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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Public Hearing

October 24, 2000
Rolla, Missouri

In the Matter of the Application of)
the City of Rolla, Missouri for an)
Order Assigning Exclusive Service) Case No.
Territories and for Determination) EA-2000-308
of Fair and Reasonable Compensation)
Pursuant to Section 386.800,)
RSMO 1994.)

BILL HOPKINS, Presiding,
Senior Judge.
SHEILA LUMPE, Chairperson,
CONNIE MURRAY, Commissioner.

REPORTED BY:

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

2 JUDGE HOPKINS: If you would like to
3 testify, we need you to sign up with Tom Green.
4 Where is Tom?

5 MR. GREEN: I'm right here.

6 JUDGE HOPKINS: We've got the sign-up
7 sheet up here. You may not speak from the floor.
8 You must come forward and be sworn in, and then
9 testify.

10 My name is Bill Hopkins. I'm an appointed
11 Senior Law Judge for the Missouri Public Service
12 Commission, and I will be the presiding officer
13 tonight.

14 This is October 24th, 19-- excuse me --
15 year 2000. We're in Rolla, Missouri. It is
16 7:00 p.m., and this is in the matter of the
17 application of the City of Rolla, Missouri for an
18 order assigning exclusive service territories and
19 for determination of fair and reasonable
20 compensation pursuant to Section 386.800, Revised
21 Statutes of Missouri 1994.

22 This case began on October 20, 1999, when
23 the City of Rolla filed an application with the
24 Commission seeking an order assigning exclusive
25 service territories in determining fair and

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1 reasonable compensation. According to Rolla's
2 application, the area concerned is a tract
3 containing approximately 1,350 acres recently
4 annexed by the City, and is presently provided
5 electric service by Intercounty Electric Co-op
6 Association.

7 First, let me thank the Benevolent and
8 Protective Order of Elks for the use of this
9 facility, and I will note that the views expressed
10 here are not necessarily those of the Elks.

11 Let me introduce to you the Commissioners
12 who are present this evening to hear your
13 testimony. On my left and your right is the Chair
14 of the Public Service Commission, Sheila Lumpe. On
15 my right and on your left is Commissioner Connie
16 Murray.

17 Now, in addition, for the record, let me
18 ask the attorneys here sitting in front to enter
19 their appearance for the record and generally
20 introduce themselves to you, the public.

21 Let's start with you, Mr. Duffy.

22 MR. DUFFY: Gary Duffy, law firm of
23 Brydon, Swearngen, England, P.C., P.O. Box 456,
24 Jefferson City, Missouri 65102, appearing for Rolla
25 Municipal Utilities and the City of Rolla.

1 JUDGE HOPKINS: And Mr. Coffman.

2 MR. COFFMAN: Sir.

3 My name is John Coffman. I'm with the
4 Office of the Public Counsel, P.O. Box 7800,
5 Jefferson City, Missouri 65102. I'm appearing here
6 with another attorney from our office, Ms. Ruth
7 O'Neill.

8 JUDGE HOPKINS: Thank you.

9 MR. DUNBAR: Michael Dunbar, P.O. Box 494,
10 Waynesville, Missouri, here on behalf of the
11 Intervenors.

12 MR. COMLEY: Let the record reflect the
13 entry of appearance of Mark W. Comley, Neuman,
14 Comley and Ruth, P.O. Box 537, Jefferson City,
15 Missouri, entering an appearance on behalf of
16 Intercounty Electric Cooperative Association. And,
17 also, I'd like to introduce Mr. William Gladden and
18 Mr. Ed Hoertel, who are also legal representatives
19 for the Cooperative.

20 JUDGE HOPKINS: Thank you, sir.

21 MR. FREY: Dennis L. Frey, P.O. Box 360,
22 Jefferson City, Missouri 65102, representing the
23 Staff of Missouri Public Service Commission.

24 JUDGE HOPKINS: We don't have any entry of
25 appearance forms, and I'm going to ask the

1 attorneys if you'll fill out one of our forms. If
2 you don't have one, we'll send you one. All of
3 these other people know where to get them. If you
4 need us to send you one, we can send you one.

5 Now, if you've not signed up for testimony
6 in the hearing and you want to testify, you can
7 sign up. We've got the sign-up sheet here, but --
8 you've got another one back there, and Mr. Green
9 will help you sign up.

10 Let me just briefly explain to you what
11 the Missouri Public Service Commission is. It's
12 the State agency which regulates investor-owned
13 utilities in Missouri, and we ensure that the rates
14 are just and reasonable, that the quality of
15 service is satisfactory and that safety practices
16 are employed in their operations, while at the same
17 time ensuring the utility companies a reasonable
18 rate of return to their shareholders.

19 The Missouri Public Service Commission is
20 made up of five Commissioners. They're appointed
21 by the Governor and confirmed by the Senate, and
22 they hear and decide cases regarding the public
23 utility issues as indicated earlier. The current
24 Commissioners are Chair Sheila Lumpe, who I
25 introduced earlier, Vice Chair Dianne Drainer, also

1 Commissioner Connie Murray, who I also introduced
2 earlier, Robert Schemenauer and Calvin Simmons.

3 The Commissioners, including those who are
4 not currently present with us here tonight, will
5 have the opportunity to read all of the witnesses'
6 testimony and remarks, and they will read it.

7 The Missouri Public Service Commission
8 employs a staff of engineers, accountants,
9 attorneys, financial analysts and other specialists
10 in the field of utility regulation, and the
11 Missouri Public Service Commission relies upon
12 their expertise, along with other expert testimony
13 and consumer testimony. These people here that
14 introduced themselves earlier represent the PSC
15 Staff and the Office of General Counsel.

16 And also the Office of Public Counsel
17 introduced themselves, and they are a branch of the
18 government which is completely separate from the
19 Missouri Public Service Commission, and they
20 represent the public's interest, specifically,
21 before the Public Service Commission.

22 The purpose of this hearing tonight is to
23 get your input to take evidence by way of your
24 statement or testimony or any written statements or
25 documents that you may wish to provide to the

1 Missouri PSC regarding Rolla's application for an
2 order assigning exclusive service territories. We
3 will take your comments from this evening, along
4 with the other public hearings, and follow up with
5 a review and a report which will be issued,
6 including any issues which you may raise with us
7 tonight relating to this proposed rate increase.

8 Now, I'm going to ask if there's any
9 opening statements. Chair Lumpe?

10 CHAIR LUMPE: We just want to thank you
11 for coming out tonight. We get testimony filed,
12 but it's very important that we come and hear the
13 individuals who will be affected so that they can
14 tell us what their issues are and how they feel
15 about this, so that we can have that on the record
16 and we can use it as evidence as we deliberate the
17 decision in this case.

18 So we think it's very important that you
19 have come, and we're very interested in hearing
20 what you have to say. So thank you for coming.

21 JUDGE HOPKINS: All right. Commissioner
22 Murray doesn't have anything to add to that. Thank
23 you.

24 Public Counsel, do you have an opening
25 statement?

1 MR. COFFMAN: Not exactly, but I just want
2 to express -- sometimes it's hard for people to
3 understand exactly what our goal is. Primarily we
4 represent the customers that regulate utilities.

5 These aren't two -- the opponents in this
6 case are not really regulated utilities, but we
7 have the opportunity to make a recommendation if we
8 want to in this case, and if we do so, we would
9 base it on whatever testimony is here. And so we
10 certainly are interested in hearing your comments
11 here today. Thank you.

12 JUDGE HOPKINS: General counsel,
13 Mr. Frey?

14 MR. FREY: No, thank you, your Honor.

15 JUDGE HOPKINS: And we'll start with
16 Mr. Duffy.

17 MR. DUFFY: No, thank you.

18 JUDGE HOPKINS: You, sir (indicating).

19 MR. DUNBAR: No, thank you.

20 JUDGE HOPKINS: Thank you.

21 No opening statements by any of the
22 lawyers except for Mr. Coffman.

23 Now, we will proceed with the taking of
24 testimony at this time. Since this is an official
25 hearing, the statements and testimony of witnesses

1 will be taken down by the court reporter on the
2 record and must be under oath. When your name is
3 called to come and testify, please come forward and
4 be sworn in.

5 We will also tell you who the next person
6 is to testify so that that person can come forward
7 and be prepared to testify. This is the baseball
8 rule. We're going to do "on deck." We're going to
9 have an on-deck circle up here.

10 Now, let me remind you that this is all
11 being taken down by a court reporter, and this
12 woman here is like the rest of us, she can only
13 hear and write down one person at a time. So only
14 one person at a time can testify or speak so that
15 the court reporter can make an accurate record,
16 because, like I said, we do want the other
17 Commissioners to read this, and they will read
18 this.

19 If someone says what you wanted to say,
20 you can be sworn in and say that somebody else said
21 what you said and that you agree with their
22 position and then sit down. If you have specific
23 questions about service complaints, you can see
24 Mr. Frey or Mr. Kenner over there, or you can speak
25 with the Public Counsel, Mr. Coffman or

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1 Ms. O'Neill. And after the formal hearing, I think
2 they'll be around for a while to ask -- or help you
3 if you have any specific problems.

4 Now, it appears that we have a good
5 attendance tonight at this hearing, so I will ask
6 everyone to make their comments brief and to the
7 point so that everyone can have a chance to speak.
8 After you complete your comments, if you'd please
9 remain up here at the table. You can stand up or
10 sit down, whatever you want to do.

11 There may be questions that I have for you
12 or there may be questions that either of the
13 Commissioners has or one of the lawyers may have a
14 question. And we're not going to cross-examine you
15 like they do on TV, so it won't be anything like
16 that. It will just be something that they may want
17 clarification on.

18 So after you finish your testimony, if
19 you'd please just wait here until I dismiss you,
20 then we'll make sure that everybody has a chance to
21 ask you any questions.

22 So we'll start now with the testimony of
23 Gus Mauller, and Julian Harrison is next. Where is
24 Julian Harrison?

25 Well, you are pretty close to the on-deck

1 circle. We'll just let you wait there.

2 If you would, please stand and raise your
3 right hand, sir.

4 (Witness sworn.)

5 JUDGE HOPKINS: Would you please be seated
6 and state and spell your name for the court
7 reporter?

8 MR. MAULLER: My name is -- can you hear
9 that?

10 JUDGE HOPKINS: Yes, sir.

11 MR. MAULLER: My name is Gus Mauller; full
12 name is Gustav, G-u-s-t-a-v, Mauller,
13 M-a-u-l-l-e-r.

14 JUDGE HOPKINS: Go ahead, sir.

15 MR. MAULLER: I want to thank you for this
16 opportunity this evening. I've been waiting for
17 years to say this.

18 I've lived in Rolla since 1968. I lived
19 in the City, and I have property, my business, in
20 the annexed area. I have three meters from
21 Intercounty there.

