

1                   BEFORE THE PUBLIC SERVICE COMMISSION  
 2                   STATE OF MISSOURI  
 3                   \_\_\_\_\_  
 4  
 5 THE STAFF OF MISSOURI           )  
 6 PUBLIC SERVICE COMMISSION,    )  
 7                                    ) Case No. WC-2007-0452  
 8       Petitioner,                )  
 9                                    )  
 10       vs.                        )  
 11                                    )  
 12 SUBURBAN WATER AND SEWER       )  
 13 COMPANY AND GORDON BURNAM,    )  
 14                                    )  
 15       Respondents.              )

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DEPOSITION OF RAMON GORDON BURNAM  
 Taken on behalf of Petitioner  
 July 17, 2007

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2 EXAMINATIONS

3 Direct Examination by Ms. Syler Brueggemann 6

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5 EXHIBIT INSTRUCTIONS

6 Exhibits attached in a separate binder.

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1 BEFORE THE PUBLIC SERVICE COMMISSION

2 STATE OF MISSOURI

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5 THE STAFF OF MISSOURI )  
6 PUBLIC SERVICE COMMISSION, )  
7 ) Case No. WC-2007-0452  
8 Petitioner, )  
9 )  
10 vs. )  
11 )  
12 SUBURBAN WATER AND SEWER )  
13 COMPANY AND GORDON BURNAM, )  
14 )  
15 Respondent. )  
16

17 DEPOSITION OF WITNESS, RAMON GORDON  
18 BURNAM, produced, sworn, and examined on July 17, 2007,  
19 between the hours of 8:00 a.m. and 6:00 p.m. of that day at  
20 the offices of Public Service Commission, Jefferson City,  
21 Missouri, before TRACY L. THORPE TAYLOR, CCR. No. 939, within  
22 the State of Missouri, in a certain cause now pending before  
23 the Missouri Public Service Commission, wherein Staff of  
24 Missouri Public Service Commission is Plaintiff and Suburban  
25 Water and Sewer Company and Gordon Burnam are Defendants.

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1 A P P E A R A N C E S  
2 FOR THE PETITIONER:  
3 STAFF OF THE MISSOURI PUBLIC SERVICE COMMISSION  
4 200 Madison Street, Suite 800  
5 Jefferson City, Missouri 65102-0360  
6 573-526-7393  
7 by: Ms. Shelley Syler Brueggemann

32649rburnam071707  
8 by: Mr. Steven Reed

9

10 FOR THE RESPONDENTS:

11 VAN MATRE, HARRISON, AND VOLKERT, P.C.

12 1103 East Broadway

13 Columbia, Missouri 65201

14 573-874-7777

15 by: Mr. Thomas M. Harrison

16

17 FOR OFFICE OF THE PUBLIC COUNSEL:

18 OFFICE OF THE PUBLIC COUNSEL

19 200 Madison Street, Suite 650

20 Jefferson City, Missouri 65102

21 573-751-5565

22 by: Ms. Christina Baker

23

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1 CERTIFIED COURT REPORTER:

2 TRACY L. THORPE TAYLOR, C.C.R. NO. 939

3 MIDWEST LITIGATION SERVICES

4 3610 Buttonwood

5 Columbia, Missouri 65201

6 573-442-3600

7

8 ALSO PRESENT: Paula Belcher

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1                   IT IS HEREBY STIPULATED AND AGREED by and  
2 between Counsel for the Plaintiff and Counsel for the  
3 Defendant that this deposition may be taken by TRACY L. THORPE  
4 TAYLOR, a Certified Court Reporter, C.C.R. 939, thereafter  
5 transcribed into typewriting, with the signature of the  
6 witness being expressly requested.

7                   RAMON GORDON BURNAM,  
8 of lawful age, having been produced, sworn, and examined on  
9 the part of the Petitioner, testified as follows:

10 DIRECT EXAMINATION BY MS. SYLER BRUEGGEMANN:

11           Q.       Good afternoon, Mr. Burnam.

12           A.       Okay. Okay.

13           Q.       We have been in depositions for about the last

14 day and a half.

15 A. Okay.

16 Q. And Mr. Volkert conducted the primary portion  
17 of those. Mr. Harrison has been here --

18 A. Okay.

19 Q. -- some of yesterday also. But through those  
20 depositions we already had some exhibits that were marked that  
21 we had within using so I'm going to probably be producing some  
22 of those and then some of my own for identification.

23 A. Okay.

24 Q. But if you see a marking on them --

25 A. Okay.

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1 Q. -- that's where they came from.

2 So I guess to start out with, are you a  
3 resident of Missouri?

4 A. No.

5 Q. And where do you live?

6 A. Fort Myers, Florida.

7 Q. Okay. And how long have you been in Fort  
8 Myers?

9 A. Ten years.

10 Q. How long have -- or were you in Missouri  
11 before that?

12 A. Yes.

13 Q. How long were you in Missouri?

14 A. Rest of my life.

15 Q. Okay.

16 A. I'm 76, so what? Sixty-six years.

17 Q. Finally decided you'd move to no winters?  
18 A. Yes. Eking into retirement.  
19 Q. Okay. Now, have you been involved with many  
20 businesses over your 76 years?  
21 A. Yes.  
22 Q. And what types of businesses have you been  
23 involved in?  
24 A. Mostly we started out in the real estate  
25 business and then got into the construction business and then

8

1 became rental -- had a lot of rental property and mini  
2 warehouses.  
3 Q. And did you just rent out those warehouses  
4 also?  
5 A. Yes. Uh-huh.  
6 Q. Okay. Now, was there a primary location for a  
7 lot of this real estate and for the rental properties?  
8 A. Everything but the mini warehouses were in  
9 Columbia, Missouri.  
10 Q. Okay. And how many businesses would you say  
11 there were?  
12 A. Me that I've been in?  
13 Q. Yeah.  
14 A. Have you got all afternoon?  
15 MR. HARRISON: Are you asking about whether he  
16 was employed by them, owned them, operated them?  
17 MS. SYLER BRUEGGEMANN: That's he's been  
18 involved with.  
19 MR. HARRISON: Just involved in any capacity,

20 any capacity.

21 THE WITNESS: I don't know. Like I said --

22 BY MS. SYLER BRUEGGEMANN:

23 Q. Dozens?

24 A. Oh, yeah. At least.

25 Q. Okay.

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9

1 A. Uh-huh.

2 Q. Now, currently what businesses are you  
3 involved with?

4 A. The only thing we have right now is some  
5 mobile home parks my wife and I own.

6 Q. And under what name are those?

7 A. One of them is a management --

8 MR. HARRISON: Let me stop. Are you asking  
9 him what he owns or are you asking him what he operates or how  
10 he's employed?

11 MS. SYLER BRUEGGEMANN: What businesses he's  
12 generally involved with right now.

13 MR. HARRISON: Okay. I don't want you to talk  
14 about anything that you own, I don't want you to talk about  
15 anything that you are -- that employs you. Okay? Because I  
16 don't think they're entitled to know what you own. Okay?

17 THE WITNESS: Okay. We have --

18 MR. HARRISON: So to the extent -- subject to  
19 that objection, you can answer.

20 THE WITNESS: We have mobile home parks, my  
21 wife and I.

22 BY MS. SYLER BRUEGGEMANN:



23 Q. Okay. Are any of those related to Suburban  
24 Water Company?  
25 A. They're not close to Suburban water.

10

1 Q. Okay. Are they involved with Suburban water  
2 at all?  
3 A. Well, we have the same people that operate --  
4 that help us in the mobile home parks that also looks after  
5 some of the maintenance in Suburban.  
6 Q. Okay. And what's the name of that company  
7 that helps manage Suburban water?  
8 A. It's a Burnam family company.  
9 Q. Okay. And does it go by any other name?  
10 A. Just --  
11 Q. Like Vista Management?  
12 A. Well, Vista Management is strictly pretty well  
13 a non-- non-asset liability -- I mean for liability purposes.  
14 Vista Home and Management Company.  
15 Q. Okay. What do you mean "for liability  
16 purposes"?  
17 A. Well, as you know, if you're a landlord,  
18 you -- you know, you have to be kind of careful and you have  
19 to watch out and we've always just kind of done it that way.  
20 Q. And what does Vista manage then?  
21 A. Well, they manage some of the mobile homes in  
22 the mobile home park.  
23 Q. Okay. Do they manage anything else at this  
24 time?  
25 A. No.

1 Q. Okay. Do they contract their work out to  
2 anything?

3 A. No.

4 Q. They don't contract their work out to  
5 Suburban?

6 A. No.

7 Q. Okay. Just to cover all the usual questions,  
8 have you ever pleaded guilty of or been convicted of a crime?

9 A. No.

10 Q. Okay. And have you or your businesses ever  
11 been involved in lawsuits?

12 A. Sure.

13 Q. Okay.

14 A. Yes.

15 Q. And what types of lawsuits were you involved  
16 with?

17 A. Well, we have one right now pending. It's  
18 a -- the ice and snow was very bad in Columbia last winter and  
19 some lady was visiting her boyfriend's father who lived in the  
20 mobile home park and she got out and she slipped and fell and  
21 hurt her back.

22 Q. And generally, what kind of outcomes do your  
23 lawsuits have?

24 MR. HARRISON: I'll object to the question as  
25 being vague.

1                   Subject to that, you can answer it if you --  
2                   THE WITNESS: I'm sorry. I didn't hear that.

3 BY MS. SYLER BRUEGGEMANN:

4                   Q.     I just asked what types of outcomes have  
5                   resulted from the lawsuits?

6                   A.     The thing of it is, it's still pending so I  
7                   don't know what the outcome is going to be. We had one maybe  
8                   15 years ago, similar complaint, and it was resolved by the  
9                   insurance company.

10                  Q.     Okay. Now, let's talk a little bit about the  
11                  specifics of Suburban.

12                  A.     Uh-huh.

13                  Q.     Where's Suburban located? And I'm speaking  
14                  of, to clarify for the record, Suburban Water and Sewer  
15                  Company.

16                  A.     You're talking about where the waterlines are?

17                  Q.     Why don't we talk about the actual  
18                  administrative office first.

19                  A.     It's 1501 Vandiver, Columbia, Missouri 65202.

20                  Q.     Okay. And where's the actual physical  
21                  location?

22                  A.     Bon Gor Lake Estates Subdivision.

23                  Q.     And how many -- how about this? Can you  
24                  describe the general physical plant involved with Suburban  
25                  water?

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1                   A.     Okay. The only thing that's involved is -- is  
2                   of course a pump that's 550 feet in the ground. We have a --  
3                   a building there that covers where the -- where we interject

4 the chlorine into the water and then we have a water tower  
5 that sticks up 80 feet in the air.

6 (Petitioner's Exhibit No. 1 was marked for  
7 identification.)

8 BY MS. SYLER BRUEGGEMANN:

9 Q. Now, can you describe what I've just handed  
10 you as Exhibit 1?

11 A. It's plats 1, 2, 3, 4 and 5 of Bon Gor Lake  
12 Estates.

13 Q. And does this show the physical plant for  
14 Suburban Water and Sewer to some extent?

15 A. It's located on lot 16 and I think it's -- I'm  
16 not sure what block.

17 Q. Okay. Does it show where the waterlines are  
18 at?

19 A. Basically, the waterlines are underneath -- on  
20 top of the electrical lands on most of the subdivision. And  
21 that's shown there by dotted line.

22 Q. Okay. Do you have any idea how many  
23 residences there are in Bon Gor Estates?

24 A. I have no idea because part of it is not on  
25 Suburban Water and Sewer, it's on Public Water District No. 1.

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1 Q. Okay. Do you know how many residences are  
2 connected to Suburban Water?

3 A. We read the meters on 47 single families.

4 Q. Okay. And are there other kinds of houses?

5 A. Yeah. There's commercial duplexes and  
6 four-plexes that are located in the area.

7 Q. And how many of those buildings, I guess, are  
8 there or --

9 A. I think -- I think there's 118 units, duplexes  
10 and four-plexes.

11 Q. Any idea how many people reside in those  
12 47 homes and 118 units?

13 A. We have no idea. I mean, there's no occasion  
14 for us to ever know.

15 Q. Okay. Now, when it comes to carrying out  
16 Suburban Water's business, let's start with who works for  
17 Suburban directly?

18 A. Nobody.

19 MR. HARRISON: Are you asking about who  
20 employees are? Is that the question?

21 MS. SYLER BRUEGGEMANN: That can be the  
22 question for now.

23 BY MS. SYLER BRUEGGEMANN:

24 Q. Who are the employees of Suburban?

25 A. We do not have a payroll for Suburban.

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1 Q. Okay. Who maintains the books, the billing,  
2 things like that for Suburban?

3 A. Paula Belcher.

4 Q. Okay. Who does she work for?

5 A. Vista Home Management Company.

6 Q. So how does she -- how does she carry out this  
7 work for Suburban?

8 A. Well, it's all done in the same office where  
9 we manage the mobile home parks.

10 Q. So has she been -- is she contract help? How  
11 do you think it crosses over?  
12 A. My wife handles all of that and I'm not sure  
13 how she charges out Paula's time.  
14 Q. Okay.  
15 A. I don't think she charges any of Paula's time  
16 to Suburban Water.  
17 Q. Okay. Say that again. You don't think Bonnie  
18 charges out --  
19 A. Any of Paula's time.  
20 Q. To Suburban Water?  
21 A. Yes.  
22 Q. Why?  
23 A. You'll have to ask her.  
24 Q. Okay.  
25 (Petitioner's Exhibit No. 2 was marked for

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1 identification.)  
2 BY MS. SYLER BRUEGGEMANN:  
3 Q. I'm handing you what's been marked as  
4 Exhibit 2. And this has been provided by your attorneys and  
5 its title is Vista Home Management Employees; is that correct?  
6 A. That's correct.  
7 Q. Okay. Do you recognize the names on the --  
8 under the Employee Name heading?  
9 A. Yes.  
10 Q. Do you recognize all of them?  
11 A. Uh-huh.  
12 Q. And could you generally identify how you know

13 those names?

14 A. well, we're kind -- we're a small organization  
15 and these are employees dating back three or four years.  
16 Doesn't necessarily mean we have all of these people on the  
17 payroll as we sit here.

18 Q. Okay. So they've all worked for Vista Home  
19 Management --

20 A. Yes.

21 Q. -- at one time or another?

22 A. Uh-huh.

23 Q. Okay.

24 A. There's only one now still employed by us  
25 that's --

17

1 MR. HARRISON: who's "us"?

2 THE WITNESS: Huh?

3 MR. HARRISON: who is "us"?

4 THE WITNESS: It belongs to -- Floyd Stuart is  
5 an employee of Vista Management Company who does maintenance  
6 work for Suburban water. All the rest of them are previous  
7 employees. None are in the employment now.

8 BY MS. SYLER BRUEGGEMANN:

9 Q. Okay. Now, how are you --

10 A. I take that back. Steve Baumann is a onsite  
11 park manager and he does some meter readings on a daily basis  
12 for Suburban Water and Sewer.

13 Q. Okay. Are you a shareholder in Vista Home  
14 Management?

15 A. Yes.

16 Q. Okay. Are you on the board of directors for  
17 Vista?  
18 A. Yes.  
19 Q. And who else is on the board of directors for  
20 Vista?  
21 A. For Vista?  
22 Q. Yeah.  
23 A. Okay. Paula Belcher is the executive vice  
24 president of Vista and my wife, Bonnie.  
25 Q. Is she secretary?

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1 A. Yes.  
2 Q. And then do you have -- are you an officer?  
3 A. Yes. President.  
4 Q. Okay. And then how many shareholders does it  
5 have?  
6 A. None except Bonnie and Gordon.  
7 Q. Did you start this company?  
8 A. Yes.  
9 Q. How long ago do you think you started it?  
10 A. I can't remember exactly. I'd say probably  
11 eight to nine years.  
12 Q. Do you know if this company is in good  
13 standing with the Secretary of State?  
14 A. It is in good standing.  
15 Q. Okay. Who handles that?  
16 A. Bonnie.  
17 Q. Does Bonnie generally do all of the office or  
18 secretarial duties for the two companies?



19 A. Annual reports and stuff like that, yes.  
 20 Q. Okay. And for Suburban, who are the  
 21 shareholders?  
 22 A. Gordon and Bonnie Burnam.  
 23 Q. Okay. Who's on the board of directors?  
 24 A. The same.  
 25 Q. Now, are you aware that on a Secretary of

19

1 State filing, that Paula was put -- was written in --  
 2 A. Okay. I've -- since I don't make it out, I'm  
 3 not familiar with it.  
 4 Q. Okay.  
 5 (Petitioner's Exhibit No. 3 was marked for  
 6 identification.)  
 7 BY MS. SYLER BRUEGGEMANN:  
 8 Q. I'm handing you what's been marked as  
 9 Exhibit 3.  
 10 A. Okay.  
 11 Q. Can you describe what that is?  
 12 A. 2/07 annual registration report.  
 13 Q. Okay. Is this a filing with the Secretary of  
 14 State's office?  
 15 A. That's correct.  
 16 Q. Okay. And do you see where Paula Belcher is  
 17 listed as vice president?  
 18 A. Yes.  
 19 Q. Okay. And this is the January 10th, 2007  
 20 filing; is that right?  
 21 A. I don't make out the annual report. I

22 didn't -- my wife didn't discuss with me that she -- that  
 23 Paula was -- you know, we may have in passing said something  
 24 about it. I wasn't aware that Paula was -- you know, she's  
 25 vice president of -- of Vista and evidently my wife reported

20

1 her as vice president of Suburban.

2 Q. So what I'm trying to get at, is this a  
 3 mistake?

4 A. No. I think she's -- yeah, she's --

5 Q. Paula is or isn't the vice president of  
 6 Suburban Water and Sewer?

7 A. To the best of my knowledge, which I'm not  
 8 sure of and you'll have to ask my wife.

9 Q. Can your wife appoint a vice president without  
 10 you knowing?

11 A. Well, you know, unfortunately we live together  
 12 and we talk about things over the breakfast table. And if  
 13 you're asking me specifically if she asked me for Paula --  
 14 Paula has been a long-term employee of ours, we have a lot of  
 15 confidence in her and maybe my wife put it on without talking  
 16 and I can't remember.

17 Q. Okay. Then in general, how are the decisions  
 18 for Suburban Water and Sewer Company --

19 A. Okay.

20 Q. -- how are those made?

21 MR. HARRISON: Wait, wait, wait. Let me  
 22 object. Object to the question as being vague because I don't  
 23 know what decisions the question is asking about.

24 So subject to that, you can answer.

25 BY MS. SYLER BRUEGGEMANN:

21

1 Q. How about financial decisions? who makes the  
2 financial decisions for Suburban?

3 MR. HARRISSON: Same objection. But subject  
4 to that, you can --

5 MS. SYLER BRUEGGEMANN: Now, I would have to  
6 argue with your objection. It's reasonably calculated to lead  
7 to the discovery of admissible evidence so I think he needs to  
8 answer.

9 MR. HARRISON: I told him he could answer. I  
10 told him he could answer. I said subject to that same  
11 vagueness objection, he can answer the question.

12 THE WITNESS: My wife and Paula communicate.  
13 And every time Suburban needs money, which is frequently,  
14 Paula calls my wife and Paula loans some money to Suburban  
15 Water and Sewer. As far as me specifically knowing if and  
16 when she does it, I have no idea.

17 BY MS. SYLER BRUEGGEMANN:

18 Q. Are you in communication with Paula some for  
19 Suburban water issues?

20 A. Well, I talk to Paula, if that's what you  
21 mean. I don't -- Suburban is such a small thing of what we're  
22 involved in that, you know, if Paula has a problem, she let's  
23 me know about Suburban and we handle it.

24 Q. Okay. what types of problems does she call  
25 you with?

1           A.     Okay. Like it comes up, you know, a water  
2 leak. Okay? we don't have very many but occasionally we do,  
3 and then it's a question of whether -- since we're a small  
4 outfit, whether the maintenance guy goes there of a morning or  
5 afternoon. That's basically it.

6           Q.     Now, is she calling the maintenance guy to  
7 schedule him to come out or are you?

8           A.     No, she does.

9           Q.     Do you just okay the maintenance man to come  
10 out and repair it?

11          A.     No. I -- sometimes I know about it, sometimes  
12 I know -- I'm in Florida seven months out of every year.  
13 Okay?

14          Q.     Where are you for the other five months?

15          A.     On the golf course in Columbia whenever I can.

16          Q.     Okay. Okay. So then who goes ahead and  
17 decides day-to-day operations issues?

18          A.     Paula pretty well handles that type situation.  
19 If there's a big major capital improvement, of course, she  
20 checks with me if it's a big outlay of money.

21          Q.     And why is that?

22          A.     Well, we're going to have to borrow it from  
23 Bonnie so we need to have a good excuse, if nothing else, of  
24 why we're borrowing all this money.

25          Q.     Okay. Now, when it comes to improvements, how

□

1 quickly do you typically decide that something's going to

2 happen or not happen?

3 A. Well, you know, it's a system. It either  
4 works or it doesn't. It's not an if and a but. Okay?  
5 And the only thing that we have any problems with other than  
6 some maintenance on the water tower is when there's a water  
7 leak in the ground. And that's pretty well what it involves.

8 Q. Now, when you say Paula's going to have to  
9 borrow the money from Bonnie, could you explain that to me a  
10 little bit?

11 A. Sure. Because Suburban revenues are not  
12 necessary to take care of the maintenance that's involved in  
13 running Suburban water and sewer.

14 Q. They're not sufficient to cover --

15 A. That's correct.

16 Q. -- costs?

17 And so you have to place a note --

18 A. Yeah. We have notes from Suburban water and  
19 sewer to -- it could be one of our other companies, but Gordon  
20 and Bonnie Burnam.

21 Q. Okay. How many notes --

22 A. You'll have to ask my wife. I don't know.

23 Q. Are there a number of notes outstanding?

24 A. Seems like there's a figure comes in mind, and  
25 I'm not real sure of it, about \$26,000.

□

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1 Q. How long of a time period has that been over?

2 A. Well, I know most of it was expended in  
3 January, February of '06 when we had to purchase a new pump  
4 and I'm not sure about the other.

5 Q. And how much did that pump cost?  
6 A. I think counting the installation, the pipe  
7 and everything was 15,000 rough, give or take 500.  
8 Q. Okay. And where did that other 11,000 come  
9 from?  
10 A. Just I guess on a monthly basis operating.  
11 Q. Okay. So is Suburban losing money every  
12 month?  
13 A. Pretty well. I do think that maybe we've paid  
14 back some notes since we got a rate increase, but I'm not  
15 sure.  
16 Q. Who would I ask about that?  
17 A. Bonnie.  
18 Q. Is Bonnie also an equivalent to a treasurer?  
19 A. I can't write a check, if that's what you  
20 mean. I get to sign one maybe.  
21 Q. Okay. Are you the primary signatory on  
22 Suburban's bank account?  
23 A. Well, I can sign on it, but I never sign.  
24 Q. Okay. Who else signs on them?  
25 A. Paula and Bonnie.

25

1 Q. Why don't we go into the history of Bon Gor  
2 Estates a little bit. When was it started?  
3 A. In -- I can't -- vaguely I'd say it was  
4 probably started in the early '70s -- late '60s, early '70s.  
5 Q. And whose idea was it?  
6 A. Well, we lived -- we bought a farm north of  
7 town and we started developing on the back of it. I guess it

8 was my idea.  
9 Q. How much acreage did this farm have?  
10 A. 120. And then we purchased an additional  
11 10 acres.  
12 Q. Okay. How much of that acreage was developed  
13 into Bon Gor?  
14 A. I can't remember exact. This is rough. I'd  
15 say that probably 40 acres, 45 acres maybe.  
16 Q. Okay.  
17 A. It kind of rings a bell.  
18 Q. Do you still own the remaining property --  
19 A. No.  
20 Q. -- around there?  
21 A. No.  
22 Q. When did you sell that?  
23 A. We moved in --  
24 (Deposition interrupted.)  
25 (Off the record.)

26

1 THE COURT REPORTER: "Question: When did you  
2 sell that?"  
3 THE WITNESS: We moved to -- into town and off  
4 of the farm in 1990 and we sold it.  
5 BY MS. SYLER BRUEGGEMANN:  
6 Q. Do you still have that property in Columbia  
7 then?  
8 A. We live in a condo.  
9 Q. Oh, okay. Now, when you started the  
10 development of -- if my addition's correct of the 85 acres,

11 how did you -- and it may or may not be, what did you start  
12 with to develop Bon Gor?

13 A. We started with -- we bought an additional  
14 10 acres that had a duplex on it.

15 Q. Okay. So there was already one duplex on this  
16 property?

17 A. That's correct.

18 Q. And then what were the next --

19 A. Okay.

20 Q. -- buildings?

21 A. The next buildings we built mostly was  
22 four-plexes and duplexes.

23 Q. And how many of those would you say you built?

24 A. There's a total of 118 units out there. And  
25 I'd say we probably built 85 of them or 86, something like

27

1 that. we sold some lots to other builders.

2 Q. How many lots do you think you sold off?

3 A. I can't remember.

4 Q. Okay. Out of those 85 duplexes and  
5 four-plexes, how long do you think you owned those?

6 A. I sold those in 1986.

7 Q. Any particular reason why?

8 A. Getting ready to die. Estate planning.

9 Q. Okay. Now, how did you finance the building  
10 of all the four-plexes and the duplexes?

11 A. Borrowed money mostly from a savings and loan.

12 Q. Did you ever have a master plan for Bon Gor?

13 A. No.



14 Q. How did you decide to keep building or how did  
15 you decide where to build?

16 A. Where I could borrow the money.

17 Q. So was it just one building by one?

18 A. Once in a while we hit it lucky and maybe got  
19 two.

20 Q. So how long do you think it took you to build  
21 those 85?

22 A. I can't remember exactly. I mean, we started  
23 in 1971 and the last four or five years we didn't build  
24 anything so I would say between '71 and '81, maybe 20 years.

25 Q. Now, you said there were about 47

28

1 single-family homes. Where did those come from?

2 A. Some of those we built and then some of them  
3 we sold lots to other builders.

4 Q. How many do you think you built?

5 A. All I know is we collect water from 47 so I'd  
6 say that's pretty well it, but I don't know exactly.

7 Q. Right. But how many of the homes --

8 A. Well, we built more than that because of the  
9 fact -- some of the homes we built were on Public Water  
10 District No. 10 -- 7 at the time. So there was 47 lots left  
11 other than the ones -- but again, some of those lots we sold,  
12 some of them we built on that are on the water district.

13 Q. When you built those four-plexes and duplexes,  
14 did you plan to own them and rent them out?

15 A. Well, when I got started in it, the real  
16 estate -- we were in the real estate business. The real

17 estate business was so bad, why, we had to do something so we  
18 got started doing that and it just kind of snowballed and we  
19 just kept going.

