene, because in theory I can't
4 start my discovery until that's ruled.

5 JUDGE HOPKINS: I understand.

6 MR. CONRAD: If you want to add another ten
7 days to it, that just puts us ten days behind. Now, if
8 Mr. Cooper has no objection or wants to make an objection
9 that he has known, I'll be happy to proceed if he wants to
10 honor discovery that we want to go forward with.

11 MR. COOPER: I'm not in a position to tell you
12 one way or the other today on the record, Stuart. But
13 certainly what I will say on the record is that we have not
14 made an objection to your intervention, and you know our
15 address. So I would suspect by the time any Data Request
16 would become -- responses to those Data Requests would
17 become due, it sounds like you would be an intervenor and we
18 would answer them accordingly.

19 MR. CONRAD: The remaining question, then,
20 counselor would be -- rather your Honor, whether if I sent
21 those Data Requests today or tomorrow, that we would start
22 the 20-day clock running today or tomorrow or would start
23 the 20-day clock running after the petition to intervene
24 that's timely filed and overdue now, which just simply tacks
25 another 10 or 12 days on the time, which if we're interested

1 in expediting the proceeding, I can't see why there would be
2 a problem with that.

3 JUDGE HOPKINS: All right. I can't answer
4 your question, but those motions, applications to intervene
5 will be ruled on. And is there anything else anybody needs
6 to bring up?

7 MR. SNODGRASS: Judge, real briefly, Staff is
8 inquiring about whether there would be a separate case
9 number assigned to the sewer part of this case. Do you
10 know, Judge? I think there's a separate application filed
11 regarding the sewer matter.

12 JUDGE HOPKINS: If there was a separate
13 application, I think Mr. Cooper might be able to answer
14 that. The only one I got was the water rate one.

15 MR. COOPER: I think the caption as
16 established by the Commission incorporated both water and
17 the sewer.

18 JUDGE HOPKINS: You're right. It incorporated
19 both of them. Here I'm looking at them.

20 MR. SNODGRASS: I think that answers our
21 question. Thank you.

22 JUDGE HOPKINS: Yes. It depends on how it's
23 filed. So both of them will be in one case. Does that
24 present a problem for Staff?

25 MR. SNODGRASS: I don't think so, Judge.

1 JUDGE HOPKINS: Okay. Anything else? I'll be
2 available all day today. If you-all need me back down here,
3 I'll be happy to help you. Thank you.

4 WHEREUPON, the recorded portion of the
5 prehearing conference was concluded.

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