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BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

PRE-HEARING

JANUARY 3, 2002

Jefferson City, Missouri

Volume 1

In the Matter of the Application of the City)
of Pacific, Missouri, and Public Water Supply)Case No.
District No. 3 of Franklin County, Missouri,)WO-2002-226
for Approval of a Territorial Agreement)
Concerning Territory Encompassing Part of)
Franklin County, Missouri.)

BEFORE:

BILL HOPKINS, Presiding,
SENIOR REGULATORY LAW JUDGE.

REPORTED BY:
TRACY L. THORPE CAVE, CSR
ASSOCIATED COURT REPORTERS

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A P P E A R A N C E S

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573-442-3600 COLUMBIA, MO

1 JUDGE HOPKINS: It is 10:00 a.m. on the
2 3rd day of January, year 2002 and this is Case
3 No. W0-2002-226. Operation of law doubt is Saturday,
4 March 9th, 2002 and it is in the matter of the application
5 of the City of Pacific, Missouri and Public Water Supply
6 District No. 3 of Franklin County, Missouri for approval
of
7 a territorial agreement concerning territory encompassing
8 part of Franklin County.

9 I'm Bill Hopkins, the law judge for you
today.

10 And let's have entries of appearances. We'll start over
11 here to my right with Mr. Dandino. Sir, go ahead.

12 MR. DANDINO: Michael Dandino, Office of the
13 Public Counsel. Also entering appearance for Ruth O'Neill
14 with the Office of Public Counsel. Post Office Box 7800,
15 Jefferson City, Missouri 65102, representing the Office of
16 Public Counsel and the public.

17 MR. STEWART: Charles Brent Stewart and
18 John D. Miller of the law firm of Stewart and Keevil, LLC.
19 1001 Cherry Street, Suite 302, Columbia, Missouri 65201.
20 Appearing on behalf of joint applicants the City of
Pacific,
21 Missouri and Public Water Supply District No. 3 of
Franklin
22 County, Missouri.

23 JUDGE HOPKINS: Are there any preliminary
24 matters on this? I'm sorry. Go ahead, Ms. Kizito.

25 MS. KIZITO: Victoria Kizito, appearing on

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of 1 behalf of the Staff. Also present will be Dale Johannsen
2 the Staff, but he's in an agenda meeting right now. Our
3 address is Governor Office Building, Suite 800, 200
Madison 4 Street, P.O. Box 360, Jefferson City, Missouri 65102.

5 JUDGE HOPKINS: Now I'll ask, are there any
6 preliminaries matters?

7 MR. STEWART: Judge, I guess I'd just like
to 8 ask a question as a preliminary matter. I notice in the
9 initial notice that was issued in the case the defender
case 10 was referenced and the possibility of proceeding without
an 11 actual hearing was also referenced.

12 It has been my experience in cases of this
13 type that we had in the past gone through at least an
14 abbreviated hearing. And I was just curious if the
15 procedure had changed or if -- I mean, either way is fine
16 with me, but I was just curious if there had been a change
17 in Commission policy.

18 JUDGE HOPKINS: I can just tell you what my
19 speculation is. We've had a lot of talk about that very
20 question. And, as you know, some of the statutes are a
21 little different on what you must have.

22 And I would suspect that we would do like we
23 have done in the past, have an abbreviated hearing where
24 there's no contest. As you also know, some territorial

25 agreements are hotly contested. Obviously this one is not

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1 unless one of the other parties contests it.

that 2 So I would say I would suspect right now

3 we could have an abbreviated hearing and if the

you 4 Commissioners had any questions, I don't know. I'll let

you 5 all give me a procedural schedule. And I didn't know if

6 wanted to have a local public hearing, which of course,

7 we'll be glad to do or --

8 MR. STEWART: Well, I don't think any of the

9 parties have talked yet, but that's helpful to know the

10 procedure that you prefer when we sit down and talk about

11 the schedule.

12 JUDGE HOPKINS: That question that you asked,

13 we've talked about a lot. And to my knowledge -- if I'm

14 wrong, I'd like somebody to educate me. I don't know that

15 the courts have ever actually ruled on that.

16 MR. STEWART: I don't think they have.

17 JUDGE HOPKINS: Because we've tried finding

18 cases and couldn't find anything on it.

as 19 MR. STEWART: Not to my knowledge. As far

20 I know, they haven't.

21 JUDGE HOPKINS: But you're right. That

22 statute does state that in 247.

23 Okay. Any other preliminary matters or any

24 unrul ed motions? We're here to see if we can define the

25 issues, which I don't suspect there's really much of a

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I 1 contest of anything since it was a joint application. So
2 guess we want to know basically what your witnesses would
3 be, exhibits would be and how long you think such an
4 abbreviated hearing would take.

5 MR. STEWART: Judge, just based on my
6 experience in the past, the way we've done it is the Staff
7 prepares a standard Stipulation and Agreement, which joint
8 applicants review and probably sign. That is offered into
9 evidence at the hearing.

the 10 The only witness that we've ever called in
11 past has been a Staff witness who had pre-filed some
that 12 testimony. And we go to the hearing and he introduces
13 testimony into evidence and, again, in my experience we're
14 in and out in about 20 minutes. So unless there's a
problem 15 that I'm unaware of, I would expect that's how we'd
proceed 16 here.

17 JUDGE HOPKINS: Okay. All I request is that
18 we can get this wound up, keeping in mind the 9th of March
19 is the operation of law date and that's not a whole lot of
20 time.

21 MR. DANDINO: Have the 49 customers been
22 notified of the pendency of this?

23 MR. STEWART: Apparently they have not.

24 MR. DANDINO: Okay. I think that's probably

25 one thing we'd like to see. Since there's only 49 of them,

6

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in

1 maybe a direct mailing to them and telling them to contact
2 our office or the Staff if they have any objections to it.
3 That way at the time of the hearing, you know, we'll have
4 information whether any of the customers object to it or,
5 you know, if they don't, we can, you know, so state that
6 the record too.

7 JUDGE HOPKINS: All right. I was just
8 checking the statute for notice provision, but I think
9 Mr. Dandino has got a real good idea there. Certainly
10 wouldn't help any -- I mean, wouldn't hurt anything.

just

11 I think you may not be required to do that
12 just as a brief -- just ran down the statute here and I
13 can't find anything that actually says that, but I think
14 you'd certainly be helpful to the parties if you did it.
15 And considering the small number of people that are
16 involved, it shouldn't be much of a problem.

you

17 So we do need the procedural schedule by
18 January the 11th, and it would be real helpful to me if
19 could send an electronic copy of that procedure or have
20 somebody send it to me, please.

be

21 Any other questions or matters that need to
22 brought up before we go off the record?

23 Okay. We'll go off the record and I will be
24 around all day if you all need to talk to me.

25 (PRE-HEARING ADJOURNED.)

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