22 Back when this started, the City came in
23 and pretty much told everybody they were going to
24 annex. They didn't ask. They told them. The City
25 brought in two mercenaries, what I call them, one

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1 guy by the name of Strouse (ph. sp.) and the other
2 name by Hoen (ph. sp).

3 Strouse got up at a meeting at the
4 Community Hall, and he says, If anybody's got a
5 better solution to the problem out there, go for
6 it. I went for it, because I knew it was a better
7 solution.

8 I was on the Board of the Park and Sewer
9 Districts. We completed that. We did it for
10 one -- we put sewers in in our area for \$1,457, if
11 I remember correctly. We paid it off five years
12 early. We were the sewer district that was ahead
13 of its time. We got it done.

14 Well, when this all started, I talked to
15 Dan Watkins and Steve Hargis at one of these
16 meetings and I said, Dan, we need to work together
17 on this. We could get a lot more done. And Dan
18 stuck his nose in the air and very arrogantly said,
19 We don't have to work together with nobody. And I
20 thought, that sets the stage. They don't want to
21 work, we're going to go for it.

22 I called Intercounty, and I called
23 different areas around the area that had sewage
24 problems and everything, and a meeting was formed,
25 and I stood back and it snowballed. It almost

1 scared me the way it took off.

2 I was on the Board. Then I found out by
3 State regs that I lived in the City, I didn't live
4 in the area, so I had to drop out of the Board
5 because you have to live in the area, according to
6 the State regs.

7 Okay. Then RMU brought in Union
8 Electric's lawyers. They sued us twice in court to
9 stop us.

10 JUDGE HOPKINS: Who is RMU?

11 MR. MAULLER: Rolla Municipal Utilities in
12 the City.

13 JUDGE HOPKINS: Thank you.

14 MR. MAULLER: They sued us twice. They
15 lost both times. It went to a vote. Then it
16 seemed like there was a bunch of lies spread and
17 the vote got defeated, said that we could tax
18 and -- with no vote, and that was wrong, because we
19 told people we were -- we were a small guy. This
20 is like Goliath beating on the little guy.

21 We were told that there was 300 water
22 districts in the State, not one had a tax, and
23 200 sewer districts in the State and only one had a
24 tax, and they voted on it themselves. I don't know
25 if that's true. That's what we were told.

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1 We did not have the authority to pass a
2 tax. But anyway, it got voted down.

3 So in court, RMU bragged about how much
4 money they had, but at the same time they said they
5 were nonprofit. And at the same time they're
6 sugar-daddy to the City of Rolla. Well, it comes
7 out that they are a for-profit organization.
8 That's how they get their money, being sugar-daddy
9 to Rolla.

10 Intercounty is a not-for-profit. We get
11 money back if there's any left over. Well, to me,
12 that's enough unauthorized tax. They shouldn't be
13 allowed to do that.

14 I got this -- I'm trying to condense years
15 into just a short list.

16 Intercounty has always helped the people,
17 tried to serve them, their employees. If you have
18 a problem, they'd help you out with it, show you
19 direction, guide you and teach you and show you. I
20 have absolutely no problems with Intercounty's
21 record there.

22 It seems like the City of Rolla and RMU
23 have forgotten that they're there to serve people.
24 The people are not there to serve them and their
25 government. They're to serve the people. I hope

1 this Commission does the same; it serves the people
2 instead of governments and organizations and
3 businesses.

4 My experience is they try to control,
5 dictate and dominate. If I have a vote, whether I
6 want somebody that lies and controls, dictates and
7 dominates to me to have rule over me, I'll vote no
8 every time. I think every common-sense person
9 would.

10 I guess it boils down to this: I wish my
11 wife was here. She's's out of town tonight. In
12 the City we've had many blackouts. You go to sleep
13 at night and you wake up the next morning and your
14 clocks are flashing, your VCR is flashing, and she
15 could tell you just how many times, and it's well
16 over a dozen in the last year that she's had to
17 reset all of the clocks.

18 They're charging and being sugar-daddy to
19 Rolla, being an unauthorized tax. That's the other
20 point. And then they think people is there to
21 serve them, and they're not there to serve people.

22 Intercounty has always served people, and
23 I hope this Commission votes that Intercounty
24 remains our provider, because they service. They
25 don't try to control, dictate or dominate us.

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1 Thank you.

2 JUDGE HOPKINS: Thank you, Mr. Mauller.

3 Any questions, Chair Lumpe?

4 CHAIR LUMPE: Mr. Mauller?

5 JUDGE HOPKINS: Mr. Mauller?

6 MR. MAULLER: Oh, I'm sorry.

7 CHAIR LUMPE: Just to clarify, you live in

8 the City, but you have businesses where Intercounty

9 is, so you have experience with both to compare?

10 MR. MAULLER: Yes, ma'am.

11 CHAIR LUMPE: And if I heard you

12 correctly, what you are saying is that you think

13 the quality of service is better where the Co-op is

14 than the Municipal?

15 MR. MAULLER: Yes, ma'am.

16 CHAIR LUMPE: Okay. I just wanted to

17 clarify that's what you were saying. Thank you.

18 COMMISSIONER MURRAY: I don't have any

19 questions.

20 JUDGE HOPKINS: Let's start over here.

21 Mr. Duffy, any questions?

22 MR. DUFFY: No.

23 JUDGE HOPKINS: Public Counsel?

24 Intervenors? You, sir?

25 MR. COMLEY: No questions, Judge.

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1 JUDGE HOPKINS: No questions?

2 Thank you. You can't leave until the

3 judge says so, but we don't have a bailiff, so

4 nothing will happen if you violate that rule. But

5 you can go now.

6 MR. MAULLER: Thank you.

7 JUDGE HOPKINS: Mr. Harrison is up next,

8 and Alva Branson, and she's sitting even closer, so

9 we'll let you be, okay.

10 Would you raise your right hand, sir?

11 (Witness sworn.)

12 JUDGE HOPKINS: Please state and spell

13 your name for the court reporter.

14 MR. HARRISON: My name is Julian Harrison,

15 J-u-l-i-a-n, H-a-r-r-i-s-o-n. I live at

16 1322 Highway O, Rolla, Missouri.

17 JUDGE HOPKINS: Thank you. Go ahead,

18 Mr. Harrison.

19 MR. HARRISON: This has been a time of a

20 lot of turmoil and a lot of struggle between the

21 annexed area in the City of Rolla. A lot of things

22 have been said premature, but one thing that stands

23 out to me about the utilities that we were told

24 repeatedly that the -- our utility service would

25 not be affected. We would continue to receive

1 utility service from Intercounty Electric.

2 I was told by a member of the Utility
3 prior to the election that this would be -- would
4 be the fact. As you probably know, the vote on the
5 election was very close. I think there was two
6 votes that determined the outcome, or three.

7 I also think that this is a part of the
8 plan of intent of Rolla that's -- the Intercounty
9 Electric would remain as our primary provider. I
10 have lived in the area since 1967, and I've had
11 nothing but good to say about our provider, and I
12 wish to remain that way. That will be all.

13 JUDGE HOPKINS: Thank you, Mr. Harrison.

14 Any questions, Chair Lumpe?

15 CHAIR LUMPE: Mr. Harrison, were you told
16 by both the City and the Co-op that your electric
17 service would remain the same?

18 MR. HARRISON: Not with the Co-op.

19 CHAIR LUMPE: All right. So you didn't
20 just by --

21 MR. HARRISON: I did not question the
22 Co-op.

23 CHAIR LUMPE: Okay.

24 MR. HARRISON: The member of the Board of
25 UMR -- or RMU, I'm sorry -- was the one that

1 confirmed that to me, and I think this is also a
2 plan -- the plan of intent that the Rolla filed
3 with the Court.

4 CHAIR LUMPE: So there was no conversation
5 or material coming from Co-op that said, We
6 understand; we will remain as your provider?

7 MR. HARRISON: Not with the Co-op.

8 CHAIR LUMPE: Okay. Thank you.

9 COMMISSIONER MURRAY: No questions.

10 JUDGE HOPKINS: Mr. Duffy?

11 MR. DUFFY: No questions.

12 MR. DUNBAR: No questions.

13 MR. COMLEY: No questions.

14 JUDGE HOPKINS: No questions from any of
15 the attorneys.

16 Thank you, sir.

17 All right. Alva Branson is next, and then
18 after her is Don Priest. Where is Don Priest?

19 MR. DUNBAR: He's back in the back.

20 JUDGE HOPKINS: Would you come and sit at
21 the on-deck circle there, Mr. Priest.

22 MR. DUFFY: Your Honor, I have to register
23 an objection at this point. According to the
24 information I have, if this is the same Alva V.
25 Branson that's a member --

1 MS. BRANSON: It is.

2 MR. DUFFY: -- of the Southside
3 Neighbors. Ms. Branson is an Intervenor in this
4 case as part of the Southside Neighbors.

5 The scheduling order, procedural order in
6 this case, the order extending time pursuant to the
7 procedural schedule says that, The Commission will
8 require the pre-filing of testimony as defined in
9 4CSR240-2.130.

10 All parties shall comply with this rule,
11 including the requirement that testimony be filed
12 on line-numbered pages. The practice of pre-filing
13 testimony is designed to give parties notice of the
14 claims, intentions and evidence in issue and to
15 avoid unnecessary objections and delays caused by
16 allegations of unfair surprise at the hearing.

17 It would be my position that as a party to
18 the case, Ms. Branson should have file prepared
19 testimony, along with the other parties who filed
20 rebuttal testimony. Mr. Priest, I guess who
21 scheduled to testify next, did, in fact, file
22 prepared testimony.

23 Your spokesperson indicated off the record
24 that the testimony taken here tonight would be
25 considered by the Commission, that it would be part

1 of the evidentiary record. You've indicated that
2 we do not get to cross-examine the witness.

3 So my objection goes to the due process
4 aspects of this, that if this witness wanted to go
5 to the trouble of being an intervenor in the case,
6 she and the other Southside Intervenors should be
7 held to the same standards as all of the other
8 parties in the case, that they file prepared
9 testimony, present their issues in rebuttal, to
10 which we're given an opportunity under the
11 procedural schedule to file prepared surrebuttal
12 testimony, and we did with regard to the testimony
13 prepared by Mr. Priest.

14 If other members of the Southside
15 Intervenors are allowed to testify tonight, we are
16 deprive of that same opportunity, because there is
17 nothing in the procedural schedule to allow us to
18 file surrebuttal testimony to that testimony that's
19 coming in. And since we can't cross-examine the
20 witnesses and them giving testimony live, all of
21 this is a surprise to us as to what they may say.

22 So it would be our position that none of
23 the members of the Southside Intervenors should be
24 allowed to testify at this public hearing. We have
25 no objection, of course, as we did not object to

1 Mr. Mauller testifying, that non-parties can
2 certainly testify at the hearing. So that's the
3 basis of our objection.