20 Q. Okay. So did you rent those four-plexes and  
21 duplexes?

22 A. Uh-huh. Like I said, the ones that we built.  
23 Now, some other builders built some out there also.

24 Q. Okay. Who took care of collecting the rent  
25 and managing or the repairs on those duplexes and four-plexes?

□

29

1 A. You're looking at it.

2 Q. Okay.

3 A. My wife did the bill paying and I did the  
4 maintenance and the building and about everything.

5 Q. Now, how did you guys rent to tenants?

6 A. Okay. We put an ad in the paper. They -- and  
7 then tenants would call us, we'd give them directions, they'd  
8 stop by our residence, we'd take them over and show them.

9 Q. And then whenever you set up a rental  
10 agreement with a tenant, what did the rent include? Did it  
11 include utilities at all?

12 A. No electricit--

13 MR. HARRISON: Can you remember 35 years  
14 ago --

15 THE WITNESS: No, not really.

16 MR. HARRISON: -- the leases you entered into,  
17 Gordon?

18 THE WITNESS: When we first started building,  
19 we had a well there on the property and we furnished the

20 water.

21 BY MS. SYLER BRUEGGEMANN:

22 Q. Was that part of the rent then?

23 A. I guess it was.

24 Q. Did you furnish electricity?

25 A. No.

□

30

1 Q. So did they get to buy their own electricity?

2 A. And natural gas.

3 Q. And what about sewer?

4 A. We had a septic tank at that time.

5 Q. For each home did you have a septic tank?

6 A. We started out with the duplexes and then as

7 we kept going, we built a sewage lagoon. And then as we

8 really kept on going, why then we had to put in a treatment

9 plant. And that's why it's called Suburban Water and Sewer

10 because we charge people for sewer.

11 Q. When did you sell off that treatment plant?

12 A. I can't remember.

13 Q. Do you think it was mid '80s maybe?

14 A. Boone County Regional Sewer ended up with it.

15 That's all I know. We sold it to another guy and I can't even

16 think of his name.

17 Q. Okay. Now, how did the water system come  
18 about?

19 A. Well, because we started developing, you know,  
20 more and we saw that we were going to have to do something in  
21 the sewer business. Okay? And the water district had just  
22 been formed and so we couldn't do that, so we decided to drill

23 a well and apply for a PSC permit and charge for water.

24 Q. which water district had --

25 A. well, the --

31

1 Q. -- just been formed?

2 A. -- one --

3 MR. HARRISON: Gordon, let her ask the  
4 question before you answer the question.

5 BY MS. SYLER BRUEGGEMANN:

6 Q. Sorry. Which water district had just been  
7 formed?

8 A. Seven.

9 Q. Number 7?

10 A. Uh-huh.

11 Q. And you said you couldn't do that. why is  
12 that?

13 A. well, they didn't have the capacity at that  
14 time.

15 Q. So you had too many houses for No. 7 to take  
16 your water customers?

17 A. Living units.

18 Q. Was your well handling the amount of customers  
19 it had at that point?

20 A. Well, our well was very limited and we had to  
21 do something if we were going to continue to develop.

22 Q. Is Bon Gor named after Bonnie and Gordon?

23 A. Amen.

24 Q. Okay. Now, would you say the availability of  
25 water and sewer at Bon Gor added to its attractiveness to

1 buyers and tenants?

2 A. Uh-huh.

3 Q. Okay. Is that a yes or a no?

4 A. Restate it. I -- my mind's wandering a little  
5 bit.

6 Q. It's afternoon. Would you say the  
7 availability of water and sewer at Bon Gor added to its  
8 attractiveness to buyers and tenants?

9 A. Well, it was just a limiting -- you had to do  
10 something in order to take care of the sewage. It was more of  
11 a problem than the water.

12 Q. Was water going to become a problem --

13 A. Yes.

14 Q. -- at Bon Gor?

15 A. As we expanded.

16 Q. And when did you kind of become aware that the  
17 water was going to become -- expansion was going to become a  
18 problem?

19 A. Well, I think we started in '72 or '73 to --  
20 to get into -- you know, to do something in the water. And it  
21 took us about -- once we even got the approval, by the time we  
22 got the well drilled and everything in, it was probably '75.  
23 Okay? So we could kind of see things were going pretty good  
24 so --

25 Q. Did you make any money developing Bon Gor?

1 A. Yes.

2 Q. Enough that you kept it going over the 10-year  
3 period for development?

4 A. Well, what we did is we established a  
5 reputation of borrowing money and repaying it and that's the  
6 reason we were able to expand.

7 Q. Did the rental units at Bon Gor, were they  
8 profitable?

9 MR. HARRISON: During what period of time?

10 MS. SYLER BRUEGGEMANN: During any period of  
11 time.

12 THE WITNESS: During what period of time?

13 MR. HARRISON: So were they ever profitable I  
14 guess is the question.

15 THE WITNESS: Yeah. Yes.

16 BY MS. SYLER BRUEGGEMANN:

17 Q. How about in the beginning? Were they  
18 profitable then?

19 A. No.

20 Q. Why is that?

21 A. Development cost of the land, streets, various  
22 other things, sewer.

23 Q. How long do you think it took for those rental  
24 properties to become profitable?

25 A. When I sold them in '86.

□

34

1 Q. Okay.

2 A. In real estate, you never cash out until you  
3 sell. You just exist.

4 Q. Okay. When did you become involved with the  
5 PSC, the Missouri Public Service Commission?

6 MR. HARRISON: By "you" you mean Suburban? Is  
7 that the question?

8 MS. SYLER BRUEGGEMANN: Well, it's Gordon and  
9 Suburban at this point.

10 MR. HARRISON: So let me object to the  
11 question as being vague.

12 Subject to that objection, you can answer if  
13 you understand what she's asking you.

14 THE WITNESS: Okay. So we hired an attorney  
15 to submit to the --

16 MR. HARRISON: Just all she asked you was when  
17 you got involved with the PSC. That's the question.

18 THE WITNESS: Okay. I think it was '73, but  
19 I'm not sure.

20 BY MS. SYLER BRUEGGEMANN:

21 Q. And the next question is how did you become --  
22 how did you have to go to the PSC?

23 A. We hired an attorney and walked us through.

24 Q. Why did you hire that attorney?

25 MR. HARRISON: Same objection. I object to

35

1 the use of the term "you" because it's ambiguous.

2 Subject to that objection, you can answer the  
3 question if you know the answer.

4 MS. SYLER BRUEGGEMANN: Well, let me rephrase,  
5 please.

6 BY MS. SYLER BRUEGGEMANN:

7 Q. I have to remember the question. why did you,  
8 as Gordon Burnam, go to the PSC?

9 A. I, Gordon Burnam, never went to the PSC.

10 Q. Okay. Who went to the PSC?

11 A. Suburban Water and Sewer.

12 Q. And why did Suburban Water and Sewer go to the  
13 PSC?

14 A. On advice of an attorney.

15 Q. To do what?

16 A. To get operating authority.

17 Q. To operate what?

18 A. Water and sewer company.

19 Q. Okay. And that was in 1973?

20 A. I think.

21 Q. Okay. Now, did your attorney handle the  
22 filings for suburban?

23 A. It seems like we hired an attorney here in  
24 Jeff City, but I -- I can't remember -- that was involved in  
25 some of the filings and I can't remember when.

□

36

1 Q. Did you or Bonnie handle any of the filings?

2 A. No.

3 Q. And was it just you and Bonnie who made up  
4 suburban at that point?

5 A. Yes.

6 Q. And why did you develop -- or why did you form  
7 Suburban Water and Sewer Company?

8 A. Well, we had to do something to try to recoup  
9 our big investment in -- in our land development. In



10 particular, sewers was the big founding deal.

11 Q. Okay. Did you have to -- let me rephrase that  
12 real quick. It's known right now that Gordon Burnam had to  
13 loan money to Suburban Water and Sewer from the notes that we  
14 just talked about. So in the early years did you, being  
15 Gordon Burnam, have to loan money to Suburban?

16 A. At that -- that's 30 years ago. I can't  
17 remember who I played golf with last week.

18 Q. Okay. Is it new that you've had to loan money  
19 to Suburban?

20 MR. HARRISON: Object to the question as being  
21 vague.

22 Subject to that, you can answer.

23 THE WITNESS: Are you asking did we borrow  
24 money from other people other than --

25 BY MS. SYLER BRUEGGEMANN:

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37

1 Q. No. Is it something more recent that you've  
2 had to start loaning money to Suburban Water and Sewer  
3 Company?

4 MR. HARRISON: Same objection.

5 Subject to that, you can answer.

6 THE WITNESS: I can't remember when we started  
7 or when we did or didn't.

8 BY MS. SYLER BRUEGGEMANN:

9 Q. Okay. In the last few years you have loaned  
10 money to Suburban Water and Sewer Company?

11 A. Yes.

12 Q. Did you have to -- did Gordon Burnam have to  
Page 33

13 loan money to Suburban Water after the '93 rate case?

14 A. I can't remember.

15 Q. Okay. Would you have records of that at all?

16 A. I -- you all had auditors up to our office in  
17 '05 and we had open books. Surely they found something there.  
18 There was three of them there all day.

19 Q. Okay. In the early years of Suburban Water  
20 and Sewer, were the rates that were in place sufficient to  
21 cover expenses?

22 A. I can't remember.

23 Q. Do you remember when rates became insufficient  
24 for Suburban Water and Sewer?

25 A. It just seems like -- and again, it's been so

38

1 long ago it seems like the first time we asked for an increase  
2 was 1993, but I'm not sure.

3 Q. Why do you think you asked for that increase  
4 or why did -- why did -- let me back up two steps.

5 Did you instruct Suburban Water and Sewer to  
6 file for an increase in '93?

7 A. To the best of my knowledge, I think we hired  
8 another attorney here to file for the rate, but I can't  
9 remember exactly.

10 Q. And why did you direct that attorney be hired  
11 to do that?

12 A. I guess because we were losing money.

13 Q. Is that the same reason why you filed a rate  
14 case in 2004 or directed Suburban to file a rate case in 2004?

15 A. Was it '4 or '5? I can't remember. I think

16 it was '5, but I'm not sure.  
17 Q. But is that the reason why you directed --  
18 A. Yes.  
19 Q. -- an attorney to file?  
20 Okay. Why do you think there was such a long  
21 time from the creation of Suburban Water and Sewer Company in  
22 1973 to the first rate case being filed in 1993?  
23 MR. HARRISON: Object to that as being  
24 argumentative because who's to say what a long period of time  
25 is?

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1 Subject to that, you can answer.  
2 THE WITNESS: I can't remember. I don't know.  
3 BY MS. SYLER BRUEGGEMANN:  
4 Q. Okay. Were you buying water -- were you,  
5 Gordon Burnam, the rental property owner, buying water from  
6 Suburban Water and Sewer Company for your rental properties?  
7 A. I have -- I -- I didn't handle it so I have  
8 no -- exactly how it was done.  
9 Q. Are you aware that your rates are lower than  
10 Columbia, Missouri's District No. 1 -- Consolidated District  
11 No. 1 --  
12 A. Absolu--  
13 Q. -- rates?  
14 A. Absolutely, yes.  
15 Q. Okay. Do you feel that your rates -- that the  
16 rates of Suburban Water and Sewer Company are artificially low  
17 at this point?  
18 A. Our average rate is \$16.25 cents a month and

19 theirs is I think \$33 a month, average that is.

20 Q. Were your rates consistently lower than other  
21 water suppliers in the area?

22 MR. HARRISON: I'll object, beyond the scope  
23 of his knowledge.

24 Subject to that, you can answer if you know.

25 MS. SYLER BRUEGGEMANN: I think he needs to

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1 say beyond the scope of his knowledge before you can actually  
2 object to it.

3 MR. HARRISON: You haven't laid a foundation  
4 for him having any knowledge whatsoever about any other water  
5 company's business.

6 You can answer -- you can answer the question  
7 if you know.

8 MS. SYLER BRUEGGEMANN: He just --

9 THE WITNESS: The thing of it is, we didn't  
10 check anybody except the one that's right there in our area.  
11 I didn't call Public Water District No. 4 or 9 or anything to  
12 check their rates.

13 BY MS. SYLER BRUEGGEMANN:

14 Q. When you first directed Suburban water to file  
15 the rate case in '93, were you trying to get a certain return  
16 for -- just to make sure Suburban water wasn't losing money?

17 A. It was strictly -- not to have a return on our  
18 investment. It was strictly just to keep the operating costs  
19 halfway where we didn't have to hit our hip every month.

20 Q. Do you own any land at Bon Gor now?

21 A. No.

22 Q. Do you feel like you, Gordon Burnam, is  
23 familiar with the utility rate process?

24 A. I mean, normally -- I know that we had to come  
25 through the PSC to get a rate increase, if that's what you're

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1 asking.

2 Q. Did you, Gordon Burnam, realize that when  
3 Suburban bought equipment or spent money maintaining its  
4 system, it could come back to the PSC and file a rate case to  
5 be compensated for those investments?

6 A. Okay. Let me clear up something real fast.  
7 You keep using the word "you." Okay? You, Gordon Burnam.  
8 Anything that I did concerning the PSC was done on behalf of  
9 Suburban Water and Sewer and not myself or my wife personally.  
10 Did I answer your question?

11 Q. No.

12 A. Okay.

13 Q. But it's on the record now that you just said  
14 that.

15 A. Okay.

16 Q. Were you, Gordon Burnam, as president of  
17 Suburban Water and Sewer Company, aware that the equipment and  
18 maintenance expenses spent by Suburban Water and Sewer Company  
19 could be compensated for in a rate case or a rate increase  
20 through the PSC?

21 A. It was just strictly a matter of economics of  
22 trying to keep Suburban on an even keel where we didn't have  
23 to subsidize.

24 Q. Did you realize -- did you, Gordon Burnam, as  
Page 37

25 president, realize when you put in a new well pump -- when

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42

1 Suburban Water and Sewer Company put in a new well pump, that  
2 those expenses could be filed in a rate case with the PSC to  
3 obtain a rate increase to cover those expenses?

4 A. And that's exactly what we did.

5 Q. Okay. So you do realize that?

6 A. Yeah. We did -- we tried to -- when we spent  
7 a bunch of money in '0-- in '05, okay, there was the deal --  
8 and then in '06 right away we had a big expenditure. And when  
9 we were down here talking to your folks, they said any time --  
10 and we kept arguing about we wanted to buy water from the  
11 water district and you said no because the rates, and so we  
12 settled for that. Okay?

13 And then about six months later, a pump goes  
14 out and we spend \$15,000. Okay? So I sent a letter to the  
15 people down here, you know, to -- they said -- when we met  
16 down here, there was seven of them with Martin Brummel [sic]  
17 and --

18 MR. HARRISON: Gordon, you need to answer the  
19 question that's asked.

20 Can we take a break, please?

21 THE WITNESS: Okay. I'm sorry.

22 MS. SYLER BRUEGGEMAN: I'd rather not  
23 actually.

24 MR. HARRISON: I need to. Off the record.

25 (A RECESS WAS TAKEN.)

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1 BY MS. SYLER BRUEGGEMANN:

2 Q. Just to clarify a couple of questions before  
3 the break, when we were talking about you and Bonnie selling  
4 your last rental properties --

5 A. Uh-huh.

6 Q. -- when did that happen?

7 A. 1986, December.

8 Q. Okay. Any idea when you built one of your  
9 last units?

10 A. I have no idea.

11 Q. Obviously before December of 1986?

12 A. Uh-huh.

13 Q. Okay. Now, also before break you were  
14 discussing the rate case and also discussing a letter that was  
15 sent to the PSC saying that Suburban wanted to hook onto  
16 District No. 1; is that correct?

17 A. That's correct.

18 Q. Okay. This is labeled as Exhibit K, which is  
19 one of the prior exhibits that Mr. Volkert had used:

20 A. Uh-huh. Yeah.

21 Q. Is that the letter that you're referring to?

22 A. This -- this work here was done in '06.

23 Q. Okay. Are you talking about a letter that was  
24 written earlier than that then?

25 A. Yeah.

D

44

1 Q. How much earlier? And I can take that back

2 since that's not it.

3 A. Okay. That was -- we had a rate case in '05  
4 where we were granted an increase by the -- from the PSC.

5 Q. Okay.

6 A. Okay.

7 Q. And can you describe the letter that you  
8 briefly talked about before the break?

9 A. Okay. The letter that we sent before the  
10 break was the deal from -- in '06. Okay? And I think it was  
11 May. Is that when the letter was written?

12 MR. HARRISON: Are you talking about the  
13 exhibit she just showed you?

14 BY MS. SYLER BRUEGGEMANN:

15 Q. You were talking about a letter that you wrote  
16 saying, I believe -- and don't let me put words in your mouth,  
17 but I believe you said that you -- that Suburban wanted to  
18 hook on to District No. 1?

19 A. Yeah, that's correct.

20 Q. What year was that letter written then? Was  
21 that before the rate case?

22 A. Yes. I can't remember whether it was '04 or  
23 '5.

24 Q. Okay.

25 A. Okay. I know the hearing was in May or June

□

45

1 here in Jeff City.

2 Q. Okay. And I guess we need to remark Exhibit G  
3 that Mr. Volkert used or can I just keep it as Exhibit G?

4 I'm handing you what's been marked as



5 Exhibit G. This is the -- you can check this, but this is the  
6 certified copy of the Disposition Agreement and all that was  
7 made in that rate case between the PSC and Suburban Water and  
8 Sewer Company and OPC.

9 A. In '05?

10 Q. In 2005. Now, have you had a chance to just  
11 look at it for a second? If you will turn to what's labeled  
12 the Unanimous Agreement Regarding Disposition of Small water  
13 Company Rate Increase, about three pages back -- you're in the  
14 middle of it right there,

15 A. Is this what she's talking about?

16 Q. Do you recognize that document? And please  
17 take a minute to look it over.

18 A. I don't remember specifically reading it or  
19 seeing it. I'm -- I just don't remember.

20 Q. Okay. Will you turn to page 5 of this  
21 document?

22 A. Let's see.

23 Q. The page numbers are at the top. Keep going.

24 A. Keep going?

25 Q. Yes. Right there.

□

46

1 A. Yes.

2 Q. Do you recognize any of the names listed on  
3 page 5 of this agreement?

4 A. Yes.

5 Q. And whose names do you recognize?

6 A. Gordon Burnam as president of Suburban water  
7 and Sewer.

8 Q. Okay. Is that your signature?  
 9 A. Yes.  
 10 Q. Okay. Do you know who Dale Johansen is?  
 11 A. No.  
 12 Q. Okay. Now, what is the date beside Gordon  
 13 Burnam, as president, your signature?  
 14 A. 5/26/05.  
 15 Q. Okay. If you'll turn back to page 3 of the  
 16 agreement, which will start at the top of it --  
 17 A. Okay.  
 18 Q. -- have an item 6 in parenthesis. Have you  
 19 seen these conditions before?  
 20 A. Yes.  
 21 Q. Okay. Now, on item number -- let's start  
 22 at -- skip down to what should be item No. 10. There's a  
 23 blank that's underneath 9 and then there's a sentence that  
 24 says that, The company will install meters for all buildings.  
 25 We've been referring to that as 10 even though there's no

□

47

1 number there.  
 2 A. I see it.  
 3 Q. Now, have you installed meters for all  
 4 buildings?  
 5 MR. HARRISON: Object to the term "you" as  
 6 vague.  
 7 BY MS. SYLER BRUEGGEMANN:  
 8 Q. Okay. Has Suburban installed meters for all  
 9 buildings?  
 10 A. No.

- 11 Q. And why is that?
- 12 A. Money.
- 13 Q. Could you explain?
- 14 A. Well, Suburban has no money. Okay? And, you
- 15 know -- and even though we're halfway successful, we run short
- 16 of money too. And that's just it.
- 17 Q. Did Suburban get a rate increase from this
- 18 rate case?
- 19 A. Yes.
- 20 Q. Okay. I'm aware that Suburban asked for about
- 21 7,000 but received around 4,000 for a rate increase; is that
- 22 correct?
- 23 A. I thought I had it here. I think it checked,
- 24 it increased about \$4,000 from one year to the next.
- 25 Q. Okay. Did that rate increase not cover the

□

48

- 1 ability to install meters?
- 2 A. No.
- 3 Q. Was Suburban running -- was it not making
- 4 enough money before 2005 to even cover its expenses?
- 5 A. It -- not to my knowledge. You -- you did an
- 6 audit of the books.
- 7 Q. Well, I'm just wondering if Suburban got a
- 8 rate increase of \$4,000, what happened to that money for the
- 9 system to be able to run?
- 10 A. I don't keep the books. I don't know how it's
- 11 handled.
- 12 Q. But you just said the meters haven't been
- 13 installed because of money?

32649rburnam071707  
14 A. That's correct.  
15 Q. So then how do you know that Suburban's short  
16 on money?  
17 A. I'm sure that either my wife or Paula told me.  
18 Q. Okay. Could Suburban not even install -- let  
19 me rephrase that.  
20 Did Suburban even install one meter after this  
21 rate case?  
22 A. Okay. Suburban water and sewer installed lots  
23 of meters prior to the meeting -- the rate case on '05.  
24 Q. What meeting are you speaking of?  
25 A. At -- at properties in Bon Gor.

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49

1 Q. And who was at that meeting?  
2 A. Okay. Well, there was seven of you here from  
3 the PSC is all I remember. Martin did all the talking. Okay?  
4 At that rate case we were at a commercial rate of 12 dollars  
5 and some odd cents per month. At that time, there was lots of  
6 meters installed. But when we got the commercial rate, we  
7 quit reading the meters because we had a commercial rate of  
8 12 dollars and whatever it says here -- \$12.30 plus an average  
9 rate of 16.25 on the single-family.  
10 Q. Whose decision was it to stop installing  
11 meters?  
12 A. We quit reading them. They were installed but  
13 we quit reading them when we were -- had a commercial rate  
14 from the PSC of \$12 per apartment unit.  
15 Q. So after the rate case was completed and the  
16 Disposition Agreement was filed and approved by the

17 Commission --

18 A. Uh-huh.

19 Q. -- then Suburban quit reading the meters?

20 A. That's correct. Why? Because we had a  
21 commercial rate of \$12.30 per unit or whatever it is. It's  
22 12 dollars and something per unit. Okay?

23 Q. Whose decision was that?

24 A. It was the PSC gave us the rate.

25 Q. Who decided to quit reading the meters?

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1 A. I did.

2 Q. And who did you tell to quit reading the  
3 meters?

4 A. Told Paula to quit reading the meters, having  
5 somebody read them. Why would we read them if we were getting  
6 a commercial rate?

7 Q. Well, I guess what I'm trying to understand,  
8 Mr. Burnam, is why there would be an agreement that says the  
9 company, referring to Suburban, will install meters for all  
10 buildings no later than August 31st, 2005 and then at  
11 item No. 15 also sign off on the company will provide  
12 quarterly reports regarding monthly customer meter usage data  
13 and then quit reading the meters.

14 A. Okay. We got a commercial rate. It's on  
15 record, your-all's records, right, where you granted us a  
16 commercial rate of \$12 per unit. There were three units we  
17 did not have meters installed, okay, which -- according to  
18 that. Okay? And then what we did is we quit reading the  
19 meters that were installed so why should I go and install

20 three more meters and not read them? Which is not exactly  
21 economical.

22 Q. Is the tariff that you're referring to about  
23 four pages back in this document?

24 A. I'm not sure where it is.

25 Q. Go back -- go --

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51

1 A. The other way?

2 Q. Sorry.

3 A. Yeah, that's it. \$12.30 unmetered monthly  
4 rate. That's what we did. That's what you allowed us.

5 Q. How did you come to the understanding that  
6 this commercial -- you've been calling it a commercial rate,  
7 but this unmetered rate for Suburban would take away the  
8 requirement to install meters?

9 MR. HARRISON: I think that misstates his  
10 testimony.

11 Subject to that, you can answer.

12 THE WITNESS: I mean, I'm not sure that it  
13 makes economical sense to install three meters that wasn't  
14 installed. All the rest of the buildings had meters or meter  
15 wells and three buildings -- when I put -- spend the money --  
16 if I'm losing money anyway, put three meters in that I never  
17 read.

18 BY MS. SYLER BRUEGGEMANN:

19 Q. You said it was uneconomical to put in the  
20 meters and read the meters -- put in three meters and read the  
21 meters that were already there, but aren't meters the cash  
22 register, so to speak, registering how much water you can

23 charge for going through the system?

24 A. No. We do that strictly on the single-family  
25 homes. We have 47. The rest of them are all commercial rate

52

1 in Bon Gor Lake Estates. and it does not make economic sense  
2 for me to install three meters when I wasn't reading the ones  
3 that were in.

4 Q. But you don't think you could have made more  
5 money --

6 A. No.

7 Q. -- off of --

8 A. I couldn't have charged more than \$12.30 a  
9 month because -- according to your rate. Read it. It says,  
10 Unmetered monthly rate.

11 Q. Isn't there a commodity charge on this tariff  
12 that says a \$1.87 per thousand gallons?

13 A. That's on single family.

14 Q. Okay. Where does it say single family?

15 A. Well, if it's an unmetered monthly rate,  
16 that's it. That's what we charge right now on the commodity  
17 charge of \$1.87 a thousand. Do you know what the Public Water  
18 District Charges? It's \$6 per thousand.

19 Q. But I'm still trying to understand on the  
20 duplexes and four-plexes why you think suburban couldn't have  
21 charged for the amount of water going through the system?

22 A. How -- I'm not trying to be hard to get along  
23 with, I just can't see the reasoning behind why should I read  
24 meters when I can't charge more than \$12.30?

25 Q. Who told you you can't charge more than

1 \$12.30?

2 A. You did, the PSC. Look at it. It says,  
3 Unmetered monthly rate.

4 Q. Yes. This is a rate for those places that are  
5 unmetered. So those that have a meter that you can measure  
6 the gallons, you go up above on the tariff and it says  
7 commodity charge per 1,000 gallons, for every thousand gallons  
8 you get to charge \$1.87?

9 A. Listen, when we had that hearing down here and  
10 there was seven PSC people and Martin Brummel [sic] was here  
11 and this was the deal that was cut that these commercial  
12 accounts -- that, you know, they -- each unit did not have a  
13 meter. A building had a meter. It could be two units in one  
14 building, it could be four units in one building. Okay? Most  
15 of them we did -- they were not set up individually like that,  
16 only one meter per building.

17 And so that's why Martin come up with this  
18 rate of an unmetered rate where we could charge all the rental  
19 units \$12.30 a month regardless of how much water they used or  
20 how little. And so it contradicts itself is -- you're getting  
21 after me because I didn't install three meters but you're  
22 giving me the authority not to read the meters that are  
23 installed.

24 Q. Where does it give you the authority not to  
25 read the meters installed?



1 A. It doesn't. It just says, Unmetered rate.

2 Q. You signed the Disposition Agreement.

3 Correct?

4 A. well, I'm sure I did. Okay. Okay. You  
5 interpret it. I sure as hell -- that's the way I interpreted  
6 it now.

7 Q. well, I interpret --

8 A. You could read it five different ways.

9 Q. I see that there's a metered rate on your  
10 tariff sheet and there's an unmetered rate on your tariff  
11 sheet.

