

TRANSCRIPT OF PROCEEDINGS

Prehearing Conference

July 13, 2009
Jefferson City, Missouri
Volume 2

10	In the Matter of Osage Water)	
	Company, Inc.'s Request for)	Case No. SR-2009-0152
11	Rate Increase,)	
12	In the Matter of Osage Water)	
	Company, Inc.'s Request for)	Case No. WR-2009-0149
13	Rate Increase)	

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MORRIS L. WOODRUFF, Presiding
DEPUTY CHIEF REGULATORY LAW JUDGE

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

2 JUDGE WOODRUFF: Let's go on the record. This
3 is the prehearing conference in Cases No. WR-2009-0149 and
4 SR-2009-0152, which is Osage Water Company's small company
5 rate increase case.

6 Let's start by taking entries of appearance,
7 beginning with Staff.

8 MS. BRUEGGEMANN: For the Staff today is Shelley
9 Brueggemann, 200 Jeff -- Madison Street, excuse me,
10 Jefferson City, Missouri, 65102.

11 JUDGE WOODRUFF: And for Public Counsel?

12 MS. BAKER: Thank you. Christina Baker, P.O.
13 Box 2230. Jefferson City, Missouri, 65102, appearing on
14 behalf of the Office of the Public Counsel and the
15 ratepayers.

16 JUDGE WOODRUFF: Thank you. And for Osage
17 Water?

18 MR. COVER: Oh, I'm sorry. I couldn't hardly
19 hear you. Then I got it. I'm sorry. Gary Cover,
20 C-o-v-e-r, court-appointed receiver and attorney for Osage
21 Water Company. My address is 137 West Franklin, Clinton,
22 Missouri, 64735.

23 JUDGE WOODRUFF: All right. Thank you. The
24 purpose of this conference today is to decide what we're
25 going to do as far as a procedural schedule. As you're

1 aware, there's been a request for a evidentiary hearing on
2 some fairly narrow issues. And we -- we're going to need
3 to decide this case fairly quickly.

4 The tariff is currently suspended until August
5 10th. And under the Commission's rules of procedure on
6 the small company rate cases, the Commission is supposed
7 to have a final order due by September 23rd. So September
8 23rd is the outside deadline.

9 And I -- I had originally asked that the tariff
10 be suspended till September 23rd, and the Commissioners
11 only gave me until August 10th. So apparently, they're
12 anxious to get a resolution of this case as soon as
13 possible.

14 It looks like it's a fairly narrow issue. Is
15 this something we can do live without prefiled testimony,
16 or would it be helpful to have prefiled testimony?
17 Anybody want to give me any feedback on it?

18 MS. BAKER: I always prefer the prefiled
19 testimony.

20 MS. BRUEGGEMANN: I -- I think that I'm in the
21 process of getting the certified records on the judgments,
22 so we'll have those for evidence. But -- and I'm
23 presuming this.

24 I'm presuming that Gary isn't going to
25 necessarily have any witnesses, that Staff will probably

1 only be calling Dana Eaves and that OPC would be calling
2 Russ Trippensee, possibly only?

3 MS. BAKER: I mean, it -- it is the company's
4 burden. And so I would assume that they would have some
5 testimony to put in that would be necessary for them to
6 carry their burden in the case.

7 MS. BRUEGGEMANN: Well, I believe that it was
8 primarily discussions between the company and Staff's Dana
9 Eaves that resulted in the proposition. So if the company
10 was calling Dana Eaves or coordinating with Staff to call
11 Dana Eaves -- Gary, did you have somebody else that you
12 were going to call?

13 MR. COVER: Well, I guess, to be fair, I hadn't
14 really given it any thought to this point, this being my
15 first rate case hearing. But, certainly -- I mean, in
16 terms of, you know -- you know, accounting and records and
17 that kind of stuff, you know, we'll -- we can -- you know,
18 with a little guidance, I -- I can get together the
19 information I need and -- and present the documentation.

20 So I guess to answer your question -- you know,
21 it's my burden, and I'm not exactly sure what -- you know,
22 exactly what the standard is. So, yeah, I could call some
23 people that have done the billing and have done the work.
24 So I guess, yeah, I might have a couple witnesses.