4 JUDGE HOPKINS: All right. Does anybody
5 else want to speak to that motion?

6 UNIDENTIFIED AUDIENCE SPEAKERS: We
7 couldn't hear what he said.

8 JUDGE HOPKINS: All right. The attorney
9 for Mr. -- Mr. Duffy has opposed Ms. Branson's
10 testimony because she is a party. She is an
11 Intervenor, and we require parties to pre-file
12 their testimony, which she did not do. That's the
13 basis of that objection.

14 Did I fairly state that objection,
15 Mr. Duffy?

16 MR. DUFFY: At least part of it, your
17 Honor.

18 JUDGE HOPKINS: All right. Part of it.
19 Go ahead, Mr. Coffman.

20 MR. COFFMAN: Your Honor, I think I would
21 oppose the motion of Rolla -- or the objection. I
22 think that these public hearings are just a general
23 opportunity for anyone to speak. I think the fact
24 that this individual may be a member of -- part of
25 a party that's a collection of individuals

1 shouldn't preclude her ability to speak here.

2 Now, if someone has already filed
3 pre-filed testimony, that might be another matter.
4 But I've been involved in public hearings where
5 representatives of commercial customers and other
6 parties in cases have spoke in local public
7 hearings, because it is more convenient. They're
8 there.

9 It seems if Mr. Duffy has any remedy, he
10 could be permitted to file some supplemental
11 testimony perhaps. We are still several days away
12 from the evidentiary hearing, and anything that
13 comes up new that is unfairly surprising to the
14 City of Rolla could be remedied, I think, before
15 that hearing, that he would have some opportunity
16 to respond.

17 I certainly wouldn't object to his ability
18 to file something later. That would just be my
19 input. I think that these public hearings should
20 be open as much as possible allow individuals who
21 live in the area to make their statements on the
22 record.

23 MR. DUNBAR: I would just echo what he
24 said. I believe she's a member of the public, and
25 this is a public hearing, and to deprive her of her

1 opportunity to speak to the Commission would be
2 depriving her the very due process that Mr. Duffy
3 is talking about.

4 I think it's important that all members of
5 the public feel that they can come here, be allowed
6 to have the input to the Commission and do so
7 freely and openly and be able to do that. And I
8 believe to object to that would be unfair to
9 someone who does live with within the area that is
10 affected.

11 MR. COMLEY: I would join with Mr. Dunbar
12 and Mr. Coffman, but let me add to it.

13 Something that Ms. Branson may say, may
14 prompt another member of the public to come
15 forward, and I think it would be important for the
16 Commission to have that element of debate and
17 thought-provoking talking among the public,
18 irrespective of her party's status.

19 JUDGE HOPKINS: Mr. Frey, any comments?

20 MR. FREY: No comment.

21 JUDGE HOPKINS: No comment from Staff.

22 I'm going to overrule your objection,
23 Mr. Duffy, and I will note your continuing
24 objection to anybody else who is also an Intervenor
25 who wants to come forward at the local public

1 hearing.

2 And the basis for the overruling of your
3 objection is that this is a public comment hearing,
4 and that this in no way affects the ability of you
5 or your parties to present evidence or to otherwise
6 dispute what Ms. Branson may or may not say here
7 tonight. But, again, I will show your continuing
8 objection to anybody else on here if you do want to
9 notify the Commission which people you think are
10 intervenors that are also testifying. We'll let
11 you do that.

12 MR. DUFFY: I can do that right now.

13 JUDGE HOPKINS: All right.

14 MR. DUFFY: The list I have from
15 Mr. Dunbar's office?

16 UNIDENTIFIED AUDIENCE SPEAKER: Sir, could
17 you give him a microphone?

18 MR. DUFFY: The list I have from
19 Mr. Dunbar's office of the Southside Intervenors is
20 Diana Henry, Ginger Priest, Harry Harmes, Barbara
21 Crowley, John Happel, Alva Branson, Marvin
22 Keninenbelt (ph. sp.), Tom Green, Don Priest and a
23 Mr. and Mrs. Bowles.

24 And in view of the fact you've overruled
25 my objection, I would move that my client be given

1 an opportunity to file some sort of prepared
2 rebuttal to any issues that are raised tonight.

3 JUDGE HOPKINS: That will be granted.

4 All right. Mrs. Branson, would you raise
5 your right hand, please?

6 (Witness sworn.)

7 Thank you. Please be seated and state and
8 spell your name for the court reporter.

9 MS. BRANSON: My name is Alva, Branson,
10 A-l-v-a, B-r-a-n-s-o-n. I live at 518 Keaton Road,
11 Rolla, Missouri, which is right down the street
12 from here.

13 I've been a member of Intercounty for
14 probably 34 years, ever since we've lived here.
15 Their service has been absolutely wonderful. I
16 have had no problem with them. They've always been
17 kind, courteous.

18 I don't know any earth-shattering
19 testimony that I'm going to give. I just wanted to
20 speak my mind and tell you from my perspective that
21 I really appreciate them.

22 I've had experience with some of the Rolla
23 Municipal Utilities. I'm not impressed with their
24 services. I'm not impressed with their pay
25 raises. They don't give you the personalized

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1 service.

2 Intercounty always gives back money. I
3 own Intercounty. I'm a member. They have all
4 member services. They have boards of directors
5 which, if I want to participate on that, I can. We
6 have a say in the matter; with Rolla Municipal, you
7 don't. They control everything.

8 Intercounty has been what I want for my --
9 my electric. I don't -- I've had them for years.
10 We've had no major power -- and I'm not saying that
11 they don't have power outages. Everybody does.
12 But they have been a lot more responsive to get
13 them taken care of, to treat you like a person
14 instead of just another number or another paycheck
15 that comes in.

16 They also provide this cute little
17 magazine, which is probably not of any use to
18 anybody, but I like it. It's part of what the
19 service I get from them. Rolla Municipal is not
20 going to do that for me. And that's all I have to
21 say.

22 JUDGE HOPKINS: Okay. Identify that
23 exhibit you were talking about.

24 MS. BRANSON: This is the Rural
25 Missourian. It's a magazine that the Rural -- that

1 Intercounty provides. It has recipes. It has
2 interesting articles about different places in
3 Missouri. It let's me know what's going on in the
4 Cooperative, advertisements, anything like that.

5 JUDGE HOPKINS: Open that first page,
6 there would, would you, please?

7 MS. BRANSON: (Witness complied.)

8 JUDGE HOPKINS: That is the Rural
9 Missourian, which used to be called Rural Electric
10 Missouri; is that correct?

11 MS. BRANSON: Uh-huh.

12 JUDGE HOPKINS: That's a statewide,
13 publication, and what you've got on the outside is
14 the one that comes from your Co-op; is that
15 correct?

16 MS. BRANSON: I guess so.

17 JUDGE HOPKINS: Is that a correct
18 identification?

19 Any questions, Chair Lumpe?

20 CHAIR LUMPE: Ms. Branson, can I ask you,
21 when the vote on the annexation was going on, were
22 you led to believe that you would continue service
23 with the Co-op?

24 MS. BRANSON: Yes.

25 CHAIR LUMPE: Was that by the City and the

1 Co-op, or just by the City?

2 MS. BRANSON: The only information we ever
3 received on it was from the City.

4 CHAIR LUMPE: Okay. Thank you.

5 JUDGE HOPKINS: Any questions?

6 COMMISSIONER MURRAY: No questions.

7 JUDGE HOPKINS: Any questions, Mr. Duffy?

8 MR. DUFFY: (Shook head.)

9 JUDGE HOPKINS: No questions?

10 MR. COFFMAN: (Shook head.)

11 JUDGE HOPKINS: Mr. Dunbar?

12 MR. DUNBAR: No questions.

13 MR. COMLEY: No questions, Judge.

14 JUDGE HOPKINS: No attorneys have any
15 questions.

16 Thank you. You may step down.

17 The next person I have is Don Priest, and
18 the person after that is Harry H. -- is it
19 Harness?

20 MR. HARMES: Harmes.

21 JUDGE HOPKINS: All right. Sir, do you
22 want to come up here and be on deck?

23 All right. Mr. Priest, would you raise
24 your right hand, please.

25 (Witness sworn.)

1 Thank you. Please state and spell your
2 name for the court reporter.

3 MR. PRIEST: My name is Don, D-o-n, Priest
4 P-r-i-e-s-t. I reside at 1295 Highway O in Rolla.

5 JUDGE HOPKINS: All right. Go ahead, sir.

6 MR. PRIEST: You heard the prices of
7 Intercounty. Now, all I'm going to do is speak on
8 the petition that was passed.

9 There were -- and you have before you a
10 little sheet which I think a copy was given to each
11 one of you as well as the attorneys and the
12 representatives from the other side. And I bring
13 this up because this -- these are facts, verifiable
14 facts which represent the feelings of the residents
15 in the annexed area.

16 There were about 12 people that passed the
17 petition. We were given some kind of deadline for
18 our attorney as Intervenors to get this in, and we
19 spent about eight days for over a time period, and
20 we took off for Thanksgiving and the holiday and
21 that kind of stuff.

22 We received a list from Intercounty who
23 asked for this, and on that list there were
24 274 meters. We went door to door, and the number
25 of persons who replied in favor of Intercounty was

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1 188, or 68 percent of the meter owners. There were
2 many more people that signed, but these only
3 account for each meter. Like, there in a house
4 there would be three or four people, and we only
5 counted just one.

6 The number of persons, meter owners,
7 replying in favor of RMU, Rolla Municipal
8 Utilities, was 18, which is -- that includes all of
9 those when we went door to door that said they
10 didn't care. We counted those as no's on our side
11 at 6.6 percent. As you can see, of the people who
12 were contacted, this is over 10 to 1 in favor of
13 Intercounty.

14 Now, there were other people, the
15 remaining 68 or 24.8 percent, or about a fourth of
16 the people were not contacted or couldn't be
17 contacted. Those would include those people who
18 were not at home, some were in the hospital, some
19 were in nursing homes, some from the list were
20 meter sites which are vacated, in other words, no
21 longer are the residents there, but there was a
22 meter listed on record.

23 There were also institutions, like,
24 churches, which we did not ask for a vote from the
25 church, and there are a few other people like

1 that. Also there were some employees of the City,
2 so naturally we didn't ask them for various reasons
3 to sign one way or the other.

4 We did have to discourage, I might add,
5 one or two from signing, because we said, Please,
6 do not sign that you were in favor of Intercounty.
7 Please do not sign it that way. So we asked them
8 not to sign for our side for that part.

9 So what I have presented, and I just want
10 speak on effects, which I think shows what the
11 interest of the residents in this area is, and that
12 is that they do wish to stay with Intercounty. For
13 whatever reason, they did oppose the change from
14 the Rolla -- from Intercounty to Rolla Municipal
15 Utilities.