12 A. We are measure --

13 MR. HARRISON: Gordon, there's no question  
14 pending. Just wait for her to ask a question before you start  
15 talking.

16 THE WITNESS: I'm sorry. I apologize.

17 BY MS. SYLER BRUEGGEMANN:

18 Q. So with a metered rate on the tariff, I'm  
19 wondering why you didn't install the meters like you agreed  
20 to?

21 MR. HARRISON: Object to the term -- object to  
22 the term "you." It wasn't Gordon personally.

23 BY MS. SYLER BRUEGGEMANN:

24 Q. Please interject "Suburban" for "you."

25 A. Okay. Okay. We were reading the meters.

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1 Okay? On the per building basis. Okay?

2 Q. Until when?

3 A. I don't remember when they were installed.

4 Q. You may not have sent this to me --  
5 (Petitioner's Exhibit No. 4 was marked for  
6 identification.)  
7 BY MS. SYLER BRUEGGEMANN:  
8 Q. This is labeled Petitioner's Exhibit No. 4.  
9 This was provided to the PSC via discovery from Suburban.  
10 This says, List of addresses with no meter wells. Do you know  
11 about this document at all? Does this document look familiar?  
12 A. Yes. We have three buildings that are not  
13 metered.  
14 Q. Okay. Do you know if these are the three --  
15 A. I don't.  
16 Q. -- addresses?  
17 A. I'm not sure the addresses is right. I know  
18 that there's three buildings.  
19 Q. Okay. And who would know that information?  
20 A. I guess Paula would.  
21 Q. Okay.  
22 A. You know, I don't --  
23 Q. Okay. Are you aware of whether or not  
24 Suburban implemented a 10-year replacement program for the  
25 existing meters that you have?

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56

1 A. I'm not aware of any.  
2 Q. Okay. And that would be item No. 11 on that  
3 Disposition Agreement about three pages before where you're  
4 at.  
5 A. Yeah. Okay.  
6 Q. The number 11 is missing, so it's two lines

7 below 9.

8 A. Okay. You're on number 11?

9 Q. Yes.

10 A. Okay.

11 Q. Where 11 should be. Now, do you know why a  
12 10-year replacement program wasn't implemented or developed?

13 A. Okay. Any time there's a problem with the  
14 meters, okay, we replace it. We -- we take a copy of the  
15 number that was put in this building and then we take it and  
16 the water's very hard up there and we soak it and we're able  
17 to re-use the meter later on. Okay? And that's how we -- now  
18 every now and then we have to buy some new meters and replace  
19 them. If somebody's complaining about a bill, we put a new  
20 meter in rather than argue with them.

21 Q. Do you keep records of that?

22 A. Just of the numbers maybe that we might have  
23 installed.

24 Q. Okay. Did you ever discuss a 10-year  
25 replacement program with Paula or Bonnie?

□

57

1 A. No.

2 Q. Was anybody directed not to put in place or  
3 develop a 10-year replacement program?

4 A. Never crossed my mind.

5 Q. So when you signed this agreement, did you  
6 just disregard the whole 10-year replacement program for  
7 meters?

8 A. I guess we'd been doing it for 30 years prior  
9 and I just never did do it.

10 Q. Okay. Now, No. 12 on this agreement talks  
11 about flush valves installation. Did you ever install any  
12 flush valves?

13 A. We have one flush valve, but not per these  
14 specs.

15 Q. When was that flush valve put in?

16 A. If I was guessing, I'd say it was a  
17 requirement of the DNR and I can't remember what date exactly,  
18 how long it's been in. If I was guessing, ten years.

19 Q. Okay. Any particular reason why you haven't  
20 installed flush valves?

21 MR. HARRISON: You mean Suburban?

22 MS. SYLER BRUEGGEMANN: Thank you.

23 BY MS. SYLER BRUEGGEMANN:

24 Q. Is there any particular reason why Suburban  
25 has not installed flush valves?

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58

1 A. Money.

2 Q. Okay. And will you elaborate on that answer a  
3 little bit?

4 A. Suburban was not making a profit. I either  
5 had to loan it money or it wasn't done.

6 Q. How much do flush valves cost to install?

7 A. We had an estimate I think from an engineer  
8 that had been -- that had done some work and I can't remember.  
9 And this is -- I can't remember. Seemed like it was \$8,000,  
10 but I'm not sure. That's -- that's just --

11 Q. I'm sorry?

12 A. There was three of them I think that had to be  
Page 52

13 installed to meet the requirement according to our engineer.  
 14 when Martin first contacted us, why then we contacted an  
 15 engineer and this is what he come up, three of these  
 16 three-inch flush valves.

17 Q. Was that Marshall Engineering?

18 A. Yes.

19 Q. Was the 8,000 for only the flush valves?

20 A. To the best of my knowledge.

21 Q. Okay.

22 A. I can't remember exactly.

23 Q. When did you get Marshall to do the estimate?

24 Before the end of the rate case or when did you -- when did  
 25 Suburban get Marshall to do the estimate? Before the end of

59

1 the rate case?

2 A. Yeah. When all this started.

3 Q. Okay. Now, as to the standpipe, No. 13 says  
 4 that the company will replace the standpipe with an inlet high  
 5 enough to provide adequate circulation and detention time.

6 A. Okay. Again --

7 MR. HARRISON: Wait a minute. There's no  
 8 question pending.

9 THE WITNESS: Okay.

10 BY MS. SYLER BRUEGGEMANN:

11 Q. Was that ever done?

12 A. We hired Marshall Engineering to give us an  
 13 estimate on what it would cost.

14 Q. Did he give you an estimate?

15 A. Yes.

16 Q. And what was that?

17 A. And he said that he couldn't say for sure  
18 until we took the manhole cover off and drained the standpipe  
19 and it's a question of storing chlorinated water versus not  
20 storing chlorinated and the inlet inside the pump. And he  
21 couldn't tell exactly until we drained the system, took the  
22 manhole cover off and got inside there and looked at it inside  
23 the standpipe.

24 Q. So did you drain the system? Did Suburban  
25 drain the system?

60

1 A. We haven't yet, no.

2 Q. Why is that?

3 A. Been too busy talking to you lawyers.

4 Q. Well, back in 2005, you were still too busy to  
5 get him to drain the system?

6 A. Just didn't do it. Never thought about it,  
7 didn't do it.

8 Q. Was it your authority as president of Suburban  
9 to ask or direct Marshall to drain the -- or to direct  
10 Suburban to drain the system?

11 A. No.

12 Q. And then --

13 A. This did not happen in '05. It only happened  
14 in '07.

15 Q. What happened in '07?

16 A. We hired Bill Marshall to give us an estimate  
17 of what it would take to do what you required in 2005.

18 Q. Okay. How recently in '07?

19 A. Last two or three weeks.  
 20 Q. Okay. Do you have any -- does Suburban have  
 21 any plans for draining the system?  
 22 A. By the time I pay the lawyers, I won't have  
 23 any -- I was kidding. We have no choice but we're going to  
 24 have to do something because it's also a requirement of the  
 25 DNR.

61

1 Q. And what's that requirement?  
 2 A. That -- to make sure that the water is  
 3 chlorinated a certain amount of time before it goes out into  
 4 the system. Okay?  
 5 Q. Has DNR sent you a letter saying --  
 6 A. Yes.  
 7 Q. -- that Suburban is --  
 8 A. Yeah.  
 9 Q. -- in violation?  
 10 A. Yes.  
 11 Q. Did they send that letter through Suburban or  
 12 just straight to Gordon Burnam?  
 13 A. Strictly Suburban.  
 14 Q. Now, have you contracted -- let me go back to  
 15 rephrase that. If you will look at No. 14, has Suburban  
 16 contracted with a certified operator to maintain the system?  
 17 A. We have been in contact with several certified  
 18 operators and because of the distance to travel to come and --  
 19 we were unable to find one on a local basis. That goes back a  
 20 couple years. We did do -- we sent one of our people to  
 21 certified water school and, unfortunately, it didn't happen,

22 didn't pass. And so it is a requirement of the DNR so --  
23 Q. When did you send that -- when did Suburban  
24 send that person to certified water school?  
25 A. I think it was in '06.

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62

1 Q. How many certified operators have been  
2 contacted?  
3 A. Three.  
4 Q. Do you happen to know the names of those  
5 persons?  
6 A. Paula has talked to a couple of them. And one  
7 of them I've talked to, a person by the name of Dickey Haden.  
8 And Paula's contacted a couple other companies.  
9 Q. When did you talk to Mr. Haden?  
10 A. About a little over a year ago, probably a  
11 year and a half ago.  
12 Q. How much was he going to charge to operate the  
13 system?  
14 A. I was trying to sell him the water system or  
15 give it to him. I offered him \$5,000 to take it.  
16 Q. Right. But --  
17 A. So I contacted him as a certified operator.  
18 He is a retired employee of the City of Columbia and he said  
19 he was in retirement and didn't want to do it.  
20 Q. Do you happen to know what the reasons were of  
21 the other two certified operators that were contacted not  
22 taking it?  
23 A. You'll have to ask Paula.  
24 Q. Okay. Now, if you'll look at No. 15 where it



25 says, The company will provide quarterly reports regarding

63

1 monthly customer meter usage data and monthly master meter  
2 usage data --

3 A. We take a --

4 MR. HARRISON: There's no question pending,  
5 Gordon.

6 THE WITNESS: I'm sorry.

7 BY MS. SYLER BRUEGGEMANN:

8 Q. I believe that Suburban has provided master  
9 meter usage data?

10 A. You'll have to check with Paula. That's --

11 Q. Do you know if they take master meter --  
12 Suburban takes --

13 A. We hire somebody to take a reading on a daily  
14 basis.

15 Q. Okay. And who has supervision over that  
16 person?

17 A. Paula.

18 Q. Do you know personally if the monthly customer  
19 meter usage date is being taken?

20 A. I have no idea.

21 Q. Okay. You said before that Suburban was not  
22 reading meters so then monthly customer meter usage data isn't  
23 being collected by Suburban, is it?

24 A. Just to mes-- everything that goes through the  
25 master reader -- meter.

1 Q. Do you know if Suburban developed and  
2 distributed any kind of brochure to its customers?

3 A. Yes, we have done that.

4 Q. Okay. Do you know when that happened?

5 A. You'll have to ask Paula, but it's been within  
6 the last two or three months.

7 Q. When you signed this agreement on behalf of  
8 Suburban, did you give a copy of this agreement to Paula?

9 A. I can't remember.

10 Q. Do you know if Paula's aware of this -- was  
11 aware of this agreement?

12 A. She was with me at the meeting and was  
13 involved in all aspects of asking for a rate increase. As far  
14 as that particular, I can't remember whether I did or not.

15 Q. Did you tell Paula to develop the brochure?

16 A. No. She did it on her own.

17 Q. But she did it about a month ago, you said?

18 A. Month, two months. Within the last two or  
19 three months.

20 Q. Why wasn't it done after June of 2005, right  
21 after?

22 A. I don't know.

23 Q. Did you take any of these conditions 6 through  
24 15 and direct anyone -- as president, direct anyone to go  
25 ahead and carry out any of these conditions?

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65

1 A. I remember the rate increase, the meetings

2 down here. Okay? I don't remember much after that, you know,  
3 as what I directed or what I didn't direct or anything. Some  
4 of the things I did not direct, some of them I may have  
5 directed and didn't get done. I just can't remember.

6 Q. How many meetings do you think you were a part  
7 of?

8 A. Well, the big one --

9 MR. HARRISON: Let me object to the question  
10 as being vague.

11 THE WITNESS: The only --

12 MR. HARRISON: Wait a minute. With respect to  
13 what?

14 The question was how many meetings have you  
15 been a part of?

16 MS. SYLER BRUEGGEMANN: As in reference to the  
17 meetings that he just mentioned with the PSC.

18 THE WITNESS: On '05.

19 BY MS. SYLER BRUEGGEMANN:

20 Q. On the '05 rate case is what we're discussing.

21 A. One.

22 Q. You were a part of one meeting with the PSC?

23 A. Yes.

24 Q. Now, where was that one?

25 A. Jefferson City.

□

66

1 Q. Okay. Then what about the meeting at the  
2 properties in Bon Gor where you said Martin was doing most of  
3 the talking?

4 A. Martin's been there several times.

5 Q. Okay. Well, let me stop for one second. The  
6 meeting in Jefferson City --

7 A. In '05.

8 Q. -- in '05 was with PSC Staff?

9 A. Yes.

10 Q. Okay. Do you remember who was there?

11 A. There were six others besides Martin.

12 Q. Do you know when in '05 this meeting went on?

13 A. I can't remember exactly.

14 Q. Was it before the rate case was over?

15 A. I know we met and agreed and then it took a  
16 while for I think the official papers to come.

17 Q. Do you remember what was discussed?

18 A. The rate. Nothing was said about these other  
19 agreements, what they deny -- we talked basically about the  
20 rate info.

21 Q. When you say "the rate," are you talking about  
22 the tariff sheet?

23 A. Yes. \$1.87 per thousand.

24 Q. Was it discussed how the 1.87 per thousand was  
25 arrived at?

□

67

1 A. Martin just told us what they were going to  
2 allow and nothing else.

3 Q. Okay. What did you tell them or talk to them  
4 about in response to that?

5 A. I was happy to get what I could get. I was  
6 hitting my hip every month.

7 Q. And you mean by hitting -- what do you mean by

8 hitting your hip?

9 A. Loaning Suburban money.

10 Q. Okay. Going back to the actual Disposition  
11 Agreement so I can make sure that we've gone over all of these  
12 items, No. 6 at the very top, if you'll look at that real  
13 quick.

14 A. Uh-huh.

15 Q. That talks about that Suburban will review its  
16 customer records and determine if customers paid a deposit  
17 that should be refunded. Do you know if that was done?

18 A. Are you talking about the \$1,400?

19 Q. For deposit refunds --

20 A. Yeah.

21 Q. -- I believe so.

22 A. My wife will tell you about that, but we held  
23 it in escrow and on the books for, I don't know, 15, 20 years.  
24 Nobody asked for a deposit back. And you'll have to ask her  
25 about that.

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68

1 Q. Okay. And then on No. 7, it talks about that  
2 Suburban will refund overcharges?

3 A. That's been taken care of. We have proof of  
4 mailing.

5 Q. And how do you know it's been taken care of?

6 A. Because Paula told me so.

7 Q. Okay. At this point do you believe any  
8 improvements need to be made to Suburban water and sewer  
9 system?

10 A. Yes.

11 Q. And what improvements do you think need to be  
12 made?  
13 A. Well, the big thing is the water tower.  
14 Q. What's wrong with the water tower?  
15 A. Standpipe or water tower is the same thing.  
16 Q. What's wrong with it?  
17 A. Okay. Number one is it needs to be completely  
18 repainted, refinished on the outside. Okay? The improvements  
19 that has to be done to meet your-all's requirements and the  
20 DNR requirements. Okay.  
21 DNR had some other -- quite a few requirements  
22 that you all didn't have and I've read it but I can't remember  
23 exactly what it was that -- it was a couple of page deal. One  
24 of them we've already solved was the water pressure problem.  
25 I got ahold of the guy that installed the pump and he can

□

69

1 increase it from 30 PSI to 35 PSI because somebody had  
2 complained to the DNR about water pressure.  
3 (Petitioner's Exhibit No. 5 was marked for  
4 identification.)  
5 BY MS. SYLER BRUEGGEMANN:  
6 Q. Does that letter that I handed that's  
7 Petitioner's Exhibit No. 5 look familiar?  
8 A. Yes.  
9 Q. Okay.  
10 A. I wrote the letter.  
11 Q. Okay. You refer in the letter to an extensive  
12 list of things that need to happen in order to keep DNR happy  
13 with the water system. Has that list of things that DNR had

14 when you wrote this letter on June 29th of 2006, gotten longer  
15 or shorter?

16 A. You'll have to ask Paula, but I think it's  
17 gotten probably longer than what it was in -- in '06. I think  
18 there's been some new rules and regulations passed, but I'm  
19 not sure.

20 Q. Okay.

21 A. I'd like to put something on the record now if  
22 I might and if you don't want -- if I can't do it, say so.  
23 Okay?

24 Number one is that we wouldn't be sitting here  
25 if you all had responded to this letter right here. Okay?

D

70

1 when we had this meeting at the PSC with the seven people down  
2 here, Martijn conducted the meeting and said -- and we said  
3 this is not enough of a rate increase to handle everything  
4 that had to be done. And then he said, what? And I said, I  
5 know it needs some improvements. He said, If you have a major  
6 bill, you apply for a emergency fund or whatever he called it.  
7 Okay?

8 I wrote that letter right there. Nobody  
9 responded to it. Nobody. Okay? And so this is why we're  
10 sitting here. I said, If you don't have enough to -- to help  
11 me out and everything, I want out of the water business.  
12 Okay? And you -- the PSC did not respond to that letter.  
13 They didn't say yes, no or kiss my foot.

14 Q. And this letter is also Exhibit K that -- and  
15 the attachment is connected to it with the bill that you refer  
16 to.

17 A. Yes.

18 Q. Since you had just filed a rate case on behalf

19 of Suburban -- since Suburban Water and Sewer Company,

20 pursuant to your direction, had just filed a rate case, why

21 didn't you go ahead and file another rate case after you put

22 in that pump?

23 A. We wrote you a letter saying that we wanted an

24 emergency meeting. Martin assured me on this '05 deal that if

25 we had a big major expense, all we had to do was write him and

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71

1 ask for an emergency whatever you call it -- and I can't

2 remember. Okay? He said that. So what else did I do? I did

3 what he said and you all didn't respond. Nothing.

4 Q. Now, how did you start the filing for

5 Suburban -- how did the rate case in 2005 get started, the

6 last time?

7 A. We asked for a rate increase.

8 Q. And how did that happen? How was that asked

9 for?

10 A. It finally happened after six or seven months,

11 I think. It took that long to get a rate increase.

12 Q. But who started the process of asking for the

13 rate increase?

14 A. I guess it was Suburban.

15 Q. So why didn't you just do it again this time

16 the same way?

17 A. Because I'm doing what Martin told me to do.

18 okay? If you check with --

19 Q. Did you follow up -- I'm sorry.



20 A. Yeah. No, we didn't follow up. And then when  
21 I got ready to go back in '06, I contacted my attorney and I  
22 said, I want to get out of the water business and that's why  
23 we're sitting here.

24 Q. Okay.

25 A. If -- if the PSC had let me bought water from

72

1 Public Water District No. 1 and put my customers up even with  
2 what their neighbors were paying, we wouldn't be sitting here.  
3 But Martin says that's too much. We can't even think about an  
4 increase that large. All I did was check with Public Water  
5 District -- what they were charging people in the same  
6 subdivision.

7 Q. Well, you signed the Disposition Agreement  
8 that agreed to the \$4,000 rate increase --

9 A. It's better than nothing.

10 Q. -- didn't you?

11 Well, why did you sign it if that's not what  
12 you were willing to agree to?

13 A. I was so happy to get the \$4,000 I didn't know  
14 what to do. What are you talking about?

15 Q. You could have taken it to hearing or taken it  
16 further.

17 A. Get out of here.

18 Q. Or Suburban could have.

19 A. After I'd just gone through seven months of  
20 it? You all sent three auditors to audit a company that did  
21 \$16,000 a year gross revenues. Three auditors. And I have to  
22 go through all this again. Okay.

23 Q. In about 10 minutes we can take a break, but  
24 I'll ask this next series of questions first if that's all  
25 right with everybody.

73

1 Okay. Well, talking about wanting to get out  
2 of the water business then --

3 A. I'm not sure I can hire enough lawyers.

4 Q. Well, I don't know about that, but --

5 A. We have always tried to --

6 MR. HARRISON: There's no question pending,  
7 Gordon.

8 THE WITNESS: Okay.

9 BY MS. SYLER BRUEGGEMANN:

10 Q. There was a letter sent out to the PSC and the  
11 DNR referencing a notice of dissolution. Do you remember that  
12 at all? Do you remember seeing that letter?

13 A. I -- I can't remember.

14 Q. Okay. This was labeled Exhibit L by  
15 Mr. Volkert. And the letterhead says -- actually, I'm sorry.  
16 I need to be giving you the official exhibit label. Sorry.  
17 Can I trade you?

18 A. Yes. I --

19 Q. That's the official one so --

20 A. Yes.

21 Q. Does this letter look familiar to you?

22 A. Yes.

23 Q. And when's this letter dated?

24 A. January 31st, '07.

25 Q. Okay. Do you know who wrote this?

□

74

- 1 A. I'm sorry? I didn't hear you.
- 2 Q. I'm sorry. Do you know who wrote this letter?
- 3 A. Mr. Volkert.
- 4 Q. And why did he write it?
- 5 A. At my request.
- 6 Q. And what was it supposed to do?
- 7 A. Get me out of the water business.
- 8 Q. Okay. So that's why it's directed to the DNR
- 9 and the PSC?
- 10 A. That's correct.
- 11 Q. Now, was it supposed to get you out of the
- 12 water business or Suburban out of the water business?
- 13 A. Gordon Burnam has never been in the water
- 14 business.
- 15 Q. Okay. Just making sure because you said to
- 16 get you out of the water business.
- 17 A. Okay.
- 18 Q. When did you come to the decision that you
- 19 needed to have Mr. Volkert send --
- 20 A. When --
- 21 Q. -- do a dissolution?
- 22 A. -- PSC did not respond to my letter. They
- 23 didn't -- in May of '06.
- 24 Q. And --
- 25 A. Which you showed me a while ago.

□

75

1 Q. Yeah. June 29 --

2 A. Yeah.

3 Q. -- 2006?

4 A. Uh-huh.

5 Q. So this letter is dated January 31st, 2007?

6 A. Okay. Just before I got ready to leave for  
7 the -- when I go to Florida, why I contacted Mr. Volkert.

8 Q. When did you leave for Florida then?

9 A. I can't remember the exact date. We normally  
10 go in October.

11 Q. So in October-ish --

12 A. Or November. October, November, it depends.

13 Q. Of 2006?

14 A. That's correct.

15 Q. You contacted Mr. Volkert and asked him to do  
16 what?

17 A. Get Suburban out of the water business.

18 Q. Okay. So that's when he started the  
19 dissolution proceedings or --

20 A. That's correct.

21 Q. Did you talk to your wife about this?

22 A. Absolutely.

23 Q. Did you talk to Paula about this?

24 A. Absolutely.

25 Q. And what were the discussions?

1 A. Paula I thought was going to kiss me to get  
2 her out of the water business.

3 Q. So Paula was supportive of that --

4 A. Yes.

5 Q. -- idea?

6 A. It was also a promise to her that, you know,  
7 to -- we would try to get out of the water business.

8 Q. Why do you think Paula quote/unquote wanted to  
9 kiss you for it?

10 A. Well, to get her out -- to get her out of the  
11 business because she ran the business, Suburban.

12 Q. Okay. How did your wife feel about it?

13 A. Fine.

14 Q. Okay. How did the July 1st, 2007 date come  
15 about for shutting off the water to the Suburban water and  
16 sewer customers?

17 A. It was something Mr. Volkert and I discussed.

18 Q. Okay. But how was July 1st determined to be  
19 the date that you wanted to shut off the water?

20 MR. HARRISON: Gordon, I don't want you to  
21 talk about any discussions that you had with Matt. That's  
22 privileged. So if the answer to the question is that came up  
23 solely as a result of discussions between you and Matt, I  
24 don't want you to answer.

25 THE WITNESS: Okay.

□

77

1 MR. HARRISON: Maybe she needs to read back  
2 the question, but I don't want you to talk about any  
3 discussions between you and Matt or between you and me.

4 THE WITNESS: Okay.

5 BY MS. SYLER BRUEGGEMANN:

6 Q. Did you want July 1st, 2007 to be the date  
Page 69

7 that Suburban shut off its water?

8 A. I can't remember how the discussion came up.

9 Q. Did you decide that it needed -- well, let me  
10 back up one. Maybe this will be easier.

11 (Petitioner's Exhibit No. 6 was marked for  
12 identification.)

13 BY MS. SYLER BRUEGGEMANN:

14 Q. I'm handing you Petitioner's Exhibit No. 6,  
15 which is the March 30th, 2007 letter titled Notice of  
16 Dissolution of Suburban Water and Sewer Company.

17 A. That's correct.

18 Q. Now, who wrote this letter?

19 A. Mr. Volkert.

20 Q. And who directed him to write this letter?

21 MR. HARRISON: Gordon, again, I don't want you  
22 to talk about any discussions or conversations that you had  
23 with Matt. I don't know what the answer to the question is,  
24 but I don't want you to talk about discussions you had with  
25 Matt. That's privileged.

□

78

1 MS. SYLER BRUEGGEMANN: I'm assuming that  
2 someone from Suburban had to give authority to send out this  
3 letter and I'm trying to find out who gave that authority  
4 because this is representing that Suburban is dissolving.

5 MR. HARRISON: If the question is did Suburban  
6 give Matt authority to write this letter, I think that's fine.  
7 You can answer that question.

8 THE WITNESS: Yes.

9 MS. SYLER BRUEGGEMANN: And that was the

10 question.

11 BY MS. SYLER BRUEGGEMANN:

12 Q. So this was sent out March 30th, 2007 to be  
13 effective as of July 1st, 2007. Is that what it says in this  
14 letter?

15 A. Yes.

16 Q. Did you know you were going to Europe at the  
17 same time?

18 A. I bought the tickets March 15th.

19 Q. Was that planned?

20 A. No.

21 Q. Just lucky coincidence. Okay. How long did  
22 you spend there?

23 A. Two weeks. My luggage is still over there.

24 Q. Okay. What kind of responses did you have to  
25 the notice -- to the customers to shut off? What kind of

79

1 responses did Suburban have to the notice to shut off the  
2 water July 1st?

3 A. You'll have to ask Paula because I never get  
4 involved in that.

5 Q. Okay. When you decided to dissolve Suburban  
6 water and Sewer company and directed Matt Volkert to send  
7 these letters out, what was your belief about how customers  
8 were going to get water?

9 MR. HARRISON: Let me -- I mean, I don't think  
10 it's accurate that he authorized it or he decided it. But  
11 subject to that, you can answer. I think it misstates prior  
12 testimony.

13 Go ahead and answer.

14 THE WITNESS: Restate the question.

15 BY MS. SYLER BRUEGGEMANN:

16 Q. How about I back up for a second. Who else  
17 authorized the dissolution of Suburban Water?

18 A. I --

19 Q. You did?

20 A. Yes.

21 Q. Okay. So now saying it again, what was your  
22 belief about how customers were going to get water after  
23 July 1st if Suburban Water and Sewer Company --

24 A. Okay. At one time in a conversation with  
25 Mr. Brummel [sic], okay, he mentioned it to me that there had

□

80

1 been some other water companies in the state, small water  
2 companies, you know, that developers did and everything and he  
3 was able to find somebody to take them over. And I also  
4 mentioned Public Water District No. 1 and we met with  
5 probably -- District No. 1 and thought we were taking the  
6 right course.