25 MS. BRUEGGEMANN: Okay.

1 JUDGE WOODRUFF: And you don't have to tell me
2 today. I mean, for purposes of this conference, I'm just
3 trying to get some idea of what we're looking at.

4 MS. BRUEGGEMANN: My initial thought was -- and
5 everybody may disagree with this. I have not talked to
6 anybody about this. My initial thought was that with the
7 -- even a couple of witnesses from Gary and possibly one
8 from OPC and one from Staff that it would take a day of
9 testimony to go ahead and go through with this.

10 And since it is primarily based upon judgments
11 that have been issued by a court, there would be legal
12 issues -- or legal questions possibly like a pre -- a
13 prehearing brief.

14 But I'm not sure how beneficial it is to have
15 pre-filed testimony with then rebuttal testimony. It may
16 just be more beneficial to go with the -- some sort of
17 prehearing brief. That was -- that was my initial
18 thought.

19 JUDGE WOODRUFF: Okay. Well, like I say, we
20 don't have a whole lot of time. August 10th is coming up
21 fairly quickly. And I can't say for sure that the
22 Commissioners would countenance further suspension of the
23 tariff.

24 I would hope they would if we can't do it before
25 then. But it just has to be some time for me to write a

1 decision as well. So we need to be moving very quickly on
2 this. You don't have to discuss that with me while we're
3 on the record here.

4 What I'll ask you to do is give me a proposed
5 procedure schedule by July 16th, which is Thursday. And,
6 hopefully, you can all reach an agreement on that. If
7 not, then we'll take it to the Commission next week for
8 their decision at agenda as to how we want to schedule it.
9 Give me, as best you can, a proposed procedural schedule
10 by the 16th. And we'll go from there.

11 Anything else we need to take up while we're on
12 the record?

13 MS. BRUEGGEMANN: Your Honor, are we going ahead
14 and -- and taking together WR-2009-0149 --

15 JUDGE WOODRUFF: Yes.

16 MS. BRUEGGEMANN: -- and 152?

17 JUDGE WOODRUFF: Thank you for reminding me of
18 that. Staff had filed a motion to consolidate those two
19 cases for purposes of the hearing. I think that sounds
20 perfectly reasonable. Did anyone have any objection to
21 doing that?

22 MS. BAKER: No.

23 JUDGE WOODRUFF: I'll issue an order to
24 consolidate those for that purpose.

25 MS. BRUEGGEMANN: Then one last question, just

1 for clarification on the record. Are we then officially
2 limiting this hearing to the issues proposed by OPC in its
3 filing of the 26th of June, I believe, with those issues?

4 JUDGE WOODRUFF: That was my understanding of
5 the procedure. Is that your -- is that your
6 understanding, also?

7 MS. BAKER: Yeah. That's my understanding as
8 well, that we were required to give the specific issues
9 that are at -- that are open.

10 JUDGE WOODRUFF: So that's the only issue that's
11 we will hear testimony on. So that certainly makes it
12 more limited than having to prove the entire rate
13 indicates.

14 MS. BAKER: Yes. That's my understanding.

15 JUDGE WOODRUFF: Okay. Anything else? All
16 right. With that, then, the on-the-record portion of this
17 prehearing conference is adjourned. And I'll leave you to
18 your discussions. Thank you.

19 MS. BAKER: Thank you.

20 (The proceedings were concluded at 10:13 a.m. on
21 July 13, 2009.)

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1 REPORTER'S CERTIFICATE

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3 STATE OF MISSOURI)
)ss.
4 COUNTY OF OSAGE)

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6 I, Monnie S. VanZant, Certified Shorthand
7 Reporter, Certified Court Reporter #0538, and Registered
8 Professional Reporter, and Notary Public, within and for
9 the State of Missouri, do hereby certify that I was
10 personally present at the proceedings as set forth in the
11 caption sheet hereof; that I then and there took down in
12 stenotype the proceedings had at said time and was
13 thereafter transcribed by me, and is fully and accurately
14 set forth in the preceding pages.

15

16 IN WITNESS WHEREOF, I have hereunto set my hand and
17 seal on July 13, 2009.

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Monnie S. VanZant, CSR, CCR #0539

22 Registered Professional Reporter

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