16 So I think this shows that this is in the
17 public interest by the numbers indicated. This is
18 not anecdotal. This isn't opinion. These are
19 verifiable facts, which shows that -- and I think
20 you've also seen by the turn-out here tonight that
21 is also -- so it is our public -- I believe it's in
22 the public interest, this public, to stay with
23 Intercounty.

24 I do want to thank you all. I understand
25 that this is kind of an exceptional in this case

1 for you-all to come from Jeff City to the outlying
2 areas for this type of hearing. I know you do
3 hearings everywhere, but for this particular one,
4 and I do thank you for taking our request to have a
5 public hearing in Rolla.

6 That's all I really have to comment on at
7 this time.

8 JUDGE HOPKINS: Thank you, Mr. Priest.

9 Any questions, Chair Lumpe?

10 CHAIR LUMPE: I have no questions from
11 this person.

12 COMMISSIONER MURRAY: No questions. Thank
13 you.

14 JUDGE HOPKINS: And none of the attorneys
15 are indicating they have any questions.

16 All right. Thank you, sir. You may step
17 down.

18 Mr. Harmes is next, and then Ginger Priest
19 will follow. Mr. Harmes -- Ginger Priest, if you
20 would come up here and sit down.

21 JUDGE HOPKINS: Would you raise your right
22 hand, sir.

23 (Witness sworn.)

24 JUDGE HOPKINS: Please be seated and state
25 and spell your name.

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1 MR. HARMES: My name is Harry Harmes,
2 H-a-r-r-y, H-a-r-m-e-s.

3 JUDGE HOPKINS: Go ahead.

4 MR. HARMES: I am a farmer in the
5 Southside annexation. I own 84 acres with half of
6 it within the City and with the other half outside
7 the City. I'm also a retired public schoolteacher
8 for the Rolla Public Schools teaching at the high
9 school, and I want particularly to talk about
10 service and reliability of service.

11 As a public schoolteacher being in the
12 classroom on two occasions within the last few
13 years, we have been without electricity at the high
14 school. On one occasion it lasted, I think, about
15 four hours. On the other occasion, the school was
16 dismissed. So the service has not been very
17 reliable at that particular location because of
18 outages.

19 If this was on my farm, this would be very
20 difficult. I have Intercounty at the farm, of
21 course, and on the one occasion when the school was
22 dismissed for the entire day, I was able to spend
23 time at the farm and work there. And taking care
24 of livestock, if I was without electricity for a
25 period of time, extended period of time, like a

1 day, that could be very difficult.

2 The other part of reliability, I've had on
3 different occasions the need to call Intercounty,
4 like, taking a maul machine and cutting down
5 electrical wire, and they were out there
6 immediately. They told me what to do. They told
7 me not to touch it until someone got there. They
8 were there, I think, until about 10:30 that night
9 repairing and helping to do something that really
10 wasn't their fault and really wasn't part of their
11 service and what they normally do, because it was
12 between my house and the garage that I cut the
13 electric wire in two.

14 Just yesterday they came out and hooked
15 the meter so I could drill post holes where the
16 electric wires was lying very close to them. So
17 the service by Intercounty has been exceptional in
18 my case so I particularly want to talk about that.

19 Also I enjoy getting Intercounty paper.
20 That is a great service that they provide. The
21 rebates come in handy. Normally they're there at
22 the time of the year when we could use a little
23 extra money. So the rebates have been very useful
24 to us in that regard.

25 The other problem with part of my farm

1 within the City limits, now the other part out, if
2 it all becomes RMU, I'm going to have two different
3 meters to take care of, if I have any electrical
4 service outside the annexed area.

5 The last comment I have, many people have
6 accused Don Priest speaking for himself and not for
7 the whole group, and I think you can see tonight
8 that is not the case. Don represents -- has
9 represented us all very well in the last few years
10 in this battle against Intercounty -- pardon me --
11 against RMU and against Southside annexation, and
12 he does not, as RMU likes to solicit, to speak for
13 himself. He speaks for many of us that reside or
14 have property within the Southside annexation.
15 Thank you.

16 JUDGE HOPKINS: Thank you, sir.

17 Any questions?

18 CHAIR LUMPE: One clarification,
19 Mr. Harmes. You said your farm is half in and half
20 out. Is it half in the annexed area and half
21 outside of the annexed area?

22 MR. HARMES: Yes, ma'am.

23 CHAIR LUMPE: Okay. That's what I wasn't
24 sure.

25 MR. HARMES: And I do not reside on the

1 farm. I reside at a different location, and I've
2 had Intercounty services for 20 years at my
3 resident at a different location.

4 CHAIR LUMPE: And is your residence
5 outside of the annexed area?

6 MR. HARMES: Yes.

7 CHAIR LUMPE: Okay. Thank you.

8 COMMISSIONER MURRAY: Mr. Harmes, during
9 the 20 years in which you've been served by
10 Intercounty, have you ever had any outages?

11 MR. HARMES: Yes. On a couple of
12 occasions we've had -- if I remember correctly, it
13 was more in the wintertime when we had an ice storm
14 a few years ago that the electricity was out for a
15 short period of time. I don't remember how long.

16 There has been time when the lights
17 flickered, and I've actually talked to the
18 Intercounty office here in Rolla, and they have
19 worked on that and got that problem straightened
20 out.

21 But there was one time a few years ago,
22 and I don't remember exactly how long it's been,
23 that we had a major ice storm down here that
24 curtailed electricity lots of places.

25 COMMISSIONER MURRAY: And you don't recall

1 the length of the outage?

2 MR. HARMES: Not to be exactly (sic). I
3 think it was around two to three hours, if I
4 remember correctly.

5 COMMISSIONER MURRAY: And I wanted to
6 clarify something you said earlier. You said to --
7 at the school where you teach, there were two
8 outages?

9 MR. HARMES: Yes.

10 COMMISSIONER MURRAY: Did you say within
11 the last two years?

12 MR. HARMES: No. I said within the last
13 few years. I think one was two years ago and the
14 other one was probably about two years before
15 that. So I would say probably within the last five
16 years there have been two major periods of time
17 when we were without electricity.

18 COMMISSOINER MURRAY: And you said one of
19 them was approximately four hours in length?

20 MR. HARMES: Yes, ma'am.

21 COMMISSIONER MURRAY: And do you recall if
22 there was --

23 MR. HARMES: We kept the students in our
24 classes for that period of time.

25 COMMISSIONER MURRAY: And do you recall

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1 the length of the other one?

2 MR. HARMES: We were dismissed. It

3 happened early in the morning, and we were

4 dismissed the entire day for that period of time.

5 I think the electricity came on somewhere around

6 one to two o'clock in the afternoon, if I remember

7 correctly, hearing about it.

8 COMMISSIONER MURRAY: All right. Thank

9 you.

10 JUDGE HOPKINS: Any questions, Mr. Duffy?

11 MR. DUFFY: (Shook head.)

12 MR. DUNBAR: (Shook head.)

13 JUDGE HOPKINS: No other attorneys has any

14 questions.

15 Thank you, very much, Mr. Harmes.

16 Ginger Priest is next and Ron Hopson.

17 Mr. Hopson, if you'll come up here and be on deck.

18 Would you please raise your right hand?

19 (Witness sworn.)

20 JUDGE HOPKINS: Thank you. Please be

21 seated.

22 Go ahead.

23 MS. PRIEST: My name is Virginia Hays,

24 H-a-y-s, Priest, P-r-i-e-s-t, more commonly known

25 as Ginger. I reside at 1295 Highway O in Rolla.

1 A few little things I have to say are on a
2 lighter note. First of all, I want to thank you
3 all for coming after a long day. I appreciate the
4 Public Service Commission coming this distance for
5 a hearing and giving us an opportunity to speak.

6 I had a call from three different people
7 in the annexed area. One, a person in Line Barnitz
8 who is out of the country and could not attend but
9 still prefers to remain within Intercounty, a
10 neighbor on Highway O who was getting family
11 company, I believe, today and would not be able to
12 attend but still preferred to remain with
13 Intercounty, and a lady on Rolla Street Road who
14 did not state why she could not come, but that she
15 could not come and that she still preferred to
16 remain with Intercounty. She called today.

17 I want to speak mainly to the gathering of
18 names on the petitions. If you have access to the
19 petition sheets, you'll see my name at the bottom
20 of several. And one of the enlightening things I
21 found when I gathered signatures, I was a little
22 apprehensive to do that. That's really not my
23 nature, but I found it really very enjoyable when I
24 visited with the people.

25 When I told them why I was there, that I

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1 was there -- do you prefer to remain with
2 Intercounty, or do you prefer to change your
3 electricity to RMU, it was a quick sell, Where do I
4 sign. Sometimes the anecdotes that went with their
5 signature took me 15 or 20 minutes to listen to,
6 which were very enlightening, and the people at
7 Intercounty would be very pleased to know I
8 gathered some very pleasant, encouraging, positive
9 stories about "those Intercounty boys." I heard
10 that many times about the good things about "those
11 Intercounty boys," which would be the employees.

12 And so that really is all I have to say,
13 just something positive in gathering petitions in
14 the different areas for Intercounty Electric.

15 JUDGE HOPKINS: Thank you, ma'am.

16 Any questions, Chair Lumpe?

17 CHAIR LUMPE: Back to the -- an earlier
18 question I was asking. Was there any
19 documentation, or were you led to believe that
20 after the annexation you would still be allowed to
21 stay with Intercounty?

22 MS. PRIEST: Yes.

23 CHAIR LUMPE: Was there written material
24 that said that?

25 MS. PRIEST: Yes. If you will look toward

1 the bottom of the page 10 of plan of intent, it
2 very clearly states that -- there's a paragraph
3 toward the bottom that, Your service -- I can't
4 quote it exactly, but your service will still be
5 provided by Intercounty Electric.

6 CHAIR LUMPE: Thank you.

7 COMMISSIONER MURRAY: Yes, I have a
8 question about the petition.

9 When you were carrying the petition and
10 you approached people, did you tell them you were
11 carrying a petition for something or against
12 something and you were gathering signatures for or
13 against something?

14 MS. PRIEST: As I recall -- now, you
15 remember it's been almost a year. As I recall, I
16 said, I'm Ginger Priest. I live over on Highway O
17 in the newly annexed area, and I'm just here to see
18 if you prefer to have your electricity supplied by
19 Intercounty to -- to continue to have your
20 electricity supplied by Intercounty.

21 Now, most people were aware that this
22 change had been proposed. Once in a while you had
23 to explain to them and someone would say, Oh, I
24 kind of do remember reading something about that or
25 something.

1 But as a rule I said, you know, I live
2 over on Highway O. I'm asking, Do you prefer to
3 have your electricity provided by Intercounty?

4 COMMISSIONER MURRAY: And that you were
5 carrying a petition that if they signed it, that
6 would be the effect?

7 MS. PRIEST: Yes. Yes.

8 COMMISSIONER MURRAY: Okay. Thank you.

9 JUDGE HOPKINS: Any questions from the
10 attorneys?

11 (No response.)