7 we have a good reputation in town and even  
8 though I'm gone, I still got some kids there and I wouldn't  
9 want them to throw rocks at them. So -- you know, we're  
10 halfway dependable people. So we wanted to be fair and -- and  
11 notify everybody, give them a chance to find some other source  
12 or something. We were not wanting to sell the water company.  
13 We were wanting to give it away and we'd probably paid  
14 somebody to take it.

15 Q. But when you sent out -- when Suburban sent



16 out the notice of dissolution, was the idea that somebody was  
17 just going to magically appear to start running the system?

18 A. well --

19 MR. HARRISON: Object to the question as being  
20 argumentative.

21 THE WITNESS: Okay.

22 MR. HARRISON: You can answer if you know.

23 THE WITNESS: Okay. I don't remember how it  
24 came about.

25 BY MS. SYLER BRUEGGEMANN:

□

81

1 Q. No, the question really is when the notice of  
2 dissolution was sent out, you just said that Martin said other  
3 en--

4 A. Yeah.

5 Q. He had found somebody to take over --

6 A. Yeah.

7 Q. Somehow other small companies --

8 A. Yeah.

9 Q. -- were taken over --

10 A. Yeah.

11 Q. There was also Consolidated --

12 A. Yeah.

13 Q. -- number one, but were you -- was Suburban  
14 actively pursuing someone to take over the system?

15 A. Yes.

16 Q. who?

17 A. Boone County Regional Sewer District.

18 Q. To take over the water system?

19 A. Yes. They -- they service the sewer system in  
20 Bon Gor.  
21 Q. But are they a water system operator?  
22 A. No. But they just got the authority from the  
23 State to do it. And we've been in preliminary discussions  
24 with them because we have a similar-type situation with one of  
25 our mobile home parks where we deal with them all the time.

82

1 Q. What happened if they weren't going to take it  
2 over by July 1st?  
3 A. I never thought beyond that.  
4 Q. Okay.  
5 A. There's Public Water District No. 1 and  
6 there's other water districts, you know.  
7 Q. Now, we're all aware you want to be out of the  
8 water business, as you just said.  
9 A. Yeah.  
10 Q. I think everybody's completely aware of that.  
11 Do you now have any other plans to try to get Suburban out of  
12 the water business?  
13 A. Not other -- other than Boone County Regional  
14 Sewer.  
15 Q. Is anyone from Suburban currently talking to  
16 them?  
17 A. Yes.  
18 Q. What was the latest discussion?  
19 A. Their board of trustees is meeting tomorrow  
20 night.  
21 Q. And someone from Suburban is going to go to

22 that meeting?

23 A. If he wants me to.

24 Q. Okay.

25 A. They're kind of anxious to get in, plus the

□

83

1 fact they're billing all the sewer customers now anyway in Bon  
2 Gor.

3 Q. Okay. When we're talking about Paula managing  
4 Suburban, what --

5 MS. SYLER BRUEGGEMANN: You know what? Why  
6 don't we go ahead and take our break right here, if that's  
7 okay with everybody. Take about five, ten minutes.

8 (A RECESS WAS TAKEN.)

9 BY MS. SYLER BRUEGGEMANN:

10 Q. I need to go back really quickly to item No. 9  
11 on the Disposition Agreement --

12 A. Uh-huh.

13 Q. -- a continuous property record system. Are  
14 you familiar with that term?

15 A. Yes. And my wife and I have had a discussion  
16 about this particular -- when we first started out and  
17 everything, the PSC had a depreciation rate on sewer lines,  
18 waterlines and everything and then the IRS had another one.  
19 You know, this is a sub-Chapter S. Okay? So anyway, why, we  
20 kept that.

21 And then all of the things up there that the  
22 PSC said could -- 30 years they were depreciating out. Now, I  
23 don't know what that -- if that's what they're referring to  
24 right there, but there was nothing to depreciate except the

25 new well -- the new pump that was put in in '06.

□

84

1 Q. Well, whenever this agreement was signed in  
2 late '05, that was before the well was put in. Right?

3 A. Yeah. Uh-huh.

4 Q. So --

5 A. So I mean, we kept records and everything, but  
6 of course the IRS only requires us to keep them five years,  
7 you know. We researched back and couldn't find where -- that  
8 we'd set all of it up. Are you with me?

9 Q. Yeah.

10 A. Okay. And I think that was the figure,  
11 30 years depreciation on -- on the water and sewer lines.

12 Q. Okay. So are you aware of whether or not a  
13 continuous property record system has been developed?

14 A. I'm not aware of any.

15 Q. Okay. Now, when it comes to the board  
16 meetings and shareholder meetings, I believe I've been  
17 provided with some minutes for Suburban for a Suburban  
18 shareholder meeting and a board of directors meeting. Are  
19 you --

20 A. Yes.

21 Q. -- aware --

22 A. Yes.

23 Q. -- that those meetings happen?

24 A. Yes.

25 Q. And we --

□

1 Q. I'm sorry.

2 A. And we signed off on them.

3 Q. Okay. How often do the board of directors  
4 officially meet?

5 A. Any time there's a problem with Suburban.

6 Q. Okay. And do the board of directors and the  
7 shareholders of Suburban meet at the same time?

8 A. Yes.

9 Q. Do they develop separate minutes for the board  
10 of directors and the shareholders for that one meeting?

11 A. Not to my knowledge.

12 Q. Okay.

13 A. Except the one where we talked about the  
14 dissolution.

15 Q. Okay. And when you talked about the  
16 dissolution, what did that meeting decide or resolve?

17 A. We wanted to dissolve.

18 (Petitioner's Exhibit No. 7 was marked for  
19 identification.)

20 BY MS. SYLER BRUEGGEMANN:

21 Q. I'm handing you Exhibit No. 7. Are those the  
22 minutes that we are discussing right now?

23 A. Yes.

24 Q. And what's the date on that?

25 A. June 25th, '07.

□

1 Q. Why are there minutes from June 25th, '07 when

2 the first letter was sent out January 31st of '07?

3 A. We were out of town.

4 MR. HARRISON: Gordon, you can take all the  
5 time you want to read this document, you understand?

6 THE WITNESS: Okay. We were out of town in  
7 Florida.

8 BY MS. SYLER BRUEGGEMANN:

9 Q. And but weren't you and Bonnie together?

10 A. Yes. In Florida, yes.

11 Q. So why did you have your shareholders meeting  
12 with you and Bonnie --

13 A. Telephone.

14 Q. -- when you came --

15 A. Telephone.

16 Q. Who else was at the shareholders meeting? How  
17 about that?

18 MR. HARRISON: Wait a minute. Have you read  
19 this document yet?

20 THE WITNESS: Yeah.

21 MR. HARRISON: Why don't you read what it says  
22 before you start answering questions about it? The reason I'm  
23 saying that, I think the context of the questions is a little  
24 wrong.

25 THE WITNESS: Okay. I'm sorry. I didn't read

□

87

1 it carefully. Okay.

2 BY MS. SYLER BRUEGGEMANN:

3 Q. Okay. Do you have any changes to make to what  
4 you just said?

5 A. No. No.

6 Q. Okay. So why did the shareholders meeting  
7 with Bonnie and Gordon Burnam for Suburban Water happen on  
8 June 25th, 2007 when the dissolution -- when the first  
9 dissolution --

10 A. Yeah.

11 Q. -- letter happened January 31st?

12 MR. HARRISON: This document doesn't authorize  
13 the dissolution. This document rescinds the dissolution. Do  
14 you understand that?

15 THE WITNESS: Say again.

16 MR. HARRISON: These minutes do not authorize  
17 the dissolution of the company

18 THE WITNESS: Yes.

19 MR. HARRISON: I think counsel might be  
20 thinking these are the minutes that authorized the dissolution  
21 and that's not the case.

22 MS. SYLER BRUEGGEMANN: You're right. That's  
23 my mistaken belief.

24 BY MS. SYLER BRUEGGEMANN:

25 Q. So these minutes rescind the dissolution, say

□

88

1 we're not dissolving the --

2 A. I'm sorry. My mind's going blank.

3 MR. HARRISON: It's real simple, if I might  
4 interject. Previously --

5 THE WITNESS: Yeah.

6 MR. HARRISON: -- there was corporate action  
7 taken -- just let me -- there was corporate action taken to

8 dissolve the company. Then later it was decided --

9 THE WITNESS: Yeah.

10 MR. HARRISON: -- you were not going to  
11 dissolve the company.

12 THE WITNESS: That's correct.

13 MR. HARRISON: The action to rescind the  
14 dissolution, i.e., the decision not to dissolve was taken in  
15 June of 2007 --

16 THE WITNESS: Yeah.

17 MR. HARRISON: -- right?

18 THE WITNESS: That's correct. Could I ask you  
19 a question about this L?

20 BY MS. SYLER BRUEGGEMANN:

21 Q. Can we --

22 A. I'm sorry.

23 Q. Let's do the next one. That's fine.

24 Were there minutes for asserting that Suburban  
25 Water and Sewer Company wanted to dissolve?

□

89

1 A. You'll have to talk to Paula and my attorney.  
2 I mean Mickey and -- Bonnie and my attorney.

3 Q. And Bonnie is Mickey. Right?

4 A. Yeah.

5 Q. Sorry about that. That was me letting my mind  
6 wander for a second.

7 A. Yeah. Nickname, yeah.

8 Q. Now, who holds the minutes for the board of  
9 directors and the shareholders meeting? who has those?

10 A. You'll have to ask Mickey that. I assume she



11 does that. We have a corporate book. I know that.  
12 Q. Okay. What made you change your mind and say  
13 that you were not going to -- and decide --  
14 A. I can't --  
15 Q. Let me start over. What made Suburban Water  
16 shareholders, yourself included in that, decide to not  
17 dissolve the company?  
18 A. You'll have to ask my attorney.  
19 Q. You signed the minutes --  
20 A. I know, but --  
21 Q. -- or the written consent.  
22 A. Uh-huh.  
23 Q. So you don't have a reason why you signed the  
24 consent?  
25 A. Well, I'm just saying that upon his advice.

□

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1 Q. Okay.  
2 A. Him and my wife made them out, so --  
3 Q. Okay.  
4 A. -- I didn't -- I wasn't involved in it.  
5 MS. SYLER BRUEGGEMANN: And I think that's  
6 about it for me.  
7 THE WITNESS: Can I ask a question?  
8 MR. HARRISON: Hold on a minute. Why don't we  
9 not do that. It's not really appropriate in a deposition for  
10 a witness to ask the lawyers questions. It usually works the  
11 other way around.  
12 THE WITNESS: A clarification?  
13 MR. HARRISON: I guess if there's a question

14 she asked you that you now determine that you weren't sure  
15 about, that's okay. So if you're asking her to clarify a  
16 question, I think that's okay.

17 THE WITNESS: Okay. I do -- I don't remember  
18 discussing this info described as L. It was over here, but I  
19 don't remember us discussing it and everything.

20 BY MS. SYLER BRUEGGEMANN:

21 Q. Who's "us"?

22 A. You and I. I don't remember you asking me any  
23 questions or anything about it. The only thing I remember  
24 about it is that we sent this notice to the PSC and the PSC  
25 says they never got it. Okay? But yet back here on this deal

□

91

1 it shows here that somebody -- it was sent certified. And I  
2 was just curious why that -- we didn't talk about why the PSC  
3 didn't respond to this letter dated January 31.

4 Q. If we want to have an informal discussion  
5 after the on-the-record, I can talk to you then.

6 A. That will be fine.

7 Q. Okay.

8 MS. BAKER: I have no questions.

9 MR. HARRISON: Give me one second. I don't  
10 think I do, but let me see.

11 No. No questions.

12 MS. SYLER BRUEGGEMANN: Then one last thing  
13 before we go off the record. I just wanted to make this  
14 simpler. This is a subpoena for the evidentiary hearing that  
15 is next Thursday, the 26th. I think everybody's quite aware  
16 of that hearing so -- and I think this says 8:30, but it

17 should be 8:00 a.m. It may be that we don't end up getting  
18 started until 8:30, but it's better that everybody knows the  
19 judge set the start time I think at 8:00 a.m.

20 Is that your understanding, Mr. Harrison?

21 MR. HARRISON: Yes.

22 MS. SYLER BRUEGGEMANN: So I'm going to write  
23 in here circles for 8:00 a.m. And that's all I have.

24 THE COURT REPORTER: Signature?

25 MR. HARRISON: Waive presentment; he wants to

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1 sign.

2 (PRESENTMENT WAIVED; SIGNATURE REQUESTED.)

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1 CERTIFICATE OF REPORTER

2

3 I, Tracy L. Thorpe Taylor, CCR, within the State of  
4 Missouri, do hereby certify that the witness whose testimony  
5 appears in the foregoing deposition was duly sworn by me; that  
6 the testimony of said witness was taken by me to the best of  
7 my ability and thereafter reduced to typewriting under my  
8 direction; that I am neither counsel for, related to, nor  
9 employed by any of the parties to the action in which this  
10 deposition was taken, and further, that I am not a relative or  
11 employee of any attorney or counsel employed by the parties  
12 thereto, nor financially or otherwise interested in the  
13 outcome of the action.

14

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Tracy L. Thorpe Taylor, CCR

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1 Midwest Litigation Services  
2 3610 Buttonwood  
3 Columbia, Missouri  
4 Phone 573-442-3600 \* 573-636-7551

5 July 19, 2007

6 VAN MATRE, HARRISON, AND VOLKERT, P.C.  
7 1103 East Broadway  
8 Columbia, Missouri 65201  
9 573-874-7777  
10 Mr. Thomas M. Harrison  
11 Mr. Matthew S. Volkert

12 In Re: Staff of Missouri PSC vs. Suburban

13 Dear Mr. Harrison and/or Mr. Volkert:

14 Please find enclosed your copy of the deposition of Ramon  
15 Gordon Burnam taken on July 17, 2007 in the above-referenced  
16 case. Also enclosed is the original signature page and errata  
17 sheet.

18 Please have the witness read your copy of the transcript,  
19 indicate any changes and/or corrections desired on the errata  
20 sheet, and sign the signature page before a Notary Public.

21 Please return the errata sheet and notarized signature page to  
22 Ms. Syler Brueggemann for filing prior to the trial date.

23 Thank you for your attention to this matter.

24 Sincerely,

25 Tracy L. Thorpe Taylor, Certified Court  
Reporter

Enclosure  
cc: Ms. Syler Brueggemann  
Ms. Baker

22  
23  
24  
25

1 STATE OF \_\_\_\_\_)

2 COUNTY OF \_\_\_\_\_)

3 I, RAMON GORDON BURNAM, do hereby certify:

4 That I have read the foregoing deposition;

5 That I have made such changes in form and/or

6 substance within the deposition as might be necessary to

7 render the same true and correct;

8 That having made such changes thereon, I hereby

9 subscribe my name to the deposition.

10 I declare under penalty of perjury that the foregoing

11 is true and correct.

12 Executed this \_\_\_\_\_ of \_\_\_\_\_, 2007, at \_\_\_\_\_

13 \_\_\_\_\_

14 \_\_\_\_\_

15 Notary Public

16 My commission expires: \_\_\_\_\_

17 \_\_\_\_\_

18 RAMON GORDON BURNAM

19 Signature page to Mr. Harrison/Mr. Volkert

20 TLT/RGB, 07/19/07

21 Staff of MO PSC vs. Suburban

22

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1 WITNESS ERRATA SHEET

2 Witness Name: Ramon Gordon Burnam  
3 Case Name: Staff of MO PSC vs. Suburban  
4 Date Taken: 7/17/07

5 Page: Line: Should read:  
6 Reason for change:

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Reporter: Tracy L. Thorpe Taylor, CCR

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STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
  
TRANSCRIPT OF PROCEEDINGS  
  
Public Hearing  
  
July 23, 2007  
Columbia, Missouri  
Volume 1

The Staff of the )  
Missouri Public Service )  
Commission, )  
Complainant, )  
v. ) Case No. WC-2007-0452 et al.  
Suburban Water and )  
Sewer Co. and Gordon )  
Burnam, )  
Respondents. )  
  
BENJAMIN H. LANE, Presiding,  
REGULATORY LAW JUDGE  
CONNIE MURRAY,  
STEVE GAW,  
ROBERT M. CLAYTON, III,  
LINWARD "LIN" APPLING,  
Commissioners.

REPORTED BY:  
  
PAMELA FICK, RMR, RPR, CCR #447, CSR  
MIDWEST LITIGATION SERVICES



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and the Public.

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(573) 751-3234

FOR: Staff of the Missouri Public  
Service Commission.

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

2                   JUDGE LANE: I'd like to call this  
3 hearing to order. Thank you very much. It's Monday,  
4 July 23rd, 2007. And by order dated July the 10th,  
5 the Missouri Public Service Commission set this time  
6 for a public comment hearing in Case No. WC-2007-0452.

7                   Now, that's a consolidated complaint  
8 case in which the Commission Staff alleges that  
9 Suburban Water and Sewer Company and Suburban's  
10 president, Gordon Burnam, have violated the terms of  
11 a disposition agreement of the Staff and the Office  
12 of the Public Counsel which was approved by the  
13 Commission back in 2005 prior to their last rate  
14 increase.

15                  The Commission Staff has also requested  
16 in this case authority for the Commission's general  
17 counsel to file an action in the Circuit Court  
18 seeking the imposition of financial penalties for  
19 those alleged violations.

20                  My name is Benjamin Lane. I'm the  
21 regulatory law judge that will preside over tonight's  
22 hearing. Here with me in Jefferson City are three of  
23 the Public Service Commission's Commissioners. On my  
24 left is Commissioner Lin Appling, on -- to my right  
25 is Commissioner Connie Murray, and to her right is

1 Commissioner Steve Gaw. And I'm not sure, but  
2 Commissioner Robert Clayton was planning on trying to  
3 attend the hearing down there in Columbia.

4 COMMISSIONER CLAYTON: I'm here, Judge.

5 JUDGE LANE: Are you there? All right.

6 COMMISSIONER CLAYTON: I'm here.

7 JUDGE LANE: Thank you very much.

8 COMMISSIONER CLAYTON: Sorry.

9 JUDGE LANE: Just -- just for your  
10 information, the Commission is made up of five  
11 Commissioners, and they're appointed by the governor  
12 to fix terms and they're confirmed by the Senate.  
13 And the Commissioners employ a staff of engineers,  
14 economists, attorneys, financial analysts and other  
15 specialties -- specialists in the field of utility  
16 regulation, and they're all involved in this case.

17 This is an official hearing of the  
18 Missouri Public Service Commission, and the  
19 statements and testimony of the witnesses here will  
20 be recorded by the court reporter who's there with  
21 you in Columbia, and must be given under oath or  
22 affirmation.

23 All of the Commissioners including those  
24 who are not present here today will have the  
25 opportunity to read all of the witnesses' remarks or

1 a transcript of those remarks. We're  
2 video-conferencing this hearing from two locations.  
3 One of them is Room 130 of the Osher Lifelong  
4 Learning Institute in the LeMone Building in  
5 Columbia, that's where you are. And the other  
6 location is here at the Commission's offices in  
7 Jefferson City in one of the hearing rooms:

8                   In addition, we're broadcasting these  
9 hearings over the internet, and a court reporter is  
10 transcribing this hearing so that the Commissioners  
11 may review and read the comments when they get to  
12 making their decision in this case.

13                   And the sound and video of this  
14 hearing is also being recorded here in Jefferson  
15 City.

16                   So let me just give you the names and  
17 introduce some of the Staff members and others in  
18 case you have not had the opportunity to meet them.  
19 In Columbia with you, it's my understanding there are  
20 several individuals who are involved with or working  
21 on this case.

22                   As I announce the names of the  
23 attorneys, would you please enter your appearances  
24 for the record. Let's begin with counsel for the  
25 Staff of the Public Service Commission.

1 MS. SYLER BRUEGGEMANN: I'm Shelley  
2 Syler Brueggemann. I'm here on behalf of Staff. Our  
3 address is 200 Madison Street, Jefferson City,  
4 Missouri 65102. Thank you.

5 JUDGE LANE: Thank you, Ms. Brueggemann.  
6 For the Office of the Public Counsel?

7 MS. BAKER: Thank you. Christina Baker,  
8 Assistant Public Counsel, P.O. Box 2230, Jefferson  
9 City, Missouri 65102, appearing for the Office of  
10 Public Counsel and the ratepayers.

11 JUDGE LANE: Thank you very much,  
12 Ms. Baker. For Suburban and Gordon Burnam?

13 MR. HARRISON: Your Honor, thank you.  
14 Tom Harrison on behalf of both respondents, 1103  
15 East Broadway, Columbia, Missouri 65201. Thank  
16 you.

17 JUDGE LANE: Thank you, Mr. Harrison.  
18 For the water department's staff, is it my  
19 understanding that Jim Merciel is present?

20 MR. MERCIEL: (Raised hand.)

21 JUDGE LANE: Is that correct?

22 MR. MERCIEL: Yes, yes, I'm here.

23 JUDGE LANE: And from the Commission's  
24 public information staff, Gregg Ochoa?

25 MR. OCHOA: Yes, your Honor.

1 JUDGE LANE: And I may have mangled the  
2 pronunciation of your last name, and I apologize if I  
3 did.

4 MR. OCHOA: That's okay.

5 JUDGE LANE: Ochoa?

6 MR. OCHOA: Yes, that is correct.

7 COMMISSIONER CLAYTON: You did, Judge.

8 MR. OCHOA: It happens all the time,  
9 your Honor.

10 JUDGE LANE: From the technical and  
11 management services staff, Debbie Bernsen?

12 MS. BERNSEN: I'm here.

13 JUDGE LANE: Is that correct?

14 MS. BERNSEN: Yes.

15 JUDGE LANE: Thank you, Ms. Bernsen.  
16 And is there anybody else that I have neglected to  
17 mention?

18 MR. OCHOA: No, your Honor.

19 JUDGE LANE: Well, I want to thank you  
20 all -- I'm sorry?

21 MR. OCHOA: No, go ahead.

22 JUDGE LANE: I want to thank you all  
23 for taking the time to be here today and participating  
24 in this hearing. And I also want to thank the staff  
25 of what I understand is a very nice facility for this

1 type of interactive event for allowing us to use  
2 the facilities at the Osher Lifelong Learning  
3 Institute.

4           The Commission would not have the  
5 opportunity to reach out to so many members of the  
6 public if we were unable to utilize the video  
7 conferencing and web casting facilities that are  
8 available at facilities like this across the state.

9           Before we go on, I just want to say, and  
10 I'm sure this was covered to some extent in the  
11 public information session before we went on the  
12 record, but the focus of this hearing is to receive  
13 comments from you, the public, regarding Suburban  
14 Water and Sewer Company, Gordon Burnam and its water  
15 utility operations, especially as they relate to the  
16 specific allegations to the Staff's complaint, but in  
17 general as well.

18           The company will not present witnesses  
19 and they will not answer your questions while we're  
20 on the record in the official portion of this  
21 proceeding. I'm not here to answer questions and  
22 neither are the Commissioners.

23           What this is, is your opportunity to  
24 speak up, comment and go on the record so that your  
25 remarks can be part of the official record in this

1 case and can aid the Commission in reaching a  
2 decision in this matter.

3               Now, if you wish to testify and you  
4 haven't already done so, please see Mr. Ochoa at your  
5 location there in Columbia to put your name on the  
6 sign-up sheet to testify. He will call the name of  
7 each witness who is signed up to speak in the order  
8 that they signed up, and after everyone who's signed  
9 up has been called, I'll ask if anybody else would  
10 like to speak and provide testimony.

11              When your name is called, I'd like you  
12 to please come forward to the podium, and I will ask  
13 you to spell your name for the court reporter so the  
14 court reporter can put it in the record correctly,  
15 and then you can make your statement.

16              Then there may be questions. There may  
17 be additional follow-up questions from the attorneys  
18 representing the parties to this case, there might be  
19 questions from a Commissioner or there might be  
20 questions from me. But please do not leave the  
21 podium which is essentially our witness stand until  
22 you're excused. We'll finish this hearing when  
23 everyone who desires to speak has had an opportunity  
24 to do so.

25              Now, in order to get as many of you on



1 the record as possible, we ask that you be brief and  
2 succinct with your comments. If a previous speaker  
3 has already made the points that you wanted to make,  
4 stole your thunder, you may simply state that you  
5 agree with what that person said and state the extent  
6 of any disagreement you might have with what that  
7 person said.

8                   Now, we've already had entries of  
9 appearance from the counsel in this case, and so I  
10 think we're ready to begin. Let me begin just before  
11 we call the first witness. I want to ask the  
12 Commissioners very quickly if they would like to make  
13 any opening remarks. Commissioner Murray?

14                   COMMISSIONER MURRAY: I -- I don't have  
15 any, thank you.

16                   JUDGE LANE: Commissioner Gaw?

17                   COMMISSIONER GAW: No. Just thank  
18 you for coming this evening. We appreciate your  
19 input.

20                   JUDGE LANE: Commissioner Clayton?

21                   COMMISSIONER CLAYTON: I would just  
22 welcome everyone here to this facility. We  
23 appreciate them making it available to us. This  
24 technology is a great technology that we use to have  
25 information go back and forth to Jefferson City. Be

1 aware that there may be a delay. I mean, you  
2 probably already noticed that. So be patient, and if  
3 there are questions coming back and forth, just be  
4 aware that it may take a few seconds for that  
5 information to come through. So thank you very much  
6 for coming, and I look forward to your comments.

7 JUDGE LANE: Thank you. And  
8 Commissioner Appling?

9 COMMISSIONER APPLING: I have no  
10 questions or comments, Judge. I only want to say  
11 thank you for being here tonight, and I look forward  
12 to your questions.

13 JUDGE LANE: All right. We're ready  
14 to commence, then, the -- the witness testimony in  
15 this matter. Mr. Ochoa, if you would please call  
16 out the name of the first witness on the sign-up  
17 sheet.

18 MR. OCHOA: Sure. Mr. Bill DeJaynes.

19 MR. DeJAYNES: My name is Bill DeJaynes,  
20 B-i-l-l, D-e, capital J, a-y-n-e-s.

21 JUDGE LANE: Thank you, Mr. DeJaynes.  
22 I'm going -- I'm now going to give you the oath for  
23 your testimony today.

24 (THE WITNESS WAS SWORN.)

25 JUDGE LANE: You've already stated and

1 spelled your name. You may give your comments.

2 Thank you.

3 MR. DeJAYNES: Thank you. Well, the  
4 curious part -- what started it all is when they sent  
5 those letters out. About a week to two weeks before  
6 those letters were sent, the water either broke down  
7 or stopped for about a 24-hour period. I mean, I'm  
8 not exactly sure on the hours.

9 But then it was kind of curious, about a  
10 week to two weeks later the letters were sent. And  
11 not -- during the time -- I'm not sure about the  
12 water quality, but I know it's been hard, real hard  
13 water.

14 The pressure is never the same at any  
15 given time of the day. The -- I've never -- never at  
16 one time seen the meter read, and I've had different,  
17 you know, jobs during -- that I've been at home  
18 during the day to be able to see this, and I've never  
19 seen it being read.

20 I've never had an issue with them per se  
21 customer service-wise because I've never had to call  
22 except for the one time when the water went out, and  
23 I got ahold of nobody at that point. I had to go in  
24 and talk to them. When I went in to talk to them,  
25 they basically gave me the name of their lawyer and

1 wouldn't give me any information, which may be  
2 required, I'm not sure.

3                   Past that, I'm not sure what else I  
4 could say.

5                   JUDGE LANE: Thank you, sir, for  
6 providing your testimony today. Are there any  
7 questions from the Commissioners, starting with  
8 Commissioner Murray?

9                   COMMISSIONER MURRAY: Yes.

10 QUESTIONS BY COMMISSIONER MURRAY:

11           Q.       How long have you been a customer?

12           A.       I've lived there just shy of six years.

13                   COMMISSIONER MURRAY: All right. Thank  
14 you.

15                   JUDGE LANE: Commissioner Gaw?

16 QUESTIONS BY COMMISSIONER GAW:

17           Q.       Can you tell me when you received these  
18 letters that you were talking about? Just  
19 approximately.

20           A.       It was probably --

21                   UNIDENTIFIED SPEAKER: April 1st.

22                   MR. DeJAYNES: About -- yeah, April 1st.

23 BY COMMISSIONER GAW:

24           Q.       Okay. Thank you. And how long have you  
25 been experiencing the water pressure issues

1 approximately?

2 A. Since the day I moved in.

3 Q. Okay. And when you say that you haven't  
4 seen anyone read the meters, have you ever looked at  
5 the bill for a month and compared that water usage on  
6 the bill to what the meter might have said? Have you  
7 looked at it yourself? Can you give me some sort of  
8 frame of reference there?

9 A. No, I -- my -- unfortunately, my wife  
10 usually looks at the bills a little bit closer than I  
11 do, but I have noticed that the bills didn't usually  
12 fluctuate a whole lot. I didn't look at the water  
13 usage.

14 Q. Why is that?

15 A. Every once in a while I'd look at the  
16 water usage myself, and it -- you know, I'm not sure,  
17 you know, however many gallons it said and  
18 everything. But past that, I'm not -- I just am not  
19 real -- I haven't kept up on that. I just know that  
20 the amounts normally doesn't -- don't change. And  
21 there is one other thing I wanted to say. Shortly  
22 after --

23 Q. Go ahead.

24 A. Shortly after we got the letters, we --  
25 everybody got bills that they were saying that we

1 were in arrears, that we owed. And I talked to  
2 several people around there, and we were all  
3 up to date.

4               There was people that moved in right  
5 across the street, hadn't even been there a month,  
6 said that they were -- owed like \$102 or something on  
7 their water, and they'd been there two weeks. I  
8 mean, that's impossible.

9           Q.     Okay. The -- how many letters did  
10 you -- did you receive? Was it one or more than one?

11          A.     I received one that said that they were  
12 closing or said that they were gonna be shutting the  
13 water off, and then there was another letter past  
14 that that came that said you're in arrears, you owe  
15 this, and it also said that we're shutting it off  
16 July 1st.

17               It's like a reminder letter on top of  
18 letting -- letting us know that we owed money.

19               COMMISSIONER GAW: Okay. Thank you very  
20 much.

21               JUDGE LANE: Commissioner Appling?

22   QUESTIONS BY COMMISSIONER APPLING:

23          Q.     Mr. DeJaynes, did you ever have a  
24 conversation with anyone from the company, like the  
25 owners or anything, was there any communication

1 between you and the owners?

2           A.       To do with this situation? No. I --  
3 the only contact I've had with them was when I went  
4 in there and I was paying -- actually paying the  
5 in-arrears part because I didn't know if I was -- I  
6 didn't think I was behind, but I didn't want my water  
7 shut off.

8                   And I asked the lady that was behind the  
9 counter and she said -- she sent me to the lawyer.  
10 And I actually spoke to the lawyer, like I think the  
11 next day, and I asked a couple of quick questions. I  
12 wasn't quite sure exactly what I needed to ask at  
13 that time.

14                   COMMISSIONER APPLING: Thank you very  
15 much, sir.

16                   MR. DeJAYNES: You're welcome.

17                   JUDGE LANE: Commissioner Clayton?

18 QUESTIONS BY COMMISSIONER CLAYTON:

19           Q.       You said that there was an April 1st  
20 letter, that was the very first letter that you  
21 received --

22           A.       Yes.

23           Q.       -- that announced that the water was  
24 gonna be shut off on July 1st; is that correct?

25           A.       Yes, I did.

1           Q.       And then what was the approximate date  
2 of the second reminder letter that you were -- that  
3 you were delinquent and your water was gonna be shut  
4 off?

5           A.       I would say that was probably like  
6 probably middle May, beginning of June. I mean, just  
7 somewhere in that area.

8           Q.       Middle of June?

9           A.       Yeah, somewhere in there.

10          Q.       Okay. Now, you said your water was  
11 always very hard and that the pressure varies  
12 greatly. On the quality of water, do you have any  
13 other comments about the quality of the service that  
14 you had received up to that point?

15          A.       Other -- the water was hard. Other than  
16 that, it -- I mean, it didn't taste well. I mean, I  
17 never saw anything disgusting come out of the faucets  
18 myself, but, you know, it could have happened to my  
19 wife or my daughter. I just don't know.

20                   COMMISSIONER CLAYTON: Okay. I don't  
21 have any other questions. Thank you, Judge. Thank  
22 you, Mr. DeJaynes.

23                   MR. DeJAYNES: You're welcome.

24                   JUDGE LANE: Thank you, sir.

25                   QUESTIONS BY JUDGE LANE:



1           Q.       Mr. DeJaynes, I have one quick question,  
2 and that's in your testimony, you mentioned something  
3 about the meter never getting in the red. What --  
4 what did you mean by that?

5           A.       Never being read. I never -- the -- no  
6 one ever came out to read the meter that I'd ever  
7 seen.

8                   JUDGE LANE: Oh, read as in read the  
9 meter. I thought you were talking about the color  
10 red. Okay. I just wanted to make sure. Okay. All  
11 right. Great. I think that's it --

12                   MS. SYLER BRUEGGEMANN: Your Honor?

13                   JUDGE LANE: -- from the Commissioners  
14 and from me. Let's proceed now to any questions from  
15 the attorneys. Let's begin with counsel for the  
16 Staff of the Commission.

17                   MS. SYLER BRUEGGEMANN: Thank you, your  
18 Honor.

19 QUESTIONS BY MS. SYLER BRUEGGEMANN:

20           Q.       I just have a couple questions,  
21 Mr. DeJaynes. Did you -- do you know if you actually  
22 have a meter?

23           A.       Yes, there is a meter. It's in the  
24 back. It's -- I have to mow pretty much around it  
25 all the time. And on top of that, I don't know if

1 the meters are supposed to be seated or sealed down  
2 to where we're not supposed to be able to lift the  
3 top, but mine's loose all the time.

4 Q. Okay. And if you don't mind my asking,  
5 what type of residence do you live in? Is it a  
6 single-family home --

7 A. Single-family home.

8 Q. -- is it a duplex?

9 A. Single-family home.

10 Q. Okay. Now, on your bills, do you recall  
11 if there's an actual meter number of a reading  
12 beginning and end, do you recall ever seeing that on  
13 a bill?

14 A. No, I honestly don't.

15 Q. Okay.

16 MR. DeJAYNES: There is a bill?

17 UNIDENTIFIED SPEAKER: There is.

18 MR. DeJAYNES: There is a bill.

19 BY MS. SYLER BRUEGGEMANN.

20 Q. Okay. And real quick, did you ever pay  
21 a deposit when you moved in, do you recall?

22 A. I don't believe I did. I don't believe  
23 we did.

24 Q. Okay. And last question, on the paying  
25 in arrears that you were mentioning, how much arrears

1 do you think the amount was for?

2 A. It was for \$63. I know exactly -- I  
3 remember that amount. And then -- that that's --  
4 that would be like five or six months in arrears, and  
5 I don't believe I was ever that far.

6 Q. Did you ask anyone about that amount?

7 A. Yeah, I asked her -- I asked -- when I  
8 went in and asked the lady, she asked -- she pretty  
9 much told me that that's what they had on their  
10 records and that that's all there was.

11 You know, she said that's what we have  
12 on our records as you being behind. I'm like -- I  
13 mean, we even checked our checks at home to see  
14 because we have -- we pay it automatically through  
15 the computers, so it's not gonna be late.

16 Q. Okay. And did she mention anything  
17 about an estimate?

18 A. No, no.

19 Q. Okay. Did you ask the attorney about  
20 the arrears part --

21 A. No.

22 Q. -- of your bill? Were you asking about  
23 the shut-off?

24 A. Yeah, I was asking about the shut-off  
25 stuff. I wasn't -- the arrears part, I mean, I

1 wasn't horribly worried about it, but I was still  
2 worried about it because there was like three or four  
3 other people that I personally had talked to that  
4 didn't have -- that had the same letter sent to them  
5 that they were behind, and they weren't either. They  
6 checked their records and they weren't behind.

7 Q. Okay. And did you happen to keep any of  
8 these letters or --

9 A. Yeah, we got them -- I got them.

10 Q. You do? If you wouldn't mind leaving a  
11 contact number, I can give you a piece of paper, I'd  
12 appreciate it.

13 A. Sure, yeah.

14 MS. SYLER BRUEGGEMANN: That's all.

15 JUDGE LANE: All right. Ms. Baker, any  
16 questions of this witness?

17 MS. BAKER: I have one question.

18 QUESTIONS BY MS. BAKER:

19 Q. Have you noticed that the amount on your  
20 bill, has it changed in the past, say, six months,  
21 other than the arrears part?

22 A. Yeah, other than that, I don't -- I'm  
23 not sure that it has. I mean, like I said, again, we  
24 have it set up to where it automatically comes out  
25 and we pay it, a certain amount every -- every couple

1 of weeks, so it's usually stayed pretty much the  
2 same.

3 Q. Do you know if your meter has ever been  
4 read?

5 A. I've never seen anybody pick it up and  
6 lift it and look in there and read it. I've never  
7 seen anybody do it.

8 Q. Okay.

9 A. And you know, like I said, I've been  
10 there at different times during the day and never  
11 seen anybody, so ...

12 MS. BAKER: That's all the questions I  
13 have.

14 JUDGE LANE: Thank you. Mr. Harrison?

15 MR. HARRISON: No questions of this  
16 witness, Judge.

17 JUDGE LANE: Thank you very much. Any  
18 follow-up questions from the Commissioners after  
19 those -- after those questions?

20 COMMISSIONER GAW: Real quick, Judge.

21 QUESTIONS BY COMMISSIONER GAW:

22 Q. Mr. DeJaynes, do you recall whether or  
23 not there was any kind of a late penalty on your bill  
24 when you got that one that suggested there was an  
25 arrearage?

1           A.       Yeah, there was a late penalty. I think  
2 like -- I think it was five dollars, I think. But  
3 she waived -- when I got there I told her that --  
4 that I don't believe it was late and they -- they  
5 waived that. If I remember right, they didn't make  
6 me pay that five dollars, but I still had to pay the  
7 arrears amount.

8           Q.       Okay. That may be -- that may be  
9 important for us to see on that letter if you've --

10          A.       Okay.

11          Q.       So hopefully someone will get a copy of  
12 that.

13          A.       Okay.

14          Q.       Because at this point I'm not clear  
15 about whether that was -- whether they were  
16 suggesting some arrearage due to an estimation of  
17 your bills in the past, and I'd like to have that  
18 clarified.

19                   And I know you can't do that from there,  
20 but maybe if we can get a copy of the letter, it will  
21 be clear.

22          A.       Okay.

23                   COMMISSIONER GAW: Thank you.

24                   MR. DeJAYNES: Welcome.

25                   JUDGE LANE: Mr. DeJaynes, thank you

1 very much, and you're excused.

2 MR. DeJAYNES: Thank you.

3 MR. OCHOA: Your Honor, Brian Fobes.

4 JUDGE LANE: Brian Fox?

5 MR. OCHOA: Fobes.

6 COMMISSIONER CLAYTON: Come on down.

7 Come on down. He'll -- he'll do his name.

8 MR. FOBES: It's Brian, B-r-i-a-n, and

9 Fobes, F-o-b-e-s.

10 COMMISSIONER CLAYTON: Close.

11 MR. FOBES: Close.

12 JUDGE LANE: Thank you, Mr. Fobes.

13 (THE WITNESS WAS SWORN.)

14 JUDGE LANE: Thank you very much.

15 Please provide your comments.

16 MR. FOBES: I'm account No. 33. I've

17 lived in Bon Gor Lake, used to be lot 52, for about

18 20 years now. And when we first moved out there,

19 there were water problems with the well being -- the

20 sulfur oxide sorber is making the sulfur gas, when

21 you'd turn on the spigot, you would get rotten egg

22 smell in your face.

23 And it was like that for a few years,

24 and then they supposedly got a chlorinating system

25 to improve that. And the chlorinating's always

1 been spotty. At times you could tell it was  
2 heavily chlorinated, and then other times you  
3 couldn't detect any chlorination at all. That  
4 could be through dissipation and oxidizing and such  
5 like that.

6                   But we never had any -- you never really  
7 know that anybody's actually monitoring this system  
8 or taking care of it. I've stumbled into people who  
9 were supposedly working on this system, and they were  
10 saying that they were less than professionally  
11 maintained in those regards.

12                   About the time that the last person was  
13 testifying, we got a letter for the shut-off, the  
14 water failed, the system failed. And when it was  
15 restored, there was a water main break in my back  
16 yard. And this hadn't been the first time the system  
17 had failed. It'd off and on gone out for a weekend  
18 or a day or two, you know, over the last 20 years.  
19 That's probably just normal, I would imagine.

20                   But they actually fixed the water main  
21 pretty fast, but when they were done, they had to  
22 pull a tree out and kind of made a muddy mess. And I  
23 contacted them a couple of weeks later and asked them  
24 if they were gonna fill in the hole that was left  
25 over from all this repair that they'd done, and they



1 said they -- they said they were waiting for it to  
2 dry out in order to do that. It was kind of a rainy  
3 season.

4                   And we just kept waiting and waiting.  
5 And then sometime in about June, 30 days before the  
6 deadline to shut-off, I contacted the PSC and was  
7 asking about what -- if there was any sort of legal  
8 action as far as getting the hole filled or if I was  
9 just on my own to try and fill on my own, and PSC  
10 said they weren't really regulating that. That was  
11 more of a civil matter.

12                   But they did contact the water district,  
13 and shortly after that I was -- they did come out and  
14 fill it in. But they'd let it ride, you know, as  
15 long as they possibly could, seemed to me, before  
16 they actually filled in the hole. And it was right  
17 next to an electric power service transformer.

18                   So -- and we have a lot of small kids in  
19 the neighborhood, and they were actually wanting to  
20 get in the hole and dig around in there. And it just  
21 appeared to be an unsafe situation for a couple of  
22 months or so.

23                   But like the last gentleman testified,  
24 the water pressure's always been up and down over the  
25 last 20 years. You know, you'd have varying water

1 pressure. And you have to have a water softener.  
2 if you don't have a water softener, your fixtures  
3 are gonna get destroyed, your clothing gets  
4 destroyed. It's just part of a hard well, you have  
5 to have a water softener, and this is a very hard  
6 well.

7                   Other than that, I'm just concerned as  
8 to what it's gonna take to keep the water on and what  
9 I, as a homeowner, can do to facilitate the takeover  
10 of a legitimate or reputable company to run this  
11 organization.

12                   I know in the past when we had dealings  
13 with this subdivision individual, the owner, in the  
14 case of the roads, the homeowners had to take the  
15 obligation of upgrading the roads to a level that  
16 the county would assume their maintenance, which  
17 involved putting a lien on everybody's property tax  
18 to make up -- to pay for the improvements to the  
19 road so that somebody could take them over and  
20 maintain them. And I'm wondering if this is an  
21 option, but I haven't been able to talk to anybody  
22 about that.

23                   You know, all during this other part  
24 with the main repair I was somewhat frustrated and  
25 actually went to the PSC in regards to filling up

1 that hole because I couldn't get ahold of anybody at  
2 Vista. You'd leave messages on the machines or write  
3 a note on your water bill and give it in to them, and  
4 then wait for a phone call that you could never get  
5 back.

6 Other than that, I don't really -- you  
7 know, I don't really have any grief against them,  
8 personally, too much. I just need to make sure that  
9 we're gonna have water.

10 JUDGE LANE: Thank you, Mr. Fobes. Any  
11 questions from the Commissioners, beginning with  
12 Commissioner Murray?

13 QUESTIONS BY COMMISSIONER MURRAY:

14 Q. Mr. Fobes, do you know who actually  
15 operates the system?

16 A. As far as I know, it's Vista Management  
17 because that's where we pay the bills to.

18 Q. Have you had direct contact with any  
19 individual who is actually working on the system from  
20 time to time?

21 A. I have.

22 Q. And do you know who that is?

23 A. I don't recall the person's name, but I  
24 could get it.

25 Q. And how long did you say you have lived

1 there?

2 A. 20 years.

3 COMMISSIONER MURRAY: Thank you.

4 JUDGE LANE: Commissioner Gaw?

5 COMMISSIONER GAW: I don't have any

6 questions, but thank you very much, sir, for coming.

7 JUDGE LANE: Commissioner Clayton?

8 COMMISSIONER CLAYTON: Thank you, Judge.

9 QUESTIONS BY COMMISSIONER CLAYTON:

10 Q. Mr. Fobes, I wanted to ask you about

11 this -- this tree and the hole and when you called

12 the Commission. Do you know when that occurred, when

13 that whole scenario occurred?

14 A. Well, the repair was made after April.

15 Q. Of this year?

16 A. Of this year to the main, and then about

17 June is when I contacted the Commission because we

18 were getting down to like the 30-day deal on the

19 shutting off the water for good and boxing up the --

20 the company going out of business.

21 Q. And then how much time did it take to

22 fill in the hole after --

23 A. Once the Commission was contacted, it

24 was within a week.

25 Q. Okay. So -- so there was some response?

1 I thought you --

2 A. No, they responded.

3 Q. I thought you said the PSC didn't handle  
4 that sort of thing.

5 A. The PSC said they didn't handle that,  
6 but they were actually more than happy to make a  
7 complimentary call for me.

8 Q. So it got it solved, it got the problem  
9 solved?

10 A. It did get it solved, you know, which  
11 was kind of the deal where you're reading in the  
12 newspaper how the PSC is working against them, and  
13 yet, you know, I didn't experience that myself.

14 Q. Okay. So -- so the Commission -- I  
15 mean, it -- that phone call got the hole filled?

16 A. It did.

17 Q. Government in action?

18 A. Government in action even though it  
19 wasn't "within their jurisdiction" of ...

20 Q. There was one other question that I  
21 wanted to ask you. How long ago would you say that  
22 the chlorination actually started, or when did  
23 that --

24 A. It would have had to have been like in  
25 the -- I moved in, in '86, so --

1 Q. So it's been a long time since then?

2 A. It would have had to have been like '87

3 almost, yeah, '88. It was really --

4 COMMISSIONER CLAYTON: Okay. We won't

5 talk where any of us were in 1987. Thank you very

6 much.

7 JUDGE LANE: Commissioner Appling?

8 COMMISSIONER APPLING: I have no

9 questions. Thank you very much for coming in

10 tonight.

11 JUDGE LANE: Thank you, Mr. Fobes. You

12 are excused.

13 MS. SYLER BRUEGGEMANN: Your Honor?

14 MR. FOBES: What about these guys?

15 JUDGE LANE: Oh, what am I saying? Boy,

16 that was quick. Let's start with the Staff of the

17 Commission.

18 MS. SYLER BRUEGGEMANN: Thank you, your

19 Honor.

20 QUESTIONS BY MS. SYLER BRUEGGEMANN:

21 Q. Mr. Fobes is it?

22 A. Uh-huh.

23 Q. Okay. Are you in a single-family

24 dwelling --

25 A. Uh-huh.

1 Q. -- or a duplex?

2 A. Yeah, single-family.

3 Q. And does your residence have a meter?

4 A. Yeah.

5 Q. Okay.

6 A. No. 33.

7 Q. Now, are you aware of whether or not

8 that's been read?

9 A. We get a lot of estimated bills, but I

10 think the -- our family said they've seen people read

11 it before, so yeah.

12 Q. Okay. And --

13 A. Some of these meters are inside fenced

14 yards. I don't know if they can get into them --

15 Q. Okay.

16 A. -- you know.

17 Q. Then when you said that you were trying

18 to get ahold of someone at Vista, you'd written

19 notes on bills or called and gotten no answer, would

20 you mind specifying a little bit more on what

21 happened or what you were trying to get ahold of

22 Vista about?

23 A. Well, I was trying to get the hole

24 filled up in the back yard.

25 Q. It was that one?

1           A.       Yeah, and I'd actually gotten ahold of  
2 them right after they made the repair, within a week  
3 or so. You know, you have this ugly hole and the  
4 kids are trying to dig in the mud there next to a  
5 power transformer.

6                   And so I got ahold of them. They go,  
7 "Well, we're gonna go ahead and fix it," which was  
8 fine because I didn't -- I just needed to know one  
9 way or the other, either I had to fill it in or them,  
10 I don't -- one way or the other. And they said they  
11 would, so you're like, well, I'll wait. And so you  
12 just waited another month, another month.

13          Q.       How many times --

14          A.       And you're like covering it up to keep  
15 the kids from getting into it and stuff.

16          Q.       How many times do you think you tried to  
17 contact them?

18          A.       It was only -- it was spotty at best.  
19 I'd say maybe two or -- you know, one note on a bill  
20 and, you know, probably called them a couple times  
21 from work and got an answering machine and stuff like  
22 that.

23          Q.       Okay. And did someone call you back  
24 when you left the message on an answering machine?

25          A.       No, I didn't get any response until I



1 called the PSC.

2 Q. Did you leave a message on the answering  
3 machine at that time?

4 A. Yeah, I left at least one message.

5 MS. SYLER BRUEGGEMANN: Okay. Thank  
6 you. That's all for me.

7 JUDGE LANE: Thank you. Ms. Baker, any  
8 questions for this witness?

9 QUESTIONS BY MS. BAKER:

10 Q. I know you've been there about 20 years,  
11 you said. Do you remember if you paid a deposit  
12 whenever?

13 A. To be honest, I cannot.

14 Q. Okay. All right. And have your bills  
15 changed any in the past, say, six months?

16 A. No, I didn't notice any bill  
17 discrepancy, but I kind of overpay the bills, so I'm  
18 not keeping accurate track of it at all.

19 MS. BAKER: Okay. All right. That's  
20 all the questions I have. Thank you.

21 JUDGE LANE: Mr. Harrison, any  
22 cross-examination?

23 MR. HARRISON: Your Honor, thank you.  
24 Just a couple of questions.

25 QUESTIONS BY MR. HARRISON:

1           Q.     Sir, with respect to your bills, you  
2 said that they -- they do change from month to month;  
3 is that correct? They fluctuate over a little bit?

4           A.     Yeah. Yeah.

5           Q.     Okay. I mean, I just want to  
6 understand, they're not -- it's not a flat amount  
7 that you get billed every month?

8           A.     Not as far as I know.

9           Q.     Okay. Your -- one of your comments in  
10 your testimony was that you're interested in seeing,  
11 I think you said, someone take over the system; is  
12 that a fair statement?

13          A.     Well, ensuring that the subdivision has  
14 water.

15          Q.     Right.

16          A.     If that involves somebody taking over  
17 the system, which -- if somebody's going to go out of  
18 business, then that would be what comes to mind as  
19 far as that goes.

20          Q.     Fair enough. Are you aware if -- that  
21 the company has had discussions with the public water  
22 supply district -- with a local public water supply  
23 district for not -- for doing that?

24          A.     No. 7?

25          Q.     I think that's No. 7 but I'm not sure.

1           A.       That's the one.

2           Q.       Have you heard of that?

3           A.       I read it in the newspaper.

4           Q.       And are you aware that the company has

5 offered essentially to give the system to them?

6 Would you have any problem if that were to occur if

7 the water supply district would accept it?

8           A.       Yeah, I had read that in the newspaper

9 as well, but once again, like I was giving the

10 example with the streets, if the system's degraded to

11 the point that the utility cannot take it over, in

12 the case of the streets, the streets are being

13 substandard when the subdivision was built.

14                   And so Boone County would not accept

15 responsibility for their maintenance.

16           Q.       Yeah, I understand.

17           A.       So they had to be upgraded. These water

18 lines may need that same type of work, and in which

19 case, can that be facilitated by the residents?

20 Does that need to be done beforehand, after the

21 fact?

22           Q.       One last question. I couldn't quite

23 hear your answer to a previous question about the

24 meters --

25           A.       Uh-huh.

1 Q. -- but you said you have seen people

2 read the meters?

3 A. I haven't personally seen them, but my  
4 family at home said they saw the same person who was  
5 digging the hole --

6 Q. Right.

7 A. -- you know, read the meters.

8 MR. HARRISON: Fair enough. No further  
9 questions.

10 JUDGE LANE: Thank you. Any follow-up  
11 questions from the Commissioners?

12 (NO RESPONSE.)

13 JUDGE LANE: Hearing none -- and I did  
14 not mean to -- to limit the questions by the  
15 attorneys -- Mr. Fobes, you are now finally excused  
16 as a witness.

17 MR. FOBES: Thank you.

18 MR. OCHOA: Val Meyer?

19 MS. MEYER: My name is Val Meyer, V-a-l,  
20 M-e-y-e-r.

21 JUDGE LANE: Thank you, Ms. Meyer.

22 (THE WITNESS WAS SWORN.)

23 MS. MEYER: I contacted multiple people  
24 when I first got the letter, and I did contact the  
25 DNR a couple of times. And one time they were saying

1 that they had tried to put a meter -- because of the  
2 fluctuating water pressure on one of the apartments,  
3 but they couldn't get an accurate reading because of  
4 multiple tenants.

5                   So I said, "Well, you can use my home."  
6 So they came and they put a meter on one of the  
7 outside faucets for two weeks, from May 3rd to  
8 May 15th. And I asked them, could they please send  
9 me the information, and I have it with me. It's  
10 amazing.

11                   The water pressure -- it's just like a  
12 mountain up and down every single day. And on  
13 multiple times it went below 20 psi. I guess it's  
14 not supposed to do that. They sent me the letter  
15 they sent to Burnam that said that -- let's see. "A  
16 photocopy of the recorder printout is enclosed for  
17 your information. The recording shows frequent  
18 times that the water pressures in the system dropped  
19 below the minimum required protective pressure of 20  
20 psi. Maintaining water pressure above minimum  
21 protective pressure prevents contamination from  
22 entering household plumbing and the water  
23 distribution system.