12 JUDGE HOPKINS: No attorney wants to ask
13 any questions.

14 Thank you, ma'am. You may step down.

15 Ron Hopson is next and Mickey Hopson.
16 Where is Mickey Hopson?

17 Would you please be seated up here
18 (indicating)?

19 Raise your right hand.

20 (Witness sworn.)

21 JUDGE HOPKINS: Thank you. Please be
22 seated and state and spell your name for the court
23 reporter.

24 MR. HOPSON: Ron, R-o-n, Hopson,
25 H-o-p-s-o-n, and I live at 1704 Barnitz Avenue.

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1 Nothing I have to say is really earth
2 shattering. I have several homes and a business in
3 the City itself that is serviced by RMU. I have no
4 qualms with them.

5 But my dwelling that I live in has been
6 serviced by Intercounty, and we moved in November
7 the 1st, 1996. In that month we had an ice storm,
8 and it was late in the afternoon, 5:30 or 6:00.
9 And we had some lines down, and I called
10 Intercounty Electric to tell them about my
11 problem.

12 By the time I put the phone down, within
13 15 minutes there were two gentlemen in the backyard
14 working on my problem. My main concern with
15 Intercounty is, How come it took you guys
16 15 minutes to get to my house?

17 I was very impressed. I went out and
18 talked to the gentlemen, and they said that they
19 were on their way home, and they heard the call and
20 that it was cold and dreary and they were tired and
21 hungry, and they came right to my house and fixed
22 the problem right there. That impressed me to no
23 end, and that's all I have to say.

24 JUDGE HOPKINS: Thank you, very much,
25 sir.

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1 Any questions, Chair Lumpe?

2 CHAIR LUMPE: Mr. Hopson, with your homes
3 and businesses in the City, is it your -- was
4 that -- did that experience the same ice storm and
5 can you tell me what time it took for that to be
6 fixed?

7 MR. HOPSON: In the City itself?

8 CHAIR LUMPE: Yes.

9 MR. HOPSON: In my business I think we
10 only had one problem one time, and there was -- an
11 18-wheeler ran into a telephone pole and tore up a
12 transformer, and, of course, it wasn't RMU's
13 problem that that happened, and they got to it as
14 quickly as possible. We were out of business for
15 two or three hours, but that was understandable and
16 I don't hold that against anybody.

17 CHAIR LUMPE: And was it your impression
18 that you would be able to remain with
19 Intercounty --

20 MR. HOPSON: Yes, ma'am. Yes, ma'am.

21 CHAIR LUMPE: -- after?

22 MR. HOPSON: I think it should be that
23 way, if the people that live there are satisfied
24 with those folks and the type of service. I
25 received -- like I say, I service both of them, pay

1 for both of them, and I'm very happy with both of
2 them. I am very happy with Intercounty at my home.

3 CHAIR LUMPE: Thank you.

4 MR. HOPSON: You are welcome.

5 JUDGE HOPKINS: Just a moment, sir.

6 Any questions from from any of the
7 attorneys?

8 (No response.)

9 JUDGE HOPKINS: Thank you, sir.

10 MR. HOPSON: Thank you, sir.

11 JUDGE HOPKINS: Mickey Hopson is next, and
12 after her is another Harmes. And I'm sorry, I just
13 can't read first name.

14 MS. HOPSON: Kaye. Kaye.

15 JUDGE HOPKINS: Ms. Harmes, would you
16 please come up here, and Ms. Hopson, would you
17 please raise your right hand?

18 (Witness sworn.)

19 JUDGE HOPKINS: Thank you. Please be
20 seated and state and spell your name for the court
21 reporter.

22 MS. HOPSON: My name is Mickey Hopson,
23 M-i-c-k-e-y, H-o-p-s-o-n. I live at 1704 Barnitz
24 in Rolla.

25 As my husband stated, we have a business

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1 in Rolla, and the service from RMU has been
2 excellent. And we also have a residence in
3 Intercounty area, and it has also been excellent.
4 We don't have any problems with either utility.

5 But I would plead with the Commission to
6 understand that this group of people behind me has
7 been through so many changes, so many changes that
8 we could not predict.

9 First of all, we've had to open our
10 checkbooks to changes that we've had to pay for,
11 and we really only received estimates. We've had
12 our yards dug up. We've had bulldozers through our
13 yards. We've had sewer put in, and we still don't
14 know the bottom line of what those are going to
15 cost.

16 And I think the frustration is change,
17 which is a frustration for anyone. And this is an
18 additional change, and I just -- I think it's too
19 much too soon. And I would just -- I would just
20 hope that the Commission will take in the best
21 interest of these people, these hard-working people
22 behind me who have been through so much in a short
23 time.

24 Keep in mind, too, that it came off
25 balance several times and got the no vote before we

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1 were finally annexed. It ran, and ran, and ran
2 until it finally got passed, and I don't think it's
3 going to run anymore to see if it goes back to no,
4 because that just seems to be the way that -- that
5 it goes.

6 So I'm just asking for you to act in the
7 best interest of these people, because they've been
8 through a lot.

9 JUDGE HOPKINS: Thank you.

10 Any questions?

11 CHAIR LUMPE: No questions.

12 COMMISSIONER MURRAY: No questions.

13 JUDGE HOPKINS: No questions from any of
14 the attorneys. Thank you.

15 Kaye Harmes.

16 MS. HARMES: Yes.

17 JUDGE HOPKINS: And then after her is
18 Diana Henry.

19 Is Diana Henry here? Ma'am, if you would
20 come up here and be seated in the on-deck circle
21 and Ms. Harmes, raise your right hand.

22 (Witness sworn.)

23 JUDGE HOPKINS: Thank you. Please be
24 seated and state and spell your name for the court
25 reporter.

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1 MS. HARMES: My name is Kaye Harmes,
2 K-a-y-e, H-a-r-m-e-s, and I live at 1100 State
3 Route F in Rolla and am an Intercounty customer
4 there, and I'm co-owner of the farm, which is half
5 in and half out of the City. You may determine
6 which half is mine, I'm not sure yet which one --
7 which one I get.

8 JUDGE HOPKINS: We're not that kind of
9 court.

10 MS. HARMES: I'd like to address a service
11 that Intercounty provides that has not been
12 addressed yet this evening. Each year Intercounty
13 Electric sponsors a junior from each high school in
14 the service area that it covers to attend a
15 week-long World Electric Youth Cheer in Washington,
16 D.C.. During that time, these juniors meet with
17 juniors from all over the country. They meet their
18 Congressmen, and they cheer all of the landmarks in
19 Washington, D.C.

20 In addition, two other juniors from each
21 of these high schools is afforded the opportunity
22 to attend a leadership conference at William Jewell
23 College on their campus, and it's wonderful as
24 well.

25 As a retired Rolla High School counselor

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1 of 25 years, it's been my pleasure through all of
2 those years to work with the Intercounty officials
3 and to see numerous Rolla High students afforded
4 the opportunity to go to Washington, D.C. for a
5 very wonderful, educational week. And several of
6 these students have told me that this experience
7 was the highlight of their high school career, and
8 it's something that they eagerly look forward to,
9 and I've not had one student regret either
10 attending Washington, D.C. or attending the
11 leadership conferences. They're just terrific.

12 And I always felt very grateful to
13 Intercounty for the way that they sponsored that,
14 and the people were always most pleasant. And Don
15 Benson was the gentleman with whom I worked most of
16 those years, and he was wonderful.

17 So in addition to being very pleased with
18 Intercounty as a customer, as my husband told you.
19 He has lots of things he does on the farm. He told
20 you he mowed off the electrical line a couple of
21 weeks ago, and they've always been very, very, very
22 prompt, and we appreciate them so much.

23 But as an educator and as a customer of
24 Intercounty, it makes me feel really good that a
25 little bit of my money that I am paying for my

1 electrical costs goes to sponsor these fine young
2 people in our local schools. And I appreciate
3 that, and I thank Intercounty for that
4 opportunity. Thank you.

5 JUDGE HOPKINS: Thank you, ma'am.

6 Any questions?

7 CHAIR LUMPE: No questions.

8 COMMISSIONER MURRAY: No questions.

9 JUDGE HOPKINS: No questions from anyone.
10 Thank you, ma'am.

11 Now, Diana Henry.

12 MS. HENRY: Yes.

13 JUDGE HOPKINS: And after Diana Henry is
14 Pam McCall.

15 Pam McCall?

16 JUDGE HOPKINS: Please raise your right
17 hand.

18 (Witness sworn.)

19 JUDGE HOPKINS: Thank you. Please be
20 seated and state and spell your name for the court
21 reporter.

22 MS. HENRY: My name is Diana Henry,
23 D-i-a-n-a, Henry, H-e-n-r-y. I live at 1220 South
24 Rolla Street. I operate a business at that same
25 address.

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1 I have been -- in the 23 years that I've
2 been out my own supporting myself, I've had RMU
3 services for about 15 to 17 of those years. I've
4 had Intercounty Electric for about five at a couple
5 of different places. I've been at my current
6 address for three years. I moved in just before
7 the annexation vote.

8 I went to the informational meetings that
9 the City had about the annexation prior to the
10 vote. I specifically asked the RMU representative
11 there about our electric service and whether or not
12 Intercounty would remain our provider, and I was
13 told that it would, that they had no interest in
14 it.

15 Obviously, I feel like I was lied to.
16 They could have told us that it was a possibility
17 that RMU would be looking to take over that, and at
18 least give the voters a little more information
19 when they went out to vote. And as you've already
20 heard and already know, it passed by a small
21 margin, especially in the annexation area.

22 In my time on RMU over the years, I can
23 recall some interruptions for no apparent reason.
24 I recall interruptions, particularly one Christmas
25 just as we were about to serve our meal during an

1 ice storm where the power went down, which was
2 okay. I mean, it was an ice storm. But we were
3 without service for more than 24 hours at that
4 time.

5 Now, lucky for me, we're campers. We had
6 kerosene heaters. We had camp stoves. We had
7 lanterns. Our house was lit up like a Christmas
8 tree in our neighborhood. People wondered why we
9 had service and no one else didn't.

10 On the same hand, we had an interruption
11 just recently with Intercounty Electric during an
12 electrical storm in August of this year. We were
13 without service for approximately two hours.
14 Didn't have to make any calls, didn't have to let
15 anybody know. Within 15 minutes of our power going
16 out, we saw the trucks out looking for where the
17 interruption was.

18 I've looked across the street from where I
19 live. Directly across from me is a subdivision
20 that was already in the City and was already
21 provided service by RMU, and I'll be standing in a
22 well-lit house, and it will be pitch black across
23 the street from me. No apparent reason.

24 The Intercounty employees have always been
25 courteous to me. When I have called with

1 questions, they're answered promptly.

2 I received some information from
3 Intercounty about levelized billing for. For the
4 business that I have, it's pretty important to me.
5 I have a seasonal-type business where I have a
6 greenhouse, and I have to run coolers and fans and
7 things in the greenhouse, and I run my water off my
8 well virtually 24/7 during the summer months.

9 The levelized billing allows me,
10 obviously, to pay the same amount money each month,
11 12 months a year, where if I didn't have that
12 service, I might pay 4 to 5 to \$600 in electric
13 bills during the summer, and if I'm lucky, maybe
14 I'm down to 150 or \$200 in the winter, because my
15 house electrical service. I have no gas or oil,
16 wood, that type of thing.

17 I'm happy to be a member of Intercounty
18 where I have a say if I want to have a say. With
19 RMU, I don't feel I have any -- any say or can make
20 any contribution to any service that I might want
21 to have.

22 I recently asked RMU to allow me to keep
23 my well for my business only. I was perfectly
24 willing to hook up my house to the water, but I
25 wanted to keep my well, hopefully for obvious

1 reasons. I water my plants out there quite a bit
2 during the summer.

3 I can't imagine what the cost will be to
4 me to maintain my business if I'm forced to go on
5 to the water and off my well. I hope to have
6 another opportunity to ask -- to maintain my well.

7 I also feel that I was lied to in that
8 situation. I was told that the Department of
9 Natural Resources was requiring that our wells be
10 capped. I contacted the DNR. I received a copy of
11 their rules and regs, and nowhere does it say that
12 I have to. As long as it's an operational well, I
13 don't have to cap it, and it is an operational
14 well.

15 Let's see if I hit everything here.

16 Before the hearing started, RMU indicated
17 they had no anticipated cost increase for the
18 taking on of these extra customers. The City -- as
19 I recall it, the residents of Rolla were told prior
20 to the annexation that there would be no cost to
21 them for the annexation, that the citizens or the
22 people within the annexed area would bear the
23 cost.

24 Personally, I'm going to have a difficult
25 time bearing that cost. They're so gracious as to

1 extend our payments over 20 years for part of the
2 services that we're going to be provided. However,
3 out of my pocket is going to come what I have to
4 pay to hook my house to their lines. We're talking
5 about many thousands of dollars.

6 I just started a business. It's going to
7 be very difficult for me to do. As a matter of
8 fact, I don't know how I'm going to.

9 The fact that they said that there would
10 be no anticipated cost increase, the -- in August
11 of 1999 in the Rolla Daily News there was a vote by
12 the City Council to pass the southeast sewer
13 treatment plan, rehabilitation, rebuilding,
14 renovation. And it was stated in that article, and
15 I believe it was a quote from Mr. Butts, the
16 administrator, that it was because of the Southside
17 annexed area and the taking on of those new
18 customers.

19 Now, that cost was passed on to the City
20 in the purchase of bonds, sewer bonds for the tax
21 increase. So right there they did incur a cost,
22 and the citizens of Rolla that got to vote on the
23 annexation weren't informed of that, and within a
24 year and a half, they had an increased cost of
25 their own in taxes.

1 I think that's probably all I have to say.
2 JUDGE HOPKINS: Thank you, ma'am.
3 Any questions?
4 CHAIR LUMPE: I have no questions. Thank
5 you.
6 COMMISSIONER MURRAY: Just one, yes.
7 Do you know if RMU provides the
8 opportunity for levelized billing?
9 MS. HENRY: I do not know specifically. I
10 can't recall if I ever asked about it when I was
11 a -- when I did receive their services.
12 COMMISSIONER MURRAY: I believe that's
13 all. Thank you.
14 JUDGE HOPKINS: Thank you.
15 Any questions from any of the attorneys?
16 (No response.)
17 JUDGE HOPKINS: All right. Thank you,
18 ma'am. You are excused.
19 Pam McCall is next, and then after her is
20 Edward, it looks like, T-e-n-e-s.
21 Yes, sir, if you'll come up here and be on
22 deck.
23 Ma'am, if you'll raise your right hand,
24 please.
25 (Witness sworn.)

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1 JUDGE HOPKINS: Thank you. Please be
2 seated and state and spell your name for the court
3 reporter.

4 MS. MCCALL: My name is Pam McCall,
5 M-c-C-a-l-l, and I'm here for our business,
6 McCall's Floor Mart that is on 458 West Little Oaks
7 Road here in Rolla at the tail end of the
8 annexation.

9 And I have to start by saying we in no way
10 wanted this annexation, and since it has taken
11 place, we have yet to see anything positive from
12 it. As a matter of fact, it's been just the
13 opposite.

14 And our concerns is that the -- this
15 change in utilities is going to result in the same
16 thing. Our trash, we were forced to change trash.
17 We went down dumpster size and up payment just for
18 the privilege of having that, and I'm afraid this
19 is going to happen to us.

20 We've had Intercounty Electric for years.
21 We also have it at our home. We've been in the
22 City before also. I've never had any problems with
23 them, not to mention there's nothing wrong with
24 getting some money back at the end of the year.
25 When you call if there is an outage, they're always

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1 working on it. By the time I call, they're always
2 working on it.

3 The other problem I have is I don't know
4 why -- I don't know why anybody wants to change. I
5 don't know who wants to change. I don't know if
6 it's Rolla Municipal's or the people, because I've
7 yet to talk to one person that wants to change.

8 I would like to hear if this is what
9 they're wanting to do, why they want to. I haven't
10 heard anything that would benefit me or anybody
11 else that I've asked why they wish to change. And
12 I've talked to many on this, and I can't get an
13 answer.

14 So if it's -- if the change only helps
15 Rolla Municipal's as a business, please whoever
16 takes the last say and if this change takes place,
17 consider the people that are using that electric,
18 because I think you are going to find that there's
19 a lot of people that don't want to change. They're
20 happy with the way it is, and they don't want it to
21 change.

22 And I for one, do not want it to change.
23 I don't want the result to be the same results that
24 we have gotten from the other utilities or whatever
25 that we've got from the changes already. Nothing

1 has benefitted us, and it has only taken in more
2 money from us. And if is that is going to be the
3 result of this change, I see no benefit in it.

4 Please, before someone makes a decision on
5 this, look at the benefits of all of these people
6 and businesses that will be using this utility, and
7 don't take away from us our last right from this
8 annexation.

9 I was under the understanding that we
10 would keep Intercounty Electric. Don't ask me
11 which letter it came from, because I don't remember
12 which one it came from, and I was tickled to hear
13 that. So this is our last plea to not take away
14 the last thing that we have as a result of this
15 annexation.

16 Thank you for your time.

17 JUDGE HOPKINS: Thank you, ma'am.

18 Any questions?

19 CHAIR LUMPE: Just briefly.

20 You mentioned the letter. Was the letter
21 from the City or RMU, or was it from the Co-op?

22 MS. MCCALL: I couldn't even tell you. We
23 had several letters coming across our desks all of
24 the time.

25 CHAIR LUMPE: So written documentation

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1 that said there would be no change?

2 MS. MCCALL: Yeah.

3 CHAIR LUMPE: All right. Thank you.

4 COMMISSIONER MURRAY: No.

5 JUDGE HOPKINS: Any questions from any of

6 the attorneys?

7 (No response.)

8 JUDGE HOPKINS: None of the attorneys have

9 indicated they want to ask any questions.

10 Thank you, ma'am. You may step down.

11 Edward Tenes.

12 MR. TENES: Yes, Edward Tenes.

13 JUDGE HOPKINS: And then the last speaker

14 is Jeff Jaquess.

15 Please come up here and be seated.

16 And you, sir, raise your right hand,

17 please.

18 (Witness sworn.)

19 JUDGE HOPKINS: Please be seated and state

20 and spell your name to the court reporter.

21 MR. TENES: My name is Edward B. Tenes,

22 E-d-w-a-r-d, B, T-e-n-e-s. I presently live about

23 a mile down the road here at 1335 U.S. Highway 63

24 South. I have nine houses in Rolla in the City

25 limits. I have lived in Rolla for the a number of

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1 years. I do have one house St. Louis also.

2 I want to say that I have a feeling of
3 cost both living outside of the City limits and
4 inside of the City limits. I can say without
5 hesitation that living in the City limits is far
6 more expensive in the sense that you have more cost
7 for utilities such as trash pickup, such as sewer,
8 water and electricity.

9 In the past, Rolla Municipal Utilities did
10 provide some service, like, leaf pickup, and all of
11 the sudden this stopped. I do know that my rental
12 houses and by change-over of the utilities, that
13 they are starting to charge a \$7 turn-off and
14 turn-on fee, which is nothing more than looking at
15 the meter.

16 In the past, they did not do this. I
17 complained about this to the people. They said,
18 Well, you can go talk to the Board. They made the
19 decision. So why don't the people ask us first,
20 the people who would pay these, whether or not we
21 want this.

22 I was so mad, that I said, You shut the
23 electricity off at my vacant houses, I'll run an
24 extension cord or I'll have a power generator,
25 because I was angry with the way they handled

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1 situations like that. They just seem arrogant.
2 They just seem like they're too good to listen to
3 the people who are actually paying the bills for
4 them, and I was very perturbed about the
5 situation.

6 But in the past they have been helpful.
7 Since the house went vacant, they would just take a
8 reading of the meters, and they would just go off
9 there. Now, this happened a few years ago that
10 they decided to go ahead and charge us a \$7 look
11 fee, or something like that.

12 And again, I was just mad about the
13 situation. No one said nothing. They just did it,
14 and that's just bothers me a great deal.

15 Rolla Municipal Utilities is a sole
16 monopoly. You can't buy yourself someplace else.
17 It's very sad. I think it is very important that
18 they -- there should be an opportunity, there
19 should be some comparison, some way of setting some
20 regulations, someone overseeing these people,
21 because they just seem very high-handed about a lot
22 of their business arrangements down there.

23 Living down on mile down the road, I'm
24 afraid of Rolla coming towards me out where I
25 live. I've got 12 acres out there. I have my own

1 well. I have my own septic system out there and
2 everything else. I'm working for myself. I have
3 my own generator. I can go independent if I wanted
4 to, but I don't want to because of cost factors.

5 But I'm very concerned about the City
6 limits just down the road here. It bothers me.
7 They're getting too close to me, and I know the
8 costs are higher in the City limits than outside of
9 the City limits. I can prove it with bills and
10 statements like that.

11 As I've serviced with Rolla Municipal
12 Utilities with my tenants, I've had them calling me
13 up a number of times saying there's something wrong
14 with the electricity. There's something wrong
15 here. We're having blackouts or something like
16 this. I said, All I can do is call the Rolla
17 Municipal Utilities and find out.

18 I never had the same problems -- I should
19 say a few. But I have very few problems from the
20 Co-op.

21 I remember one time we had an ice storm, I
22 think the one everybody was talking about. I was
23 on the phone. I'm looking out my driveway, and
24 there's a red truck pulling up right then and
25 there. So they got a person right out there. I

1 couldn't believe how fast the service I've got from
2 these people.