24                   "Failure to maintain the minimum  
25 protective pressure is a serious health defect.

1 This is why the Missouri Public Drinking Water  
2 Regulations" -- and they gave some numbers behind  
3 it -- "require public water systems to maintain  
4 a minimum positive pressure of 20 psi. Thus, the  
5 Bon Gor system is in violation of the regulations  
6 for failure to maintain the required minimum  
7 pressure."

8                   Then they told them what they needed  
9 Burnam to do. I don't know if anything's happened  
10 with that, but it was a very interesting graph that I  
11 have with my hand (sic). My water bill has been read  
12 in the past, and you can see the differences in the  
13 amounts.

14                   The past -- since we got the letter  
15 saying the water was gonna be cut off, my bill,  
16 except for this past month, had been -- I used  
17 exactly 5,000 gallons every single month, and I paid  
18 ten dollars a month. It was never 5,012, 4,984. It  
19 was exactly 5,000 gallons for three or four months,  
20 which I found extremely interesting.

21                   This past month, though, they did read  
22 the water pressure, although I was gonna compare it  
23 to bills and I didn't, and my bill was for 16  
24 something. I knew that I had used more than 5,000  
25 gallons because we've been watering the plants and

1 stuff, so that was interesting.

2                   The water does occasionally smell like  
3 chlorine, not often, but it does occasionally. The  
4 biggest problem I think is water pressure, it just  
5 fluctuates widely.

6                   COMMISSIONER CLAYTON: Can I see that?

7                   MS. MEYER: Sure. You can have it. You  
8 can make a copy of it. Here's one of specific days  
9 and then one.

10                  COMMISSIONER CLAYTON: Go ahead with  
11 your testimony if you have anything else. I don't  
12 want to --

13                  MS. MEYER: Do I have anything else?

14                  COMMISSIONER CLAYTON: Only if you have  
15 anything else.

16                  MS. MEYER: I don't know if I have  
17 anything else right this minute.

18                  MS. BERNSEN: We can get a copy made of  
19 that right now.

20                  MS. MEYER: Sure, that would be fine.

21 Oh, who else did I call? Oh, I know. When they -- I  
22 contacted Water District No. 7 when we first got this  
23 letter, and they said that they -- that they knew --  
24 I first of all contacted Matt Volkert, I think, who  
25 is the attorney for Burnam, and he said that they

1 have offered to give the water system to them but the  
2 water company didn't want it.

3                   So I contacted the water company to see  
4 why they didn't want it. And they said, "Well, we  
5 told them there had to be these upgrades or we won't  
6 take it over." And Burnam said, "I don't want to do  
7 those upgrades."

8                   So then they dropped the ball. That's  
9 what I was told by people at Water District 7 and by,  
10 I think, Everett whatever his name is at the DNR.  
11 Pretty much --

12                   MR. MERCIEL: Everett Baker?

13                   MS. MEYER: Everett Baker, that's right.  
14 I talked to someone at the Public Service Commission  
15 too. The people in the apartments don't get -- and  
16 the duplexes don't have to pay for their water.  
17 That's included in the rent. Only the homeowners get  
18 water bills. I have lived in the neighborhood since  
19 '84. I've been a homeowner since '88. Yes?

20                   COMMISSIONER CLAYTON: Let's go, Judge.  
21 Ready for questions.

22                   JUDGE LANE: All right. I just wanted  
23 to -- can we -- can I ask the court reporter to mark  
24 those documents that Ms. Meyer was referring to in  
25 her testimony as Exhibit 1 proffered by Ms. Meyer,



1 please, so that we have an official copy for the  
2 record.

3 And let's go ahead with the questions  
4 from the Commissioners. First, Commissioner Murray?

5 COMMISSIONER MURRAY: I don't have any  
6 questions. Thank you, though.

7 JUDGE LANE: Commissioner Gaw?

8 COMMISSIONER GAW: You've been very  
9 helpful, ma'am. Thank you for coming.

10 MS. MEYER: Sure.

11 JUDGE LANE: Commissioner Clayton?

12 QUESTIONS BY COMMISSIONER CLAYTON:

13 Q. I just wanted to verify, and I know I'm  
14 gonna -- we're gonna take back a copy of that  
15 exhibit. The date on that pressure reading was May  
16 of --

17 A. May 3rd of '07 to May 15th of '07.

18 Q. So it was this May of this calendar  
19 year?

20 A. Yeah.

21 Q. Okay. Now, what type of -- are you  
22 in --

23 A. Home.

24 Q. -- a single-family home now?

25 A. Yes, correct.

1 Q. Okay. And that reading -- that's where  
2 the reading occurred --  
3 A. Correct.  
4 Q. -- was in the -- was in your house, I  
5 guess?  
6 A. Right. They did it on the outside  
7 faucet. I don't know how it works, but there's some  
8 computer thing that figured it out.  
9 COMMISSIONER CLAYTON: Okay. Okay. I  
10 don't have any other questions. Thank you, Judge.  
11 JUDGE LANE: Thank you. Commissioner  
12 Appling?  
13 COMMISSIONER APPLING: No questions,  
14 Judge.  
15 JUDGE LANE: Very well. Questions from  
16 the attorneys, beginning Ms. Brueggemann?  
17 MS. SYLER BRUEGGEMANN: Thank you, your  
18 Honor.  
19 QUESTIONS BY MS. SYLER BRUEGGEMANN:  
20 Q. Have you seen or received any type of  
21 brochures from Suburban?  
22 A. Oh, right, we have. After the article  
23 was in the paper that we never got a brochure, we  
24 did get one a couple days later. Horrible grammar.  
25 But -- words were spelled correctly but the grammar

1 was horrible. I was gonna bring a copy but I  
2 forgot.

3 MR. STOUT: Was it an '04 or '05  
4 brochure?

5 MS. MEYER: No, I think they just wrote  
6 it. Didn't they -- I had never gotten one before,  
7 but it was just terrible grammar. I think a high  
8 school student could have done better.

9 BY MS. SYLER BRUEGGEMANN:

10 Q. Did you receive that last month?

11 A. Yes.

12 Q. Okay. And do you recall if you've ever  
13 paid a deposit?

14 A. I don't recall that, no.

15 Q. Okay. And would you mind giving the  
16 information after you're done to contact you?

17 A. Sure.

18 MS. SYLER BRUEGGEMANN: Thank you.

19 JUDGE LANE: Ms. Baker?

20 MS. BAKER: No, I have no other  
21 questions, but thank you for coming.

22 JUDGE LANE: Mr. Harrison?

23 MR. HARRISON: No questions, but I'd  
24 also like to thank the witness for coming.

25 MS. MEYER: Am I done?

1 JUDGE LANE: Thank you very much. Any  
2 follow-up questions from the Commissioners?  
3 COMMISSIONER CLAYTON: Judge, I wanted  
4 to get a -- I wanted an example of bad grammar, if  
5 she could get that in the record.  
6 MS. MEYER: Yeah, I can -- I'll find --  
7 I have the thing at home, but it was amazing.  
8 COMMISSIONER CLAYTON: That's all right.  
9 You just send that thing in. I want to read it.  
10 JUDGE LANE: All right. Thank you,  
11 Ms. Meyer, you're excused as a witness. Thank you.  
12 MR. OCHOA: Karol Clark.  
13 MS. CLARK: My name is Karol Clark,  
14 K-a-r-o-l, C-l-a-r-k. I want to address the  
15 questions of the billings.  
16 COMMISSIONER CLAYTON: He's gonna swear  
17 you in.  
18 JUDGE LANE: Ma'am, let me -- let me --  
19 let me swear you in as a witness, please, before you  
20 begin your testimony.  
21 MS. CLARK: Okay.  
22 (THE WITNESS WAS SWORN.)  
23 JUDGE LANE: Thank you. You may  
24 proceed.  
25 MS. CLARK: Okay. I've been a resident

1 at Bon Gor for about 20 years. I've been a homeowner  
2 for the last 17. It's a single-family dwelling. I  
3 have been receiving for several years bills for  
4 approximately \$1,000 a month (sic). They were often  
5 estimated. They would tell me things like the reader  
6 was afraid of my dogs.

7 I live in a -- have a fenced yard with  
8 dogs, and if I let my dogs run loose in the yard,  
9 the meter reader was afraid to come in because of  
10 dogs on occasion. And so I've often had estimated  
11 bills.

12 Now, I noticed starting -- it seemed  
13 like last fall they stopped reading the bills (sic)  
14 around the time the leaves fell. And I would look at  
15 my meter and I could see nothing had been disturbed  
16 until sometime this spring. And I suddenly started  
17 getting estimated bills for, instead of 1,000 gallons  
18 a month, 3,000 gallons a month.

19 Now, I live there by myself, I work in  
20 Jeff City, so I'm gone during the day. I help with  
21 family members at other family members' homes in the  
22 evenings and weekends, so I very -- don't use much  
23 water.

24 A couple years ago they did change my  
25 meter and I started getting bills for like maybe 300

1 gallons a month which I thought was appropriate for  
2 the amount I had been home and using it. But then  
3 the first of this year I was getting bills for 3,000  
4 gallons a month which I knew was not correct.

5               In May I went into the office and spoke  
6 to a girl who claimed to be the one who had handled  
7 the billings, about the problem.

8               And she said that since I had written  
9 her a note previously explaining that I was there  
10 just myself in the house and not home, she had  
11 started billing me the 3,000 gallons a month because  
12 that's half of a normal homeowner's usage.

13              And I said, "Well, we hadn't used that  
14 much before. I don't know why it would suddenly go  
15 up." But she was apparently basing it on an estimate  
16 for the homeowners for the community rather than what  
17 mine previously had been based on.

18              And I said, well, I didn't agree with  
19 it, and she ended up taking the bill from me that  
20 day and putting it away saying she was going to mark  
21 it as refused to pay and -- so that they would shut  
22 off my service the following -- this was a Friday  
23 afternoon, they would be shutting off my service  
24 the following Monday.

25              There was a late charge on the bill

1 which it was honestly owed, and it's been 5,000 --  
2 five dollars a month whenever I've been late. And  
3 when I've gone in there in the past years and had a  
4 problem -- a question with the billing, they will  
5 pull out the book and show me the readings.

6                   This girl did not do anything to show me  
7 any readings or any proof. She had what my readings  
8 were.

9                   I -- she mentioned going home and  
10 reading my meter, and I did go home that evening and  
11 I cleaned off my meter. I had to dig down in the  
12 leaves to get the meter cover. I had to dig out mud  
13 from where you lift the handle, so I knew it had been  
14 months since they'd actually read it to be able to  
15 read it.

16                   And where my bill had had my usage at  
17 the last bill, like the 141,000 gallons, my meter  
18 only read two -- like 2,895 gallons. So I knew that  
19 they were not only billing me a totally overestimated  
20 amount, but they weren't even billing me for my own  
21 meter.

22                   And I made out a check for what I  
23 believed I owed them, and I left it in the drop box  
24 that weekend. And I have gotten another couple bills  
25 from them, and I still don't believe they're reading

1 my meter quite correctly. The latest bill was --  
2 stated that they read it on July 18th and their new  
3 reading was 31,300 gallons. I went out and read it  
4 this morning and I read it as 3,195 gallons.

5               They're billing -- they did bill me  
6 the last couple of months at what they claim is  
7 their minimum billing, \$7.50 a month. The brochure  
8 that came with last month's bill stated that the  
9 basic service was like \$286 a month and there was  
10 another dollar and something per thousand gallons  
11 used.

12              So at 1,000 gallons used, the basic plus  
13 that 1,000 gallons usage, is still less than five  
14 dollars. So that didn't add up to the 7.50 I was  
15 billed.

16              This month they've billed me for 1,900  
17 gallons and they've billed me for \$7.50. Because  
18 they overestimated my bill so much earlier in the  
19 year, my bill from Boone Sewer which was based on  
20 those overestimated bills has now increased and  
21 it's -- for years it was based on an average monthly  
22 use of 1,000 gallons; it's now based on 3,000  
23 gallons.

24              JUDGE LANE: Thank you very much,  
25 Ms. Clark. Any questions from the Commissioners?



1                   COMMISSIONER MURRAY: No questions from  
2 me. Thank you, Ms. Clark.

3 QUESTIONS BY COMMISSIONER GAW:

4           Q.       Ms. Clark, have you filed a complaint  
5 with the Commission on this matter?

6           A.       No, I haven't.

7           Q.       Have you had any discussions with Staff  
8 of the Commission about resolving the issue or  
9 attempting to resolve the issue?

10          A.       No, I haven't.

11          Q.       Okay. If you haven't done so, would  
12 you -- would you mind if you -- it's up to you, but  
13 it might be appropriate for you to make some contact  
14 tonight while they're there.

15                   The other question I have is, I think I  
16 heard you answer this but I want to make sure I'm  
17 clear. This dispute about how much water that you  
18 used during the time frame that you've described is  
19 still in contention. They're still billing you for  
20 that -- that extra amount that you don't believe that  
21 you've used; is that true?

22          A.       The part in May where I went in the  
23 office and spoke to the woman, she accepted the  
24 amount that I believed I owed her at that point.

25          Q.       Okay.

1           A.       And so she's been billing me the 7.50 a  
2 month for the last two months.

3           Q.       Okay. What -- and the past amount they  
4 took off of your bill, is that accurate?

5           A.       It -- it came out to be just a few cents  
6 difference, and apparently she called the amount I  
7 paid even.

8           Q.       Okay.

9           A.       So she accepted what I paid in lieu of  
10 what she had said I owed previously.

11          Q.       All right. And the issue -- and I  
12 realize this is a little different -- the issue in  
13 regard to the sewer bills that you're getting, is  
14 that an issue that relates back, as I understand it,  
15 to your water usage, is that an issue you've cleared  
16 up or are attempting to clear up?

17          A.       I haven't done anything with it this  
18 time because I don't have any -- I don't have any  
19 documentation to show the water people what I  
20 actually would have used -- or the sewer people what  
21 I actually would have used. They're going by what  
22 the water people reported, which was the 3,000  
23 gallons a month. And --

24          Q.       Yes, but --

25          A.       I don't know how to prove it.

1 Q. I'm sorry. It's the delay. It's my  
2 fault. When you're dealing with -- with this issue,  
3 you've resolved it in regard to the water company  
4 adjusting the amount --

5 A. Yes.

6 Q. -- but the water company has not -- has  
7 not sent those updated amounts to the sewer company,  
8 if I'm following you?

9 A. That's correct.

10 Q. Okay. Have they said whether -- have  
11 you asked them to do that?

12 A. No.

13 Q. Okay. If it's possible for us to have  
14 an update on that after you've had discussion with  
15 Staff and -- and the company this evening, after  
16 you've finished with your testimony, perhaps someone  
17 can update us on whether or not that's been resolved  
18 subsequent to this.

19 A. Okay.

20 COMMISSIONER GAW: Okay. So thank you  
21 very much for coming.

22 JUDGE LANE: Commissioners Clayton or  
23 Appling?

24 COMMISSIONER APPLING: No questions.

25 COMMISSIONER CLAYTON: Judge, all I'll

1 say is, ma'am, Ms. Bernsen is right behind you there.  
2 If you could meet with her, maybe she could give you  
3 some information on a complaint or possibly ways of  
4 resolving this. I think that's what Commissioner Gaw  
5 was referencing, so I was just gonna suggest that.

6 MS. CLARK: Okay.

7 JUDGE LANE: Questions from the  
8 attorneys. Any cross-examination of this witness,  
9 Ms. Brueggemann?

10 QUESTIONS BY MS. SYLER BRUEGGEMANN:

11 Q. Just a quick question. Did you also  
12 receive a brochure at some point from Suburban Water  
13 and Sewer?

14 A. With the last month's bill.

15 Q. Okay. And have you ever paid a deposit  
16 that you can recall?

17 A. I may have, like 10 or 15, \$25,  
18 something like that, if I did.

19 Q. Okay. How long have you been a  
20 resident?

21 A. 20 years.

22 Q. Okay. And do you recall who you  
23 brought -- bought your residence from?

24 A. The family's last name was Knight,  
25 K-n-i-g-h-t.

1 MS. SYLER BRUEGGEMANN: Okay. That's  
2 all. Thank you.

3 JUDGE LANE: Ms. Baker,  
4 cross-examination?

5 QUESTIONS BY MS. BAKER:

6 Q. You mentioned that your sewer bill had  
7 increased. Do you remember about how much that was?

8 A. It had been running like nine or ten  
9 dollars a month on my electric bill, and it's now up  
10 to 18.

11 MS. BAKER: Okay. That's all the  
12 questions I have. Thank you for coming.

13 JUDGE LANE: Mr. Harrison, any questions  
14 of this witness?

15 MR. HARRISON: No, sir.

16 JUDGE LANE: Thank you very much. Any  
17 follow-up questions from the Commissioners?

18 (NO RESPONSE.)

19 JUDGE LANE: Hearing none, thank you  
20 very much, Ms. Clark, for your testimony. You are  
21 finally excused.

22 MS. CLARK: Thank you.

23 MR. OCHOA: Dan Simon.

24 COMMISSIONER CLAYTON: Hey, Judge, can  
25 we hold off? We're having a technical moment here.

1 There we go. We want to accommodate our friends in  
2 the media. Appreciate their support. Okay. We're  
3 all set.

4 MR. SIMON: Judge, my name is Dan Simon,  
5 D-a-n, S-i-m-o-n. I am an attorney in Columbia,  
6 Missouri. My office is 2101 Corona Road, Suite 201,  
7 Columbia, Missouri 65203. My office phone number is  
8 (573) 256-8989. I represent an interest holder of 15  
9 duplexes in the Bon Gor Subdivision. Those 15 units  
10 are located on the streets of Michael, Mauller and  
11 Moberly.

12 JUDGE LANE: Sir, may I -- may I swear  
13 you as a witness or is this just in the matter of  
14 introduction?

15 MR. SIMON: That was just a matter of  
16 introduction. You can swear me in wherever you're  
17 ready, Judge.

18 JUDGE LANE: Go ahead with that and you  
19 can complete that.

20 (THE WITNESS WAS SWORN.)

21 JUDGE LANE: Thank you very much.  
22 Please proceed.

23 MR. SIMON: Thank you, Judge. As I  
24 indicated in my introduction, I represent the owner  
25 of 15 duplexes in the Bon Gor Subdivision. These

1 units were purchased by the interest holders in March  
2 of 2004. At the time that they were purchased, they  
3 were purchased from an entity -- and entity  
4 controlled by the Burnam family. That since  
5 acquiring the units, we've learned of a number of  
6 things that have caused difficulty in erecting the  
7 units and keeping the property values up.

8                   One of those issues -- the first issue  
9 is that there are no meters on any of these 15  
10 duplexes, so it's 30 units. None of the 30 units are  
11 separately metered so there's no way to have the  
12 tenants pay for the -- or put the water in their own  
13 name.

14                   The -- since the time of -- since the  
15 time of acquiring the units, there's been a lot of  
16 double billing, and the customer service has been  
17 extremely poor. In fact, my client has been in  
18 contact with a representative of the company by the  
19 name of Paula who was rude to him on the phone and  
20 was not willing to resolve his disputes amicably.

21                   Those disputes included -- or included  
22 the double billing and the additional billing for a  
23 unit that he sold more than a year prior to -- to the  
24 notice in 2000 and -- I'm sorry, in April of 2007.  
25 He also received -- the company's also received

1 notice in April of 2007 that their water service  
2 would be disconnected.

3 I spoke to Matt Volkert, the attorney  
4 with -- for the water company and for Mr. Burnam, and  
5 he indicated that nothing -- he didn't anticipate at  
6 the time that water would be shut off because of the  
7 fact that -- that the Commission was getting  
8 involved, but that it was their intention to shut  
9 down the company and turn off the water.

10 (DISCUSSION HELD OFF THE RECORD.)

11 MR. SIMON: Can you hear me again,  
12 Judge?

13 JUDGE LANE: Yes, I can. Can you hear  
14 us?

15 MR. SIMON: Now we can. We had -- we  
16 had a disconnect. With regard to the other  
17 witnesses, we would ditto the pressure concerns. The  
18 quality of the water is poor, it's hard. We have  
19 issues with the sulfur smell still to this day from  
20 time to time.

21 The water, because it is so hard, has  
22 caused a number of water heaters to be needed -- to  
23 be replaced prematurely. It has also caused toilets  
24 to be -- to be damaged as a result of the hard water.  
25 The -- the other issues -- oh, with regard to the



1 meters, the way that my client is charged for his 15  
2 meters is that they have an amount that they charge  
3 for each of his 30 units. They multiply that amount  
4 times 30, and that's what he pays for water because  
5 again, there is no meter.

6                   We do not believe there's any ability to  
7 even shut off the water, should he not pay his bill,  
8 but he has been keeping those bills current, and, in  
9 fact, was ahead of what he owed at the time in --  
10 within the last two weeks when the water district  
11 called him and indicated he was behind, and after  
12 working it through with his -- with his bookkeeper,  
13 they determined that not only was he not behind, he  
14 was ahead, and that matter was resolved.

15                   My client is not aware that he has  
16 received a brochure. If he has received it, it may  
17 have been with the last bill, and he did not see the  
18 bill, but he is not aware that a brochure has been  
19 received.

20                   And again, he would just like me to  
21 reiterate that -- that he has been very dissatisfied  
22 since this acquisition of the properties with --  
23 well, first, he was dissatisfied that he was not  
24 notified that this water system was -- was not a  
25 metered system, that he would be paying an estimated

1 amount for all of his units, that the billing is so  
2 poor and that the customer service when he calls to  
3 deal with a -- with an ownership issue, with a  
4 billing issue, that they're rude and not responsive  
5 to his concerns. I have nothing further.

6 JUDGE LANE: Thank you very much. Any  
7 questions of Mr. Simon from the Commissioners?

8 COMMISSIONER MURRAY: None here. Thank  
9 you, Mr. Simon.

10 COMMISSIONER GAW: None here either.  
11 Thank you, Mr. Simon. Good to see you.

12 COMMISSIONER CLAYTON: No questions  
13 here, Judge.

14 COMMISSIONER APPLING: Thank you for  
15 coming in, sir. Appreciate your comments.

16 MR. SIMON: Thank you.

17 JUDGE LANE: Cross-examination from the  
18 attorneys, Ms. Brueggemann?

19 QUESTIONS BY MS. SYLER BRUEGGEMANN:

20 Q. As to the double billing, are you aware  
21 of how often that that occurred?

22 A. I think it has been on -- well, again,  
23 because it's 30 units, it would have happened a  
24 couple months in the three years that he has owned  
25 it, but for the 30 units.

1 Q. Okay. So two times, three times maybe?

2 A. Two to three times.

3 Q. Okay. And then who did he acquire the  
4 property from?

5 A. It's unclear. The property was owned by  
6 an entity controlled by the Gordon family --  
7 Gordon -- the Burnam family, and it was then  
8 transferred to another entity right before closing to  
9 close it to him. I think they 1031'd that money into  
10 maybe the Parkade Center or something like that.

11 Q. Any idea what either of the entities,  
12 the holding entities were called?

13 A. They'd be public record because it was  
14 done through the Boone County Recorder of Deeds. I  
15 could get that information to you real easily.

16 MS. SYLER BRUEGGEMANN: Okay. I may  
17 contact you for that information. That's all for  
18 now. Thank you.

19 JUDGE LANE: Ms. Baker, any questions of  
20 this witness?

21 QUESTIONS BY MS. BAKER:

22 Q. Do you know if any deposits were  
23 required?

24 A. No deposits.

25 MS. BAKER: Okay. That's all the

1 questions I have. Thank you.

2 JUDGE LANE: Mr. Harrison, any  
3 cross-examination?

4 MR. HARRISON: No questions, but I'd  
5 like to thank my friend Dan for coming -- coming in  
6 tonight.

7 MR. SIMON: Thank you, Mr. Harrison.

8 JUDGE LANE: Thank you. Any follow-up  
9 questions from the Commissioners?

10 (NO RESPONSE.)

11 JUDGE LANE: Hearing none, thank you,  
12 Mr. Simon. You're excused.

13 MR. SIMON: Thank you.

14 MR. OCHOA: Reynold Stout.

15 MR. STOUT: Reynold Stout,  
16 R-e-y-n-o-l-d, S-t-o-u-t.

17 (THE WITNESS WAS SWORN.)

18 JUDGE LANE: Please proceed with your  
19 testimony, sir.

20 MR. STOUT: Yes. My comments are about  
21 customer service and water quality. The billing  
22 is -- I've received three past due notices, and on  
23 the first two I just blew off, you know. I paid the  
24 fee for past due, and the third one was like, I know  
25 I have not had this many past due notices.

1                   So I went back into my checks and it  
2 showed they'd received it ten days before the due  
3 date. And I sent a letter, not a very nice letter,  
4 and a few days later I received an apology letter.  
5 And I never -- I never had looked back at my other  
6 two past due notices, but I'm suspecting they were  
7 wrong too.

8                   And then on the water quality, I have an  
9 RO system, reverse osmosis filter, and they clean  
10 themselves and -- and they wash out the dirt and  
11 stuff in the lines themselves. And the drain line  
12 that washes the contaminants out, I have to clean it  
13 out about once every two months, and it's just black  
14 sludge that clogs this line. And that's what I'd be  
15 drinking if I didn't have the filtered water.

16                  And then with the sewer bills, I was  
17 just noticing that a couple months that the sewer  
18 bills didn't quite match up with my gallons used with  
19 my water bill. I was paying more for my sewer than  
20 what my water bill was saying that I actually used.  
21 That's all.

22                  JUDGE LANE: Thank you, sir. Any  
23 questions from the Commissioners?

24                  COMMISSIONER MURRAY: No. Thank you,  
25 though, for being here.

1 QUESTIONS BY COMMISSIONER GAW:

2 Q. Thank you for coming, sir. I'd like to  
3 ask you if you've kind of taken any pictures of that  
4 filtering system when you were cleaning it out?

5 A. I could probably do it tonight.

6 Q. Would you -- would you mind? And  
7 perhaps there will be somebody there that could tell  
8 you how to -- that might be able to be in a position  
9 to come in front of the Commission.

10 A. Get a picture for the Commission?

11 Q. Yes, if that's possible.

12 A. Okay. Yeah, yes.

13 Q. Perhaps some -- perhaps someone there  
14 can give you a little more --

15 A. Yeah. When -- the line back --

16 Q. And I would like --

17 A. The line backs up and I know it's backed  
18 up because it drains out into my sink because it's  
19 plugged, and it comes back and it's not -- it's  
20 gross.

21 COMMISSIONER GAW: Yes, sir, I got that  
22 picture pretty clearly. Thank you.

23 JUDGE LANE: Commissioners Clayton or  
24 Appling?

25 COMMISSIONER APPLING: No questions.

1                   COMMISSIONER CLAYTON: No questions,  
2 Judge. Thank you for coming, sir.

3                   JUDGE LANE: Any cross-examination from  
4 counsel, Ms. Brueggemann?

5                   MS. SYLER BRUEGGEMANN: Just a few  
6 questions. Thank you, your Honor.

7 QUESTIONS BY MS. SYLER BRUEGGEMANN:

8           Q.       Okay. Are you in a single-family  
9 dwelling or a --

10          A.       Yes, single-family.

11          Q.       Okay. How long have you been there?

12          A.       Three years.

13          Q.       And have you ever noticed any sulfur  
14 smells or --

15          A.       Yes. Yes, my shower, my clothes, they  
16 smell sometimes, you know. I can't eat -- I can't  
17 use the ice out of my ice maker. It's not hooked up  
18 to my RO, but it just makes everything undrinkable.

19          Q.       Okay.

20          A.       The smell is just ...

21          Q.       Did you receive a brochure --

22          A.       Yes.

23          Q.       You did. And do you recall if you paid  
24 a deposit?

25          A.       No, I don't recall paying one.

1 Q. Okay. And would you mind me getting  
2 your information --

3 A. Yeah.

4 Q. -- after this?

5 MS. SYLER BRUEGGEMANN: That's all.  
6 Thank you, your Honor.

7 JUDGE LANE: Ms. Baker?

8 QUESTIONS BY MS. BAKER:

9 Q. Okay. You had said that your sewer  
10 bills don't match your water bills?

11 A. Yeah, I had checked a couple months ago  
12 because I was questioning it -- well, just thinking  
13 about it one day, and I looked and the water amounts  
14 didn't match up.

15 Q. Okay. What -- what are your typical  
16 water amounts?

17 A. Seven dollars to \$12.

18 Q. Okay.

19 A. I'm pretty -- and they've been down  
20 lower, below seven dollars before. I've had a couple  
21 below seven dollars.

22 Q. And what amounts are on your sewer  
23 bills?

24 A. It -- the average sewer bill is \$30, 20  
25 to \$30. And I don't -- I don't -- it just -- the



1 water amount per gallon, they -- the sewer, you know,  
2 they tell you how many gallons you used and it didn't  
3 match.

4 Q. How many gallons did they say on your  
5 sewer bill, do you remember?

6 A. I don't remember. I just know that  
7 they ...

8 Q. It was excessive?

9 A. Yes, on the sewer.

10 MS. BAKER: All right. All right.  
11 That's all the questions I have. Thank you for  
12 coming.

13 JUDGE LANE: Mr. Harrison?

14 MR. HARRISON: Yes, sir, very briefly.

15 QUESTIONS BY MR. HARRISON:

16 Q. Your water bill, though, sir, is not the  
17 same every month?

18 A. Not -- there's been two months I've  
19 received seven dollar bills, and then the next --  
20 just in the recent months, the last five months, I've  
21 received two bills for like \$12 two months in a row,  
22 and then two months later I've received two bills for  
23 seven dollars in a row.

24 Q. Okay. And just for the record, your  
25 sewer service is provided by a different company?

1           A.       Yes.

2           Q.       Not Suburban?

3           A.       Yes.

4                   MR. HARRISON: Okay. I didn't want

5 anyone to be under the impression otherwise. Okay.

6 Thanks.

7                   MR. STOUT: Yes.

8                   MR. HARRISON: Okay. That's all the

9 questions I have. Thank you, Judge.

10                  JUDGE LANE: Any follow-up questions

11 from the Commissioners?

12                  (NO RESPONSE.)

13                  JUDGE LANE: All right. Hearing none,

14 Mr. Stout, thank you for your testimony. You're

15 excused.

16                  MS. HERMAN: I'm Shelly Herman,

17 S-h-e-l-l-y, H-e-r-m-a-n. I live at 7112 North

18 Moberly Drive, account 8 on the Suburban water bill.

19                  (THE WITNESS WAS SWORN.)

20                  JUDGE LANE: You may proceed.

21                  MS. HERMAN: I've just kind of written

22 down several notes from what people have talked.

23 Quality of water, everyone has to have water

24 softeners. In our water softeners, when it's time to

25 put more pellets in there, the bottoms are rusty.

1 Our toilets, we will have to change the mechanisms in  
2 the back of the toilets yearly, if not more than  
3 that, because the toilets get really rusty inside and  
4 everything from the water quality.

5               We have one of the systems from Culligan  
6 where you have drinking water that's filtered through  
7 also, and if you make ice cubes with that and you  
8 make ice cubes from the regular sink faucet, they are  
9 definitely two different colors. So I know there's  
10 water quality questions.

11              In my house the water pressure, if  
12 you're taking a shower and someone flushes the  
13 toilet, you're in big trouble. And so my kids, we  
14 all have this thing, if I'm getting in the shower,  
15 you can't wash laundry, you can't run the dishwasher  
16 or do anything else when you're running the shower or  
17 else that person either ends up with no water, it's  
18 just completely shutting off, or having hot or cold  
19 water on you. And very little of either one of  
20 those.

21              My meters have been read but they're not  
22 read on a regular basis at all. My bills, I can have  
23 bills for three months and they're all the same,  
24 maybe ten dollars. Then another month I might get  
25 one for 13, and then the next month it goes back to

1 the ten dollars. I know part of that is because I  
2 have two black dogs in my back yard that they don't  
3 like. But -- and I've gotten messages on the  
4 answering machine to "Please put your dogs up today.  
5 We're gonna read your meter." But they call that at  
6 about 9:30 when I'm already at work, so that doesn't  
7 help them.

8 I do have a copy of all of my bills for  
9 probably the past ten years, if anybody does like --  
10 would like to see them. My mom calls me a pack rat,  
11 but I do probably have tons of bills if anybody would  
12 like to see those.

13 The sewer bill I understand is maybe not  
14 the same, but I was concerned because our sewer bill  
15 has been \$34 for probably the last five years, and  
16 then in the last two months it's changed to 16, and I  
17 didn't know if there was a connection there or not.

18 I do have to say I can't say anything  
19 about the office help. I've always been helped  
20 courteously by the office help. I have always -- I  
21 have had problems where I've had to call, and you  
22 call the emergency number that's on our bill and it  
23 leaves you a voice message to call another number.  
24 I've always had to call that other number and get  
25 someone. But I have to say I've never really had a

1 problem with a person in the office when it comes to  
2 customer service.

3                   And I think that for most of the  
4 neighbors that I have talked to, we all would be  
5 willing to pay more for a better quality of water if  
6 there could be some kind of solution. And that's  
7 really all I have to say.

8                   JUDGE LANE: Thank you -- thank you,  
9 Ms. Herman. Questions from the Commission?

10                   COMMISSIONER MURRAY: No questions.  
11 Thank you, Ms. Herman.

12                   COMMISSIONER GAW: No questions from me  
13 either. Thank you very much for coming.

14                   COMMISSIONER CLAYTON: None from me  
15 either, Judge.

16                   COMMISSIONER APPLING: None from me,  
17 Judge.

18                   JUDGE LANE: All right. Questions from  
19 the attorneys. Ms. Brueggemann?

20                   MS. SYLER BRUEGGEMANN: Just a few.

21 QUESTIONS BY MS. SYLER BRUEGGEMANN:

22           Q.       I'm assuming yours is a single-family  
23 dwelling?

24           A.       Yes, it is.

25           Q.       And how long have you lived there?

1           A.       Ten years this month.

2           Q.       Did you ever pay a deposit?

3           A.       I think I might have, but I really am  
4 not positive of that.

5           Q.       Not in your pack rat stuff?

6           A.       Could possibly be.

7           Q.       Okay.

8           A.       I won't say no.

9           Q.       Okay. And did you receive a brochure?

10          A.       I received a brochure last month.

11          Q.       Okay. Was that the first that you'd  
12 ever received --

13          A.       Yes.

14                 MS. HERMAN: And can I add one more  
15 thing, your Honor?

16                 JUDGE LANE: Of course.

17                 MS. HERMAN: The notice that we got  
18 April 1st that we weren't having water, that is the  
19 only notice I ever got that we would have the water  
20 shut off in July. And I called the office a couple  
21 times, was told to call the lawyer's office, and I  
22 called the lawyer's office twice and have never  
23 received return phone calls back to find out what our  
24 situation was, whether our water was gonna be turned  
25 off July 1st or not.

1 JUDGE LANE: All right. Thank you.

2 BY MS. SYLER BRUEGGEMANN:

3 Q. And when did you call the attorney?

4 JUDGE LANE: Does that conclude your  
5 questions, Ms. Brueggemann?

6 MS. SYLER BRUEGGEMANN: No. Can I ask  
7 one more?

8 JUDGE LANE: Of course, of course. Go  
9 ahead.

10 MS. SYLER BRUEGGEMANN: Thank you.

11 BY MS. SYLER BRUEGGEMANN:

12 Q. When did you call the attorneys'  
13 offices?

14 A. About a week before July 1st, because I  
15 had heard rumors that there was a -- you know, that  
16 they were supposed to not turn it off, but I'd never  
17 gotten any official notice.

18 Q. Okay. And did you call -- those two  
19 times were in late June?

20 A. Yes.

21 MS. SYLER BRUEGGEMANN: Okay. Nothing  
22 further, thank you. Thank you.

23 JUDGE LANE: Ms. Baker, any  
24 cross-examination of Ms. Herman?

25 MS. BAKER: Just a question about the

1 sewer bill.

2 QUESTIONS BY MS. BAKER:

3 Q. Did you say that your sewer bill changed  
4 from \$34 down to 16?

5 A. Yes, but it's been 34 for probably five  
6 years, and then all of a sudden it is now 16.

7 Q. Okay. Did it show a water usage on the  
8 sewer bill that you remember?

9 A. It probably does, but I couldn't tell  
10 you what it said.

11 Q. Okay.

12 A. I don't ever look at that.

13 MS. BAKER: Okay. No further questions.  
14 Thank you for coming.

15 MS. HERMAN: Uh-huh.

16 JUDGE LANE: Mr. Harrison?

17 MR. HARRISON: No questions, Judge,  
18 thanks. Thanks for the witness, though, for coming  
19 out.

20 QUESTIONS BY JUDGE LANE:

21 Q. I have a brief follow-up question in  
22 that regard. That's concerning the shut-off notice  
23 that you testified that you received.

24 A. Uh-huh.

25 Q. Did you ever receive subsequent to that



1 a letter or any kind of a notification that was  
2 rescinding that notice or that indicated that they  
3 had changed their plans and were planning on staying  
4 in business?

5 A. No, sir, I did not, and I know several  
6 of my neighbors did not either because we all got  
7 together one night outside and said, "Do you know if  
8 the water is going off or not," and none of us had  
9 any idea. We'd all heard rumors but did not know for  
10 sure. What we read in the paper is the only notice  
11 we had.

12 JUDGE LANE: Okay. Thank you. Any  
13 recross based on my question?

14 COMMISSIONER CLAYTON: No.

15 JUDGE LANE: Hearing none, thank you  
16 very much for your testimony, Ms. Herman, and you're  
17 excused.

18 MS. HERMAN: Thank you.

19 MR. LUDEMAN: Hello. My name is James  
20 Ludeman, J-a-m-e-s, L-u-d-e-m-a-n. And I've heard --  
21 oh, yeah, I have to be sworn.

22 JUDGE LANE: Mr. Ludeman, yes, let me  
23 swear you in.

24 (THE WITNESS WAS SWORN.)

25 JUDGE LANE: Thank you, sir. Please

1 proceed.

2 MR. LUDEMAN: I've heard several people  
3 state an assumption that there was some kind of  
4 chlorinated -- chlorination system in place. I don't  
5 believe this is true. I don't have any evidence one  
6 way or the other.

7 But when we rented from the Burnams, we  
8 lived in an apartment that was very close to the  
9 water tower, and on several occasions I saw in the  
10 dumpster many, many cases of bleach where the bottles  
11 of bleach had just been dumped directly into the  
12 water tower. And I believe that is their standard  
13 method for chlorinating their water system is to just  
14 dump raw bleach into their water tower.

15 Now, as far as water quality is  
16 concerned, I don't think that's going to make water  
17 quality any better. It's probably just gonna cause  
18 the water to be very chlorinated and then not very  
19 chlorinated as it dissipates.

20 We have had to replace anodes in our  
21 water heater. They get destroyed very quickly. Our  
22 dishwasher gets clogged up very quickly. We don't  
23 have a soft water -- or a water softener, rather.  
24 And I have a clog-free shower head that's supposed to  
25 be impervious to hard water that I have to clean

1 about every three months. And it has rubber jets. I  
2 mean, it's not supposed to clog. It's supposed to be  
3 a lifetime clog-free, and it doesn't help.

4 Our water quality out there has been  
5 very, very poor for quite a few number -- quite a few  
6 years. And I've only been out there for three or  
7 four years, but I've known people that have moved out  
8 there and then moved back to town because of the  
9 water quality.

10 And as far as the other comments, I  
11 don't really have anything to say about billing or  
12 customer service. Every time I've called I've gotten  
13 good service. We've had -- we've had a leak in our  
14 back yard. They came out and fixed it. I mean, it's  
15 service you would expect. It's just water quality.  
16 I'm done.

17 JUDGE LANE: Thank you, Mr. Ludeman.  
18 Any questions from the Commission?

19 COMMISSIONER MURRAY: I have none, but  
20 thank you for testifying.

21 COMMISSIONER GAW: None here either.  
22 Thank you for coming, sir.

23 COMMISSIONER CLAYTON: No questions,  
24 Judge.

25 JUDGE LANE: Thank you very much.

1 Cross-examination from the -- from counsel for Staff?

2 QUESTIONS BY MS. SYLER BRUEGGEMANN:

3 Q. Do you still rent?

4 A. No. We purchased a home in the same  
5 subdivision about three years ago.

6 Q. Okay. And how long did you rent for?

7 A. My wife was out there for many years.

8 Q. How many years were you out there for?

9 A. Since 2000. For three years I rented,  
10 and then we've been homeowners for three years.

11 Q. Okay. Did you receive the brochure?

12 A. Yes.

13 BY MS. SYLER BRUEGGEMANN: And I think  
14 that's all I have. Thank you.

15 QUESTIONS BY MS. BAKER:

16 Q. Do you know if you paid a deposit?

17 A. No, we never paid a deposit.

18 Q. Okay. Have any of your bills fluctuated  
19 or changed any?

20 A. No, they pretty much stayed within a  
21 couple of dollars of each other. There's always  
22 around 11 or \$12.

23 MS. BAKER: All right. That's all the  
24 questions I have. Thank you.

25 JUDGE LANE: Mr. Harrison, any

1 questions?

2 MR. HARRISON: No, sir. Thank you, your  
3 Honor.

4 JUDGE LANE: No follow-up from the  
5 Commissioners?

6 COMMISSIONER CLAYTON: No.

7 JUDGE LANE: Thank you, Mr. Ludeman.  
8 You're excused.

9 MR. LUDEMAN: Thank you.

10 MR. OCHOA: Is there anyone else that  
11 wants to testify at this time?

12 COMMISSIONER CLAYTON: That's the end of  
13 the list, Judge. We're moving to ask for other  
14 folks.

15 MS. OKULICZ: Your Honor, my name is  
16 Edith Okulicz. That's E-d-i-t-h, O-k-u-l-i-c-z. I  
17 live at 7208 North Moberly which is a single-family  
18 residence. I moved there in 1998.

19 MS. SYLER BRUEGGEMANN: Ms. Okulicz?

20 MS. OKULICZ: Yes.

21 MS. SYLER BRUEGGEMANN: He needs to  
22 swear you in.

23 MS. OKULICZ: Oh, I'm sorry, sir.

24 JUDGE LANE: Yes, let me go ahead and  
25 swear you in and you can continue on.

1 (THE WITNESS WAS SWORN.)

2 JUDGE LANE: Thank you very much.

3 Please provide your testimony.

4 MS. OKULICZ: Okay. Do I have to go  
5 back over what I said?

6 JUDGE LANE: No, you don't.

7 MS. OKULICZ: It's the truth. I have a  
8 No. 2 account on Suburban Water and Sewer. I have  
9 never been mistreated by any personnel in the office  
10 at all. They've been more than nice. But when I  
11 moved in, the house had been empty for four months,  
12 and it was almost ungodly, the stench of the -- the  
13 smell of the water.

14 And I had my mom living with me, so she  
15 was in her mid 90s. She was 95. And I had a friend  
16 go in, get the house cleaned up before we ever moved  
17 her in, get her room set up because we had lived in  
18 another house in Columbia, so she didn't have a  
19 trauma.

20 Because both of us had lost -- I'd lost  
21 my husband, and then less than six months later I  
22 lost my father. And we had moved near where my  
23 parents lived in Florida. So I said, "Mom, you want  
24 to come with me?" which she did. And we loved being  
25 out at the edge of the country and seeing the cows

1 walk by and everything.

2                   And I saw people reading the meter --  
3 meter often, but that first -- the first water and  
4 the first disaster with the -- with, you know, the  
5 hot water tank and things like that, really were a  
6 killer because we had to replace toilets and take out  
7 plumbing and take out the hot water tank, a lot of  
8 expenses at first that I wasn't able to afford a  
9 Culligan system. And finally I decided that would be  
10 the wise thing. So I have a Culligan system which is  
11 a big help.

12                   But it's been difficult living out  
13 there. Not that I don't like the place, and I love  
14 the neighbors that I know. They're great. But it's  
15 been hard when you have to do so much maintenance. I  
16 mean, if you aren't proactive in what you do, if you  
17 don't have a little bit of money to spend on  
18 something, it's hard because it isn't -- I don't even  
19 like to give the plain tap water -- I got better  
20 now -- but I didn't even like to give it to the pets,  
21 you know.

22                   And I always thought that water  
23 utilities were regulated to the point where somebody  
24 couldn't voice off a really inferior system, and it  
25 seems like a lot of things were installed in an

1 inferior way.

2                   And then they would keep -- like there  
3 was always work ongoing on the tower, and I didn't  
4 even realize it was a water tower. It's real skinny.  
5 And it would be pouring water out. I didn't even  
6 realize what it was. After it did it once, I knew,  
7 you know, when it was leaking again and stuff like  
8 that.

9                   But my meter's been read, like I said.  
10 I've been happy with the people, but it's the  
11 equipment and the water quality were very hard to get  
12 used to. And that's about all I have to say.

13                   JUDGE LANE: Thank you very much,  
14 Ms. Okulicz. Any questions from the Commissioners?

15                   COMMISSIONER MURRAY: No questions from  
16 me, but thank you, Ms. Okulicz. That was very  
17 helpful.

18                   MS. OKULICZ: Well, you're very welcome.

19 QUESTIONS BY COMMISSIONER GAW:

20           Q.       Thank you very much, ma'am, for coming.  
21 I want to make sure that we're clear. The items that  
22 you said you had to replace, was that due to the  
23 hardness of the water?

24           A.       They were so corroded and the stench,  
25 like you couldn't use the water out of the hot water



1 tank, it smelled of that rotten smell. I mean, I  
2 gagged. And I think I would have thrown up if I  
3 stayed in the house. It wasn't drinkable or usable.  
4 It took a lot of flushing out of the system to get to  
5 where we could use the water.

6                   And like I said, we had to replace a lot  
7 of things, and same as the other people have said,  
8 you're doing parts on the toilet and parts on this  
9 and the heater elements in the tanks and stuff like  
10 that. So it's a constant -- I used to be able to do  
11 all the -- a lot of the repairs myself. I can't do  
12 it anymore, so it makes it a little harder.

13           Q.       Yes, ma'am. And how long have you had  
14 the Culligan system?

15           A.       You know, I don't honestly know. It's  
16 recent for me. It's recent.

17           Q.       Okay.

18           A.       It's the last few months, but it's --  
19 it's been great.

20           Q.       Once you got that system, has it helped  
21 with the problems?

22           A.       Oh, the water's been great since.  
23 Comparatively speaking, it's a big boom. And I was  
24 really upset when they said the service was gonna be  
25 terminated because I kind of figured I had my last

1 move. I don't want to move anywhere. And I don't  
2 share the house with anybody but my pets, so they  
3 don't use water on me, and I'm happy where I am. So  
4 I thank you.

5 COMMISSIONER GAW: Thank you for coming.

6 MS. OKULICZ: You're very welcome.

7 COMMISSIONER CLAYTON: No questions,  
8 Judge.

9 COMMISSIONER APPLING: No questions,  
10 Judge.

11 JUDGE LANE: Thank you very much. Any  
12 questions from counsel for Staff?

13 QUESTIONS BY MS. SYLER BRUEGGEMANN:

14 Q. Just one quick question.

15 A. Sure.

16 Q. How long have you actually lived in the  
17 house?

18 A. Since '98. And my mother lived with me  
19 until she passed away the next year. She was  
20 ninety -- almost 96 when she died.

21 Q. Well, that's pretty good.

22 A. Yeah.

23 Q. And you said your address was 71 --

24 A. 7208 North Moberly.

25 Q. Okay.

1           A.       Meter number was 2 if you didn't -- the  
2 account number was 2.

3           Q.       Yeah. And how's the pressure in your  
4 house?

5           A.       It seems to be okay, but a lot of times  
6 I'd go -- you know, I was home all the time or, you  
7 know, I didn't go to work, so I'd go to take a  
8 shower -- I'd be out gardening, come in to take a  
9 shower, no water, you know. Or the pets would -- the  
10 bucket would be empty, no water. So that was -- you  
11 never knew when it was coming. It was only very  
12 recently that I got a call that said we're gonna be  
13 shutting off -- or, no, I'm not sure which that said  
14 they were gonna be shutting off the water. But I  
15 have no complaints about the personnel I've dealt  
16 with over the years. They're all --

17          Q.       Well, and how often do you think that  
18 there was no water, that event would actually happen,  
19 you know?

20          A.       Many times over the years, but it was  
21 hit and miss because you couldn't tell when it was  
22 coming, so it was always at the worst possible  
23 moment.

24          Q.       Okay.

25          A.       You know how that goes.

1 MS. SYLER BRUEGGEMANN: Nothing further.  
2 Thank you.  
3 MS. OKULICZ: Okay.  
4 JUDGE LANE: Any questions from Office  
5 of the Public Counsel?  
6 QUESTIONS BY MS. BAKER:  
7 Q. Have you noticed any of your bills  
8 fluctuating?  
9 A. Just I always paid about \$50 at a clip  
10 because my normal bill would run close to \$12 and it  
11 wasn't worth writing a check every time. So I'd pay  
12 50 bucks, 50 bucks, 50 bucks which made it easier.  
13 And the last two bills I'm sure have been estimated  
14 because they were ten dollars even, and, you know --  
15 but over the years, no.  
16 MS. BAKER: No further questions. Thank  
17 you for coming.  
18 JUDGE LANE: Okay. And Mr. Harrison,  
19 any cross-examination from your clients?  
20 MR. HARRISON: No. No questions. Thank  
21 you very much, ma'am.  
22 MS. OKULICZ: Okay.  
23 JUDGE LANE: Thank you. Any follow-up  
24 questions?  
25 (NO RESPONSE.)

1 JUDGE LANE: Very well. Thank you,  
2 Ms. Okulicz.  
3 MS. OKULICZ: Thank you, sir.  
4 JUDGE LANE: And for your testimony.  
5 You're excused.  
6 MR. OCHOA: Is there anyone else that  
7 wants to testify?  
8 MR. PAUGH: Your Honor, my name is Jim  
9 Paugh, J-i-m, P-a-u-g-h.  
10 (THE WITNESS WAS SWORN.)  
11 JUDGE LANE: Thank you, sir. Please  
12 proceed.  
13 MR. PAUGH: Mostly I want to reiterate  
14 whatever was said about the water pressure. It goes  
15 up and down. When I first moved out there, the  
16 pressure was good because there were a few houses out  
17 there. Since they've built so many houses, I think  
18 that has really hurt the water pressure.  
19 My bills have been sometimes estimated,  
20 sometimes they read the meter. I've never had any  
21 complaints. Whenever I call the office, they've  
22 always been responsive, and that's basically it. The  
23 water pressure is the biggest concern I have.  
24 JUDGE LANE: Thank you, Mr. Paugh. Any  
25 questions from the Commissioners?

1 COMMISSIONER MURRAY: No questions.  
2 Thank you.  
3 COMMISSIONER APPLING: No questions.  
4 COMMISSIONER GAW: No, thank you, sir.  
5 Thanks for coming.  
6 JUDGE LANE: Ms. Brueggemann, any  
7 questions of this witness?  
8 MS. SYLER BRUEGGEMANN: No, thank you.  
9 Thank you.  
10 JUDGE LANE: Ms..Baker?  
11 MS. BAKER: No questions, but I do thank  
12 you for coming.  
13 JUDGE LANE: And Mr. Harrison?  
14 MR. HARRISON: No, sir. Thank you very  
15 much.  
16 JUDGE LANE: No follow-up from the  
17 Commissioners, so thank you very much, Mr. Paugh, for  
18 testifying. You're excused.  
19 MR. OCHOA: Anyone else?  
20 COMMISSIONER CLAYTON: Going once, going  
21 twice.  
22 (NO RESPONSE.)  
23 JUDGE LANE: All right. I'd like to  
24 thank all of our participants for their testimony.  
25 Do we have any closing remarks from the Commissioners

1 before we go?

2 (NO RESPONSE.)

3 JUDGE LANE: This local public hearing  
4 is adjourned. Thank you very much.

5 (EXHIBIT NOS. 1, 2 AND 3 WERE MARKED FOR  
6 IDENTIFICATION BY THE COURT REPORTER.)

7 (WHEREUPON, the public hearing in this  
8 case was concluded.)

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25

1

# INDEX

2

## 3 BILL DeJAYNES

4	Statement by Mr. DeJaynes	12
	Questions by Commissioner Murray	13
5	Questions by Commissioner Gaw	13
	Questions by Commissioner Appling	15
6	Questions by Commissioner Clayton	16
	Questions by Judge Lane	17
7	Questions by Ms. Syler Brueggemann	18
	Questions by Ms. Baker	21
8	Questions by Commissioner Gaw	22

9

## 10 BRIAN FOBES

11	Statement by Mr. Fobes	24
	Questions by Commissioner Murray	28
12	Questions by Commissioner Clayton	29
	Questions by Ms. Syler Brueggemann	31
13	Questions by Ms. Baker	34
	Questions by Mr. Harrison	34

14

15

## VAL MEYER

16

	Statement by Ms. Meyer	37
17	Questions by Commissioner Clayton	42
	Questions by Ms. Syler Brueggemann	43

18

## 19 KAROL CLARK

20	Statement by Ms. Clark	45
	Questions by Commissioner Gaw	50
21	Questions by Ms. Syler Brueggemann	53
	Questions by Ms. Baker	54

22

## 23 DAN SIMON

24	Statement by Mr. Simon	55
	Questions by Ms. Syler Brueggemann	59
25	Questions by Ms. Baker	60



1	REYNOLD STOUT	
2	Statement by Mr. Stout	61
	Questions by Commissioner Gaw	63
3	Questions by Ms. Syler Brueggemann	64
	Questions by Ms. Baker	65
4	Questions by Mr. Harrison	66
5		
6	SHELLY HERMAN	
7	Statement by Ms. Herman	67
	Questions by Ms. Syler Brueggemann	70
8	Questions by Ms. Baker	73
	Questions by Judge Lane	73
9		
10		
	JAMES LUDEMAN	
11	Statement by Mr. Ludeman	75
12	Questions by Ms. Syler Brueggemann	77
	Questions by Ms. Baker	77
13		
14		
	EDITH OKULICZ	
15	Statement by Ms. Okulicz	79
16	Questions by Commissioner Gaw	81
	Questions by Ms. Syler Brueggemann	83
17	Questions by Ms. Baker	85
18		
19	JIM PAUGH	
20	Statement by Mr. Paugh	86
21		
22		
23		
24		
25		

1	EXHIBITS INDEX	
2		MARKED
3	Exhibit No. 1	
4	Letter to Mr. Gordon Burnam	
5	from Department of Natural	
6	Resources Environment	
7	Engineer IV, Everett Baker,	
8	dated June 14, 2007	88
9	Exhibit No. 2	
10	Water pressure logs	
11	Downloaded Data - Thursday,	
12	May 17, 2007	88
13	Exhibit No. 3	
14	Water pressure logs	
15	Downloaded Data - Thursday,	
16	May 17, 2007	
17	(referencing different data)	88
18		
19		
20		
21		
22		
23		
24		
25		

# BARTLETT & WEST

## ENGINEERS

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May 4, 2007

Mr. Gary Woody  
General Manager  
CPWSD No. 1 of Boone County  
1500 N. 7th Street  
Columbia, MO 65201

Re: Bon-Gor Lake Estates Water Service Study

Dear Gary:

We have performed a water service study for the Bon-Gor Lake Estates subdivision as requested at the district's last board meeting on April 12, 2007. It is our understanding that the subdivision's privately owned water system is in need of some repair, primarily focused on the system's water supply and storage. The Public Service Commission has requested that the CPWSD consider assuming ownership and operation of the system or providing wholesale water service to the system. This study summarizes the analysis we have performed to investigate water availability and other issues associated with either the consolidation of the private system with the district's system, or the ability to provide wholesale water service to the private system.

First, our analysis focused on water availability as if the system was provided a master meter connection (a 2" meter is believed to already exist to this subdivision) for wholesale water supply.

### Water Demand

There are 43 residential homes and 108 multi-family dwelling units in the proposed service area. Only the residential homes are being metered currently. Water consumption data was obtained from Vista Homes Management Company's roughly daily meter readings from the well pump at the well house. See Table 1. Flow rates were derived from the meter readings and compared to the surrounding CPWSD water service area in Pressure Zone 7.

Table 1 - Water Usage Demands

Factor	Bon-Gor	CPWSD Zone 7	Difference
Users	151	151	-----
Average per User	0.173 gpm	0.169 gpm	2% higher
Peak per User	0.258 gpm	0.353 gpm	36% lower
Peaking Factor	1.488	2.092	41% lower
Average Demand	26.14 gpm	25.52 gpm	2% higher
Peak Demand	38.90 gpm	53.30 gpm	36% lower

The existing hydraulic computer model for Pressure Zone 7 was modified by adding a connection for the Bon-Gor Lake Estates subdivision at Wade School Road and Cunningham Drive. Three conditions were evaluated and summarized below.

### Peak Demand Condition

A peak demand of 53.3 gpm for Zone 7 was used in the model for the Bon-Gor Lake Estates subdivision to determine if the water system can produce the additional water to the subdivision assuming that peak demand

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**Attachment H**

would reach the demand currently seen in Zone 7. This was a conservative approach as the current peak demand for Bon-Gor is 36% lower than that of Zone 7. The results of the analysis showed that pressures were acceptable throughout Zone 7 with the addition of the Bon-Gor connection. Figure 1 shows the pressures produced in the area surrounding the Bon-Gor connection.

#### Water Supply and Storage

A review of the CPWSD's water supply and storage capabilities was performed. Well production from Zone 7 is limited, but with the interconnection with Zone 2, there is sufficient well supply. The tanks in Zone 7 have ample capacity to accommodate the peak demand for the addition of Bon-Gor Lake Estates to the system.

#### Static Pressure

Static pressure was modeled to determine the highest pressure the Bon-Gor water system would experience. This simulates the system with the tanks full and no demand (flow) on the system, such as during the early hours of the morning. Additional piping representing the existing water line locations and sizes within the subdivision was added to the model. Figure 2 shows the static pressures within the subdivision ranging between 66 psi and 73 psi. Typically, these pressures would be acceptable with the CPWSD's standard system. However, because of the unknown material and condition of the existing water lines and joints, and that the existing system's pressure is currently about 30 psi (reported in the last board meeting), these static pressures could present the potential for leaks and failure of system components. Should the existing Bon-Gor system be connected to the CPWSD for water supply, we would recommend the system be pressure tested prior to connection, and if necessary, a pressure reducing valve (PRV) could be installed on the existing system to maintain pressures close to those it experiences today.

#### Fire Flow Capabilities

In addition to the peak demand model, fire flows were introduced at the entry point of the subdivision. It was determined that a minimum 250 gpm fire flow could not be achieved with a minimal DNR residual pressure of 20 psi in the water system. Therefore, CPWSD is unable to provide fire protection for the subdivision.

#### Considerations for Upgrading the Bon-Gor System

If the CPWSD were to assume ownership and management of the existing system, it is likely that distribution system upgrades would be needed in the near future. The Bon-Gor system has been in place for approximately 35 years (plan dated 1972), and it is unknown if the system was installed with proper inspection and materials.

A Bon-Gor system upgrade would need to include the water line installations throughout the subdivision as shown in Figure 3 and the items listed in the project cost estimate shown in Figure 4. The total project cost for the system upgrade in 2007 dollars is approximately \$400,000. These items include not only the water line installations, but also the setting of new meters on the front side of the lots (and associated service line extensions), costs for easements to be acquired and recorded, and demolition of the existing standpipe.

If you have any questions please do not hesitate to contact me at this office.

Sincerely,



Bob Gilbert, P.E.

cc: Peggy Whipple, Missouri Public Service Commission  
Attachments

# **Bon-Gor Lake Estates Well Production**

Date	Reading (gal)	Weekly Production (gal)
1/8/2006	8246000	
1/15/2006	8465710	219710
1/22/2006	8687870	222160
1/29/2006	8900750	212880
2/5/2006	9108050	207300
2/12/2006	9316000	207950
2/19/2006	9508500	192500
2/26/2006	9731680	223180
3/5/2006	9900780	169100
3/12/2006	69890	169110
3/19/2006	261810	191920
3/26/2006	406160	144350
4/2/2006	563570	157410
4/9/2006	740420	176850
4/16/2006	950670	210250
4/23/2006	1122910	172240
4/30/2006	1248660	125750
5/7/2006	1431680	183020
5/14/2006	1708630	276950
5/21/2006	2100740	392110
5/28/2006	2395090	294350
6/4/2006	2736470	341380
6/11/2006	3092900	356430
6/18/2006	3437660	344760
6/25/2006	3782420*	344760
7/2/2006	4170000*	387580
7/9/2006	4498360	328360
7/16/2006	4827760	329400
7/23/2006	5176420	348660
7/30/2006	5499190	322770
8/6/2006	5837210	338020
8/13/2006	6190500	353290
8/20/2006	6510030	319530
8/27/2006	6849930	339900
9/3/2006	7190220	340290
9/10/2006	7560900	370680
9/17/2006	7902060	341160
9/24/2006	8227310	325250
10/1/2006	8534270	306960
10/8/2006	8805450	271180
10/15/2006	9021830	216380
10/22/2006	9232090	210260
10/29/2006	9425020	192930
11/5/2006	9645010	219990
11/12/2006	9840460	195450

Date	Reading (gal)	Weekly Production (gal)
11/19/2006	32790	192330
11/26/2006	226560	193770
12/3/2006	446870	220310
12/10/2006	642270	195400
12/17/2006	836610	194340
12/24/2006	1038400	201790
12/31/2006	1253900	215500
1/7/2007	1472720	218820
1/14/2007	1717760	245040
1/21/2007	1983710	265950
1/28/2007	2210330	226620
2/4/2007	2416000	205670
2/11/2007	2662890	246890
2/18/2007	2880580	217690
2/25/2007	3083970	203390
3/4/2007	3270300	186330
3/11/2007	3455470	185170
3/18/2007	3641440	185970
3/25/2007	3826510	185070

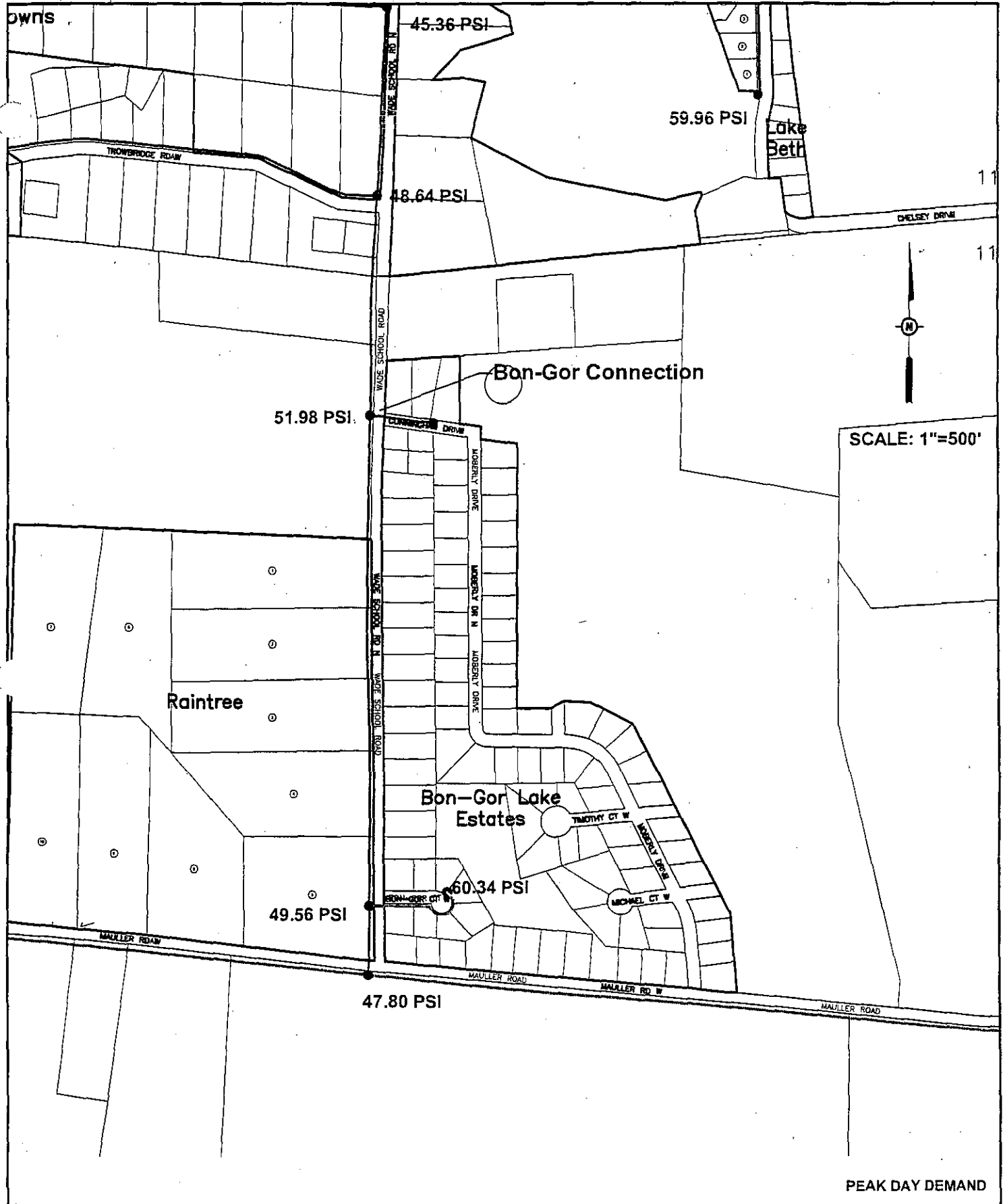
\*Readings estimated by interpolation

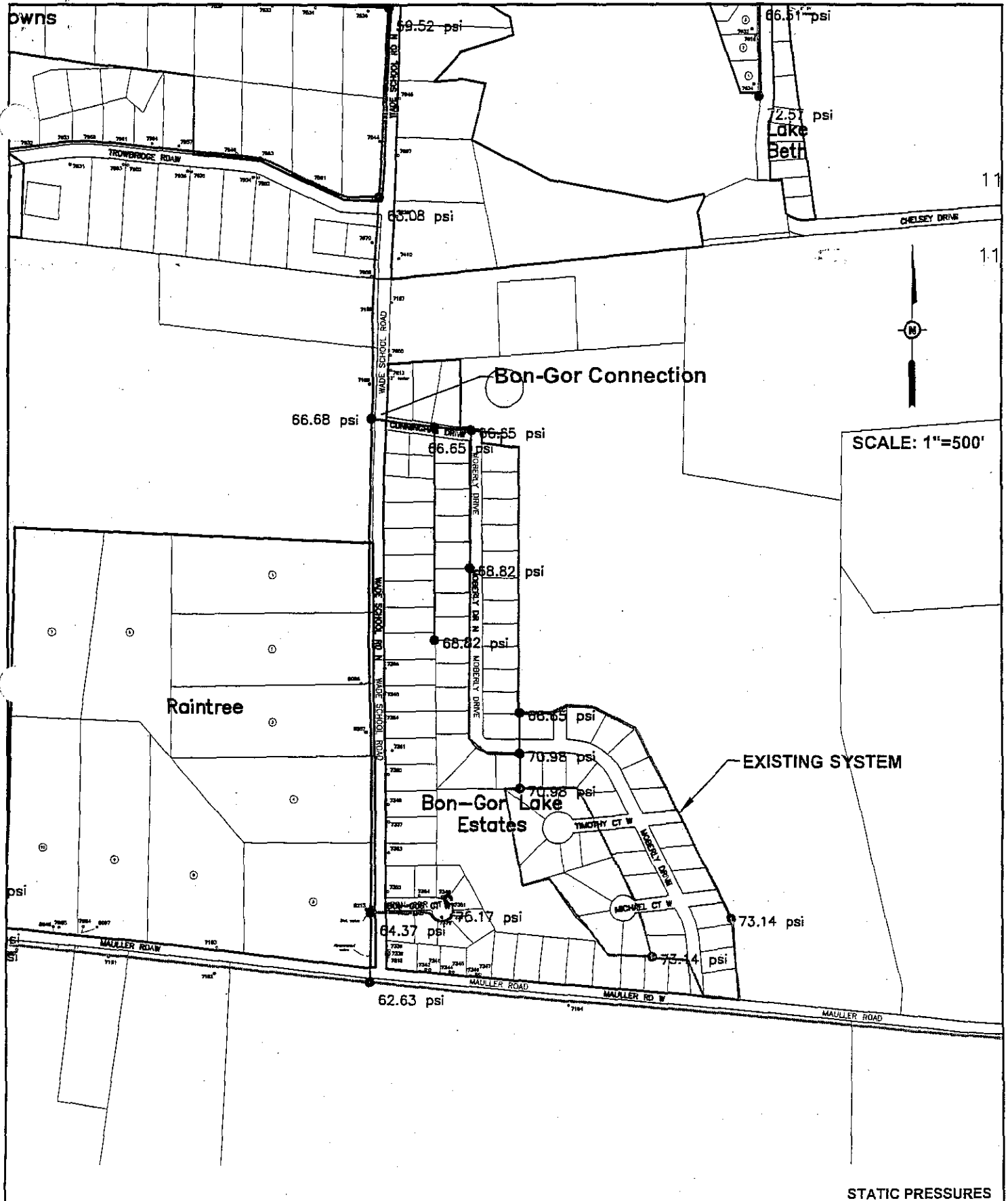
average week (gal) 263,510  
peak week (gal) 392,110  
peaking factor 1.488

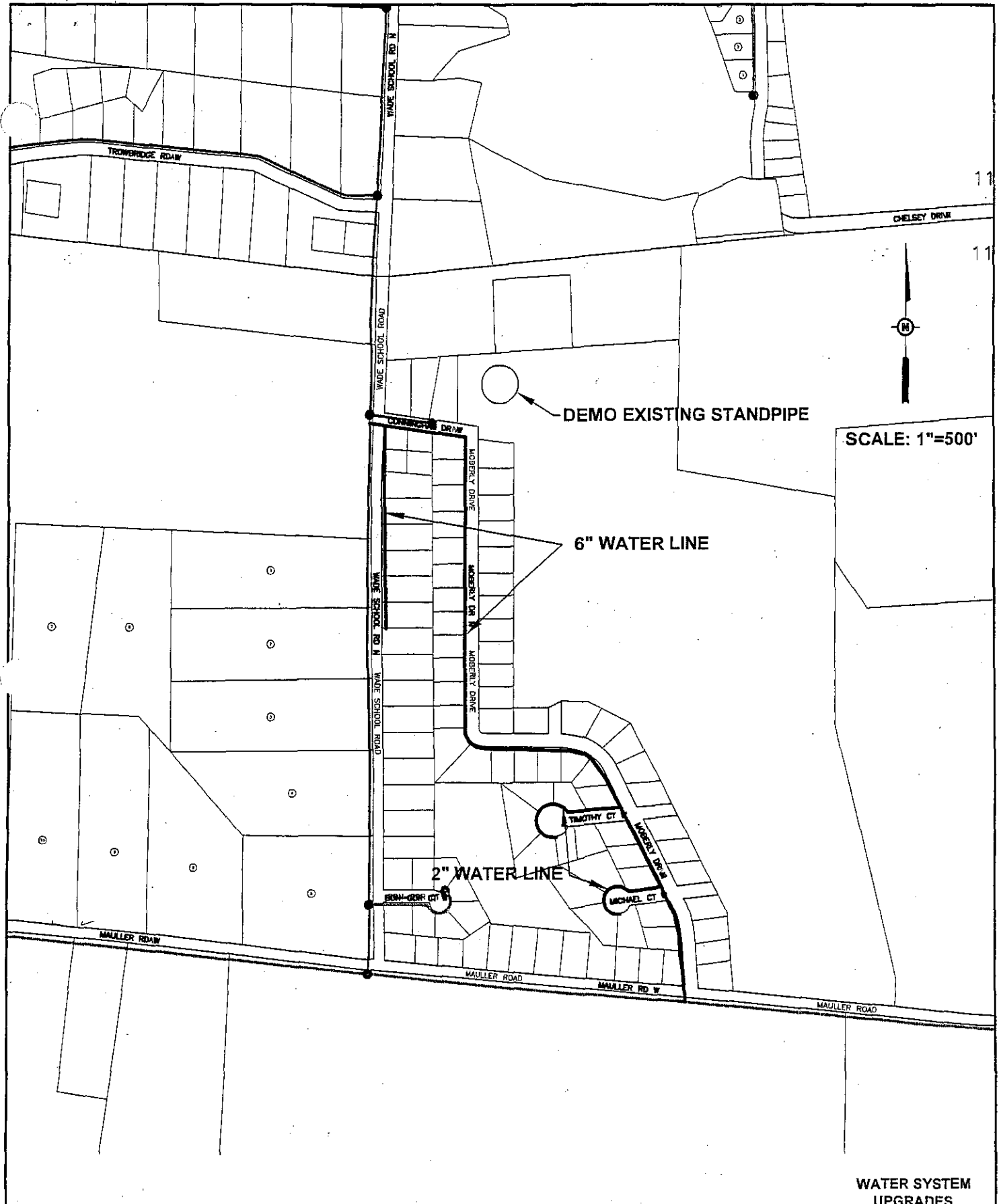
Customers 151  
Avg Demand per User (gpm) 0.173  
Peak Demand per User (gpm) 0.258  
Avg Demand (gpm) 26.142  
Peak Demand (gpm) 38.900

## CPWSD No. 1 User Rates

Avg Demand per User (gpm) 0.169  
Peak Demand per User (gpm) 0.353  
peaking factor 2.092  
Avg Demand (gpm) 25.519  
Peak Demand (gpm) 53.303







WATER SYSTEM  
UPGRADES

**BARTLETT & WEST**  
ENGINEERS  
PHONE (573) 634-3181

BON-GOR LAKE ESTATES  
WATER SERVICE STUDY  
CPWSD NO. 1 OF BOONE COUNTY

PN 7011.356

MAY 2007

FIGURE

**3**



**Figure 4**  
**Opinion of Probable Project Cost**  
**CPWSD No. 1 of Boone County**  
**May 2007**

**Bon-Gor Lake Estates Water Line Upgrade**

Item	Description	Estimated Quantity	Unit	Unit Price	Extension
1	6" CL200 PVC Water Line	3,800	LF	\$ 11.00	\$ 41,800.00
2	2" CL200 PVC Water Line	800	LF	\$ 8.00	\$ 6,400.00
3	6" CL200 Restrained Joint PVC Water Line, Open Cut	120	LF	\$ 20.00	\$ 2,400.00
4	2" PE Service Line with 4" SDR 35 PVC Encasement	1,190	LF	\$ 16.00	\$ 19,040.00
5	2" Ball Valve with Pack Joint & Valve Box	17	EA	\$ 450.00	\$ 7,650.00
6	3/4" PE Service Line	8,600	LF	\$ 7.00	\$ 60,200.00
7	12" Steel Encasement (Bore) with 6" CL200 Restrained Joint PVC Water Line	100	LF	\$ 150.00	\$ 15,000.00
8	6" Gate Valve & Box, Complete	8	EA	\$ 600.00	\$ 4,800.00
9	6"x6" Tapping Sleeve, Valve & Box, Complete	1	EA	\$ 2,000.00	\$ 2,000.00
10	4"x4" Tapping Sleeve, Valve & Box, Complete	1	EA	\$ 1,800.00	\$ 1,800.00
11	6" Nipple - Ductile Iron Anchor Coupling	8	EA	\$ 250.00	\$ 2,000.00
12	Tap New Water Line	72	EA	\$ 500.00	\$ 36,000.00
13	Set Water Meter, Reconnect to Both New Service Line and Existing Service Line	72	EA	\$ 670.00	\$ 48,240.00
14	Ductile Iron Fittings	14	EA	\$ 250.00	\$ 3,500.00
15	Concrete Thrust Blocking	30	CY	\$ 150.00	\$ 4,500.00
16	End Clean Out	3	EA	\$ 800.00	\$ 2,400.00
17	1" Surface Rock	300	Ton	\$ 16.00	\$ 4,800.00
18	Turf Repair - Seed, Mulch & Fertilize - Yard Mix	13,320	LF	\$ 3.00	\$ 39,960.00
19	Demolition of Existing Standpipe	1	LS	\$ 20,000.00	\$ 20,000.00
				<b>Sub Total</b>	<b>\$ 322,490.00</b>
				Contingencies (10%)	\$ 32,249.00
				<b>Total Opinion of Probable Construction Cost</b>	<b>\$ 354,739.00</b>
				Engineering Design and Construction Contract Administration	\$ 40,000.00
				Easements	\$ 2,500.00
				Legal Costs - Contract Review	\$ 2,000.00
				<b>Total Opinion of Probable Project Cost</b>	<b>\$ 399,239.00</b>

I:\7000\7011\7011.356\Report\PreliCost Opinion Bongor.xls\2007 Estimate

# STATE OF MISSOURI



Robin Carnahan  
Secretary of State

00157008

## CERTIFICATE OF CORPORATE RECORDS

### SUBURBAN WATER AND SEWER COMPANY

I, ROBIN CARNAHAN, Secretary of the State of the State of Missouri and Keeper of the Great Seal thereof, do hereby certify that the annexed pages contain a full, true and complete copy of the original documents on file and of record in this office for which certification has been requested.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 18th day of July, 2007



*Robin Carnahan*

Certification Number: 989 Secretary of State

Verify this certificate online at <http://www.sos.mo.gov/businessentity/verification>

Attachment I

Robin Carnahan Secretary of State  
2007 ANNUAL REGISTRATION REPORT  
BUSINESS

File Number: 200701090290  
00157008  
Date Filed: 01/10/2007  
Robin Carnahan  
Secretary of State

REPORT DUE BY: 04/30/2007

ANNUAL REPORT MONTH:  
January

00157008  
SUBURBAN WATER AND SEWER COMPANY  
BONNIE BURNAM  
3438 WOODRAIL TERRACE  
COLUMBIA, MO 65203

1 PRINCIPAL PLACE OF BUSINESS OR  
CORPORATE HEADQUARTERS:  
3438 WOODRAIL TERRACE, , , 343 (Required)  
STREET  
COLUMBIA, MO 65203  
CITY/STATE ZIP

2 If changing the registered agent and/or registered office address, please check the appropriate box(es) and fill in the necessary information.

☐

The new registered agent

IF CHANGING THE REGISTERED AGENT, AN ORIGINAL WRITTEN CONSENT FROM THE NEW  
REGISTERED AGENT MUST BE ATTACHED AND FILED WITH THIS REGISTRATION REPORT.

☐

The new registered office address

Must be a Missouri address, PO Box alone is not acceptable. This section is not applicable for Banks, Trusts and Foreign Insurance.

OFFICERS

NAME AND PHYSICAL ADDRESS (P.O. BOX ALONE NOT  
ACCEPTABLE). (MUST LIST PRESIDENT AND SECRETARY BELOW)

PRES GORDON BURNAM (Required)

STREET/RT 3438 WOODRAIL TERRACE,

CITY/STATE/ZIP COLUMBIA, MO 65203

V-PRES PAULA BELCHER

STREET/RT 1501 VANDIVER DR #88

CITY/STATE/ZIP COLUMBIA, MO 65202

SECY BONNIE BURNAM (Required)

STREET/RT 3438 WOODRAIL TERRACE,

CITY/STATE/ZIP COLUMBIA, MO 65203

TREAS

STREET/RT

CITY/STATE/ZIP

BOARD OF DIRECTORS

NAME AND PHYSICAL ADDRESS (P.O. BOX ALONE NOT  
ACCEPTABLE). (MUST LIST AT LEAST ONE DIRECTOR BELOW)

NAME GORDON BURNAM (Required)

STREET/RT 3438 WOODRAIL TERRACE

CITY/STATE/ZIP COLUMBIA, MO 65203

NAME BONNIE BURNAM

STREET/RT 3438 WOODRAIL TERRACE

CITY/STATE/ZIP COLUMBIA, MO 65203

NAME

STREET/RT

CITY/STATE/ZIP

NAME

STREET/RT

CITY/STATE/ZIP

NAMES AND ADDRESSES OF ALL OTHER OFFICERS