3 As to the electricity, I've always had
4 very reliable electricity. I've had momentary
5 shutdowns in the sense on the computer, I could
6 detect that. There's a blip on the computer when
7 I'm on-line, stuff like this. Sometimes I
8 occasionally get that, but it's very nominal. And
9 if I compare the two, I would certainly stay with
10 the Co-op versus Rolla Municipal Utilities.

11 The bottom line is, it seems like Rolla
12 Municipal Utilities costs are very high. There's
13 no accountability to the people who actually are
14 the customers, and that's me. And I do buy
15 electricity from Rolla Municipal Utilities. I also
16 buy from the Co-op, and I can compare the two, and
17 I say the Co-op has done a much better job for me
18 and hope they continue to do so. I have nothing
19 but the highest praise for them.

20 That concludes what I have to say.

21 JUDGE HOPKINS: Thank you, sir.

22 MR. TENES: Thank you, sir.

23 JUDGE HOPKINS: Any questions?

24 COMMISSIONER MURRAY: I have a question.

25 JUDGE HOPKINS: Just a moment, sir.

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1 MR. TENES: Yes, ma'am.

2 COMMISSIONER MURRAY: I just wanted to
3 clarify. Did you say you do not live in the
4 annexed area?

5 MR. TENES: No, ma'am, but it's coming
6 that way. I live about a mile down the road from
7 it, 63 South.

8 COMMISSIONER MURRAY: Thank you.

9 JUDGE HOPKINS: Any questions from any of
10 the attorneys?

11 MR. DUFFY: Does he have any property in
12 the annexed area?

13 MR. TENES: No, sir. I'm afraid I will be
14 annexed.

15 JUDGE HOPKINS: But at the present you
16 have none?

17 MR. TENES: No. I don't want to, because
18 of problems I'm seeing right now.

19 Yes, ma'am.

20 CHAIR LUMPE: Do you have property in the
21 city, though?

22 MR. TENES: Yes, ma'am.

23 CHAIR LUMPE: And you've had experience
24 with their services?

25 MR. TENES: Yes, ma'am, many years.

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1 JUDGE HOPKINS: Mr. Duffy, any further
2 questions?
3 MR. DUFFY: (Shook head.)
4 JUDGE HOPKINS: Any further questions from
5 any other attorneys?
6 (No response.)
7 JUDGE HOPKINS: Thank you, sir. You may
8 step down.
9 MR. TENES: Thank you.
10 JUDGE HOPKINS: Our last speaker is Jeff
11 Jaquess. Is that correct?
12 MR. JAQUESS: Close enough, Jaquess.
13 (Witness sworn.)
14 JUDGE HOPKINS: Thank you. Please be
15 seated and state and spell your name for the court
16 reporter.
17 MR. JAQUESS: Name is Jeff, Jaquess,
18 J-a-q-u-e-s-s. I live at 102 Shady Lane, which is
19 in the annexed area.
20 When we first started talking about the
21 Southside annexation, I, too, was concerned about
22 the water well issue as well as the power issue. I
23 do work for the Missouri Department of Natural
24 Resources as a hydrologist, groundwater, so I deal
25 with water wells every day.

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1 The earlier woman who spoke is very true,
2 DNR rules and regulations do not require the
3 plugging of a well that has been annexed. It does
4 have to be constructed properly, still perform
5 regular tests. That is very true.

6 I'm very happy with Intercounty Electric.
7 I'd like to repeat everything that the people have
8 said before.

9 I too am concerned about the number of the
10 power outages. After we did get annexed in the
11 City, there's a little subdivision about 100 yards
12 from my house called Brady Drive, B-r-a-d-y.
13 There's been many nights I will have power and
14 100 yards away, they will not.

15 Yes, there's times I've been without
16 power. You know, as both the City and Intercounty
17 have said, there's going to be some power outages.
18 I would think the Public Service Commission needs
19 to make sure, How many has the City of Rolla had
20 versus how many has Intercounty had. Things like
21 that are cold, hard facts that need to be
22 addressed.

23 My one concern is, Does Rolla Municipal
24 Utilities have a lineman and support staff to take
25 on these extra 200-and-some-odd customers? Also

1 was mentioned about the levelized billing. I've
2 been very happy with it. I've had it with
3 Intercounty Electric for about three or four --
4 three years now. I actually had a reduction that
5 just started in October for about \$38 less than
6 what I was paying a year ago.

7 My one question would be, Does Rolla
8 Municipal Utilities have that, another feature I've
9 been very happy with. I haven't needed it yet,
10 hope I never will, but with Intercounty Electric,
11 you can send them a list.

12 Let's say you have an emergency medical
13 condition where you have, like, an oxygen machine
14 or something that you need dedicated power to or if
15 the power goes out, you can be on a list saying,
16 Get power restored in this house as soon as
17 possible, maybe in lieu of some other customers.
18 Does RMU have that kind of feature, or are you just
19 left high and dry?

20 All in all, I would just like to keep
21 Intercounty. I've had it for for about seven years
22 now. Before then I was in the City limits, and
23 even though it was a smaller apartment than my
24 current house, I believe I could look up some
25 checks that I made out to the City utilities, and

1 in terms ever square footages, I think I paid a lot
2 more in the City limits in a small apartment than
3 what I am currently paying in my house.
4 That's all.
5 JUDGE HOPKINS: Thank you.
6 Any questions?
7 COMMISSIONER MURRAY: No questions.
8 JUDGE HOPKINS: Any questions from any
9 attorney?
10 (No response.)
11 JUDGE HOPKINS: No questions.
12 Thank you, sir. You may step down.
13 Any closing comments?
14 Is there anyone else who didn't sign up
15 who wants to testify?
16 Okay. Let's get your name here, and we
17 had somebody over here (indicating).
18 JUDGE HOPKINS: Mr. Mauller, do you have
19 anything further you need to say, sir?
20 MR. MAULLER: Yes, sir.
21 JUDGE HOPKINS: Come up here
22 (indicating). You are still under oath.
23 MR. MAULLER: Yes, sir. My name is Gus
24 Mauller that -- one of the previous people reminded
25 me of something.

1 When the City did the annexation, they
2 told everybody they had a lot of sewer capabilities
3 to take care of everything and the whole Southside,
4 and we find out that they lied to us. It was -- in
5 fact, they were under lawsuit from DNR for the
6 pollution from that plant at the time they annexed
7 the Southside. Then after they annexed, then they
8 ramrodded this sewer bond issue through.

9 So they weren't truthful with the people
10 in the Southside annexation, and it's just part of
11 what I was saying earlier about the annex -- about
12 the arrogance of this government and the people in
13 it.

14 That's my addition.

15 JUDGE HOPKINS: Tim Brandenburg.

16 MR. MAULLER: Thank you.

17 JUDGE HOPKINS: And after Tim
18 Brandenburg is Erma Hance.

19 Please come up here and be on deck.

20 Mr. Brandenburg, would you please raise
21 your right hand?

22 (Witness sworn.)

23 JUDGE HOPKINS: Thank you. Please be
24 seated and state and spell your name for the court
25 reporter.

1 MR. BRANDENBURGER: My name is Tim
2 Brandenburger, T-i-m, B-r-a-n-d-e-n-b-u-r-g-e-r. I
3 live at 16 Frost.

4 I own property in the annexed area, but I
5 did not live there. Therefore, I was not allowed
6 to vote whether to be annexed or not.

7 Since the property was annexed, we paid
8 property taxes, and in the last two-and-a-half
9 years since the annexation went through, all we
10 have received is the token garbage pickup which
11 started this summer that costs more than what we
12 have at our residence, even though we have less
13 garbage, and it costs more than what we were being
14 serviced before.

15 As far as water and sewer, we do not have
16 any of these benefits yet, and from my
17 understanding it is at least two years away before
18 we will have this.

19 At our previous residence, we were
20 serviced by Intercounty Electric, and our business
21 is serviced by Intercounty Electric. We have been
22 with them for over ten years, and everybody has
23 power outages, both in the City, out of the City.
24 It's a fact of life.

25 But one thing that has been to our benefit

1 here in Rolla is we have at least five businesses
2 within the City limits that are our competitors.
3 It is a giant plus for us to be on Intercounty,
4 because many times we are the only business with
5 power that can service the customers because they
6 are on RMU and the power goes out. We have more
7 outages in the City than we do with Intercounty
8 Electric.

9 I think it should be taken into account
10 that Intercounty has many more customers on its
11 service than RMU does with their service. And for
12 the number of customers, it seems that RMU has more
13 outages than Intercounty Electric does.

14 I have been very satisfied with
15 Intercounty Electric service. I do not see a
16 reason to change.

17 Prior to the election, we were notified.
18 I do not know if the City notified us, Intercounty
19 notified us. I am not sure. We were told that we
20 would be able to keep our current electricity
21 provider.

22 If RMU had wanted to take over this
23 electricity, it should have been stated so before
24 the election, that way the people directly affected
25 by it could have voted, Yes, we want this service,

1 No, we don't. In fact, instead, it was a hidden
2 agenda, or something of that nature, and I think it
3 would have directly affected the outcome of the
4 election if it been brought to the public's
5 attention prior to the election that RMU intended
6 to take over the service area.

7 I do not want to be on RMU for my
8 business. I don't have a choice living in town. I
9 am on RMU for that. The bills per kilowatt used
10 seem to be different than the sheet that's handed
11 out that tells you who is paying what. According
12 to the information sheets, Intercounty seems to be
13 a higher rate than RMU, but for the few dollars, I
14 think the service is well worth it.

15 That's all I have.

16 JUDGE HOPKINS: Thank you.

17 Any questions?

18 CHAIR LUMPE: No questions.

19 COMMISSIONER MURRAY: No questions.

20 Thanks.

21 JUDGE HOPKINS: Any questions from any
22 attorneys?

23 (No response.)

24 JUDGE HOPKINS: Thank you, sir. You may
25 step down.

1 Erma Hance is next, and then after her,
2 Bill Hamilton will be our last speaker.

3 Mr. Hamilton.

4 Thank you, ma'am. Would you raise your
5 right hand?

6 (Witness sworn.)

7 JUDGE HOPKINS: Thank you, ma'am. Please
8 be seated and state and spell your name for the
9 court reporter.

10 MS. HANCE: E-r-m-a, H-a-n-c-e. We live
11 at 519 Keeton Road. We moved out there in the
12 country so we could be in the country, and we were
13 just kind of forced to be in the City.

14 We hadn't been annexed into the City very
15 many weeks until we started receiving letters that
16 we had a certain amount of time to get our -- the
17 grass cut around the mailbox before we would be
18 fined a certain amount. My husband is a heart
19 patient, and he can't do things like that. He
20 doesn't work, so I have to make arrangements to
21 have what I can have done like that.

22 I work on a public job where I have --
23 we've been sent home different times because the
24 electricity would go off. The last time it went
25 off, it was off for about four to six hours, and

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1 we -- there's no way to work when the registers
2 won't work and you can't do your job, so they send
3 you home, and it's just inside the City limits.

4 It's -- it wasn't our idea to move -- to
5 be annexed into the town. We've never had no
6 problems with Intercounty Electric at all, no
7 problems at all. They work with you, and they help
8 you.

9 I would like to stay with Intercounty, and
10 we also was -- when they came to the door and asked
11 us to choose whether we wanted Intercounty or Rolla
12 Electric, we preferred to stay with Intercounty.

13 JUDGE HOPKINS: All right. Thank you.

14 Any questions?

15 CHAIR LUMPE: No questions.

16 COMMISSIONER MURRAY: Just one, one
17 clarifying question.

18 When you said someone came to the door and
19 asked you, are you talking about someone bringing
20 the petition?

21 MS. HANCE: Yes.

22 COMMISSIONER MURRAY: So you signed that
23 petition?

24 MS. HANCE: Yes.

25 COMMISSIONER MURRAY: Okay. Thank you.

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1 JUDGE HOPKINS: Any questions from any of
2 the attorneys?
3 (No response.)
4 JUDGE HOPKINS: All right. Thank you,
5 ma'am. You may step down.
6 Bill Hamilton.
7 Raise your right hand and be sworn.
8 (Witness sworn.)
9 JUDGE HOPKINS: Thank you. Please be
10 seated and state and spell your name for the court
11 reporter.
12 MR. HAMILTON: Bill Hamilton,
13 H-a-m-i-l-t-o-n.
14 JUDGE HOPKINS: Go ahead.
15 MR. HAMILTON: I've had about the same
16 experience with Intercounty as some of these other
17 guys. I hope it wasn't the same two guys that got
18 to my house in 30 minutes in the middle of the
19 night.
20 1 thing I wanted to mention was that I
21 went out to help these guys and talked to them a
22 little bit, and they like their job. Two o'clock
23 in the morning, they were still happy. I was
24 impressed with that. If they can brag on them,
25 why, they must be doing something right.

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1 On the other hand, the past two years
2 experiences with the City of Rolla have been sad,
3 to say the least, and I don't think the request for
4 expansion is brought on by any resident or anybody
5 in the area. I've got my residence near St. James
6 and a piece of property in this area that you are
7 talking about, about 3 or 400 yards behind us here,
8 and Intercounty has serviced me in both areas.

9 I wouldn't want to see that change. I
10 think Rolla's philosophy is bill amount, service
11 them later. They've proved that to me on several
12 occasions anyway.

13 Thank you.

14 JUDGE HOPKINS: Okay. Thank you, sir.

15 Any questions?

16 CHAIR LUMPE: No.

17 COMMISSIONER MURRAY: I do.

18 Yes, Mr. Hamilton.

19 MR. HAMILTON: Yes, ma'am.

20 COMMISSIONER MURRAY: Your experience with
21 the City, did you say you take service or have
22 taken service with the City?

23 MR. HAMILTON: I have -- several years ago
24 I lost water to my property that I mentioned was
25 behind us, and one of the options that I had was to

1 volunteer annexation. And in pursuing that, I was
2 promised all kinds of things. I was promised water
3 in ten days, in writing. That didn't happen.

4 Three years later, I finally gave up, and
5 about June of this year, which is almost five years
6 later, I finally, through a fluke, got an easement
7 and got water to that property. And even at that,
8 it was a job. It was a job.

9 The only thing that I can say in favor of
10 Rolla Municipal Utilities was the guys that are out
11 there with the shovels and picks, they're doing
12 their job. The problem I think is higher up.

13 There's -- there seems to be a riff
14 between City departments. Why? I don't know.
15 Those people have, you know, major degrees, plaques
16 on their wall. If they don't, they've got
17 commendable years of experience, and yet they can't
18 work together.

19 COMMISSIONER MURRAY: I'm sorry. I still
20 don't understand. Did you say you have been a
21 customer of the City?

22 MR. HAMILTON: I've been a customer of
23 Intercounty for 20 years.

24 COMMISSIONER MURRAY: But I'm talking
25 about RMU.

1 MR. HAMILTON: RMU, right now they're
2 furnishing me with water.

3 COMMISSIONER MURRAY: Through an easement,
4 an area that involves an easement?

5 MR. HAMILTON: Yes. I needed an easement
6 to attain that, which I finally got.

7 COMMISSIONER MURRAY: Okay. And the
8 property that you are now serviced by Intercounty,
9 is that a part of the annexed area?

10 MR. HAMILTON: Excuse me?

11 COMMISSIONER MURRAY: You said you now
12 have property and you are served by Intercounty; is
13 that correct?

14 MR. HAMILTON: Intercounty furnishes
15 electric to my residence and also a property that I
16 have in Rolla.

17 COMMISSIONER MURRAY: Okay. Your
18 residence that is served by Intercounty, is that in
19 the annexed area?

20 MR. HAMILTON: No, ma'am.

21 COMMISSIONER MURRAY: So you are not in
22 the areas that in question here; is that correct?

23 MR. HAMILTON: My business property is
24 located in this area that you are speaking of.

25 COMMISSIONER MURRAY: In the annexed

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1 area?

2 MR. HAMILTON: Yes, ma'am.

3 COMMISSIONER MURRAY: Okay. Thank you.

4 MR. DUFFY: Your Honor, could we get the
5 address of this business in the annexed area?

6 JUDGE HOPKINS: What is the name of your
7 business and the address?

8 MR. HAMILTON: Well, for the last five
9 years they haven't been able to give me an
10 address. I just found out this morning -- this
11 morning was the first that I noticed I do have an
12 address over there, and it is 250 Lion's Club
13 Drive, which isn't there yet.

14 JUDGE HOPKINS: And the name of the
15 business?

16 MR. HAMILTON: It's -- it's no longer -- I
17 no longer have a business at that location.

18 JUDGE HOPKINS: Okay.

19 MR. DUFFY: We're trying to figure out
20 where this is, so we need a name of some sort, a
21 name of the service.

22 JUDGE HOPKINS: What was the name of the
23 business?

24 MR. HAMILTON: The name of the business
25 was Hamilton Products. It was a cabinet shop.

1 JUDGE HOPKINS: And that is in the annexed
2 area?
3 MR. HAMILTON: Yes, sir.
4 JUDGE HOPKINS: And it's no longer in
5 business?
6 MR. HAMILTON: That's true.
7 JUDGE HOPKINS: So you are not receiving
8 any electricity from Intercounty?
9 MR. HAMILTON: No. I -- I still have
10 service to the building.
11 JUDGE HOPKINS: And who do you --
12 MR. HAMILTON: I am using the building now
13 for storage, and I do some work there myself, but I
14 don't have employees and I don't run it as a
15 business anymore.
16 JUDGE HOPKINS: And who do you receive
17 electricity from at that building on Lion's Club
18 Drive?
19 MR. HAMILTON: Intercounty, and I prefer
20 to remain that way too.
21 JUDGE HOPKINS: And that building on
22 Lion's Club Drive is the newly annexed area; is
23 that correct?
24 MR. HAMILTON: Yes, sir, it is.
25 JUDGE HOPKINS: And this is the place you

1 had problems getting water for five years?

2 MR. HAMILTON: Yes, sir.

3 JUDGE HOPKINS: So five years ago, it
4 wasn't in the City; is that right?

5 MR. HAMILTON: That's true. I volunteered
6 annexation at that time in order to receive water,
7 which I was told I could have in, I believe, ten
8 days to two weeks, max.

9 JUDGE HOPKINS: You said you were going to
10 have water before you were annexed?

11 MR. HAMILTON: Yes. That was providing
12 that there wasn't any problems with the
13 annexation. At that time I was the only little
14 square in that area that wasn't annexed, and so
15 they were looking at that, I think.

16 JUDGE HOPKINS: Thank you, sir.

17 MR. HAMILTON: Thank you.

18 JUDGE HOPKINS: One more question.

19 MR. DUFFY: Let's just try and nail this
20 down.

21 Did I understand the witness to say that
22 this cabinet shop area was annexed into the City
23 five years ago?

24 MR. HAMILTON: Right.

25 MR. DUFFY: If he was annexed into the

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1 City five years ago, he's not in the Southside
2 annexation area that we're dealing with tonight.

3 MR. HAMILTON: The property was the only
4 part in there that wasn't, and it would have been.
5 Had I not volunteered in order to get water, I have
6 been in the annex with the rest of the Southside
7 area.

8 MR. DUFFY: The gentleman's business is
9 not located in the Southside annexation area.

10 JUDGE HOPKINS: Okay. So the business is
11 not in the newly annexed area; is that correct?

12 MR. HAMILTON: I'm sorry. I feel like I'm
13 a part of that.

14 JUDGE HOPKINS: Okay.

15 MR. HAMILTON: I'm a part of that. If you
16 look on the map, I'm right in the middle of it.

17 JUDGE HOPKINS: Okay. Thank you.

18 Thank you, sir.

19 Any other questions?

20 (No response.)

21 JUDGE HOPKINS: All right. Thank you,
22 sir.

23 MR. HAMILTON: Thank you.

24 CHAIR LUMPE: I'd just like to ask one
25 thing. How many people here are serviced by

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1 Intercounty?

2 I was going to ask for RMU, but I don't --
3 some of you can hold up -- okay. Thank you.

4 I would just like to again say that we
5 really appreciate you coming out. We appreciate
6 your comments. They are very important to us as we
7 try to make the best decision we can.

8 And it's very helpful to know what your
9 thoughts are and your testimony, and it is on the
10 record. It will be read by the other Commissioners
11 so that they can hear those comments too. So thank
12 you again very much for coming out.

13 COMMISSIONER MURRAY: I'll make it simple
14 and just say ditto.

15 JUDGE HOPKINS: Thank you. We're off the
16 record.

17 MR. COMLEY: Judge?

18 JUDGE HOPKINS: Yes, sir.

19 MR. COMLEY: This may seem irregular, but
20 let me ask you this: As many participants that are
21 here this evening, I was going to ask that the
22 Commission would grant us leave to ask how many
23 people are receiving Intercounty service in the
24 annexed area and how many here are either opposed
25 or in favor the application. Can we make that

1 inquiry of those who are here this evening?

2 JUDGE HOPKINS: I think that is highly

3 irregular. We've given everyone a chance to

4 testify, and I feel like what you are asking for is

5 a show of hands that there's no way we can get that

6 on the record, so I'm going to deny that request.

7 MR. COMLEY: Public Counsel?

8 MR. COFFMAN: (No response.)

9 JUDGE HOPKINS: Thank you. This meeting

10 is adjourned.

11 (WHEREUPON, the hearing of this case was

12 adjourned.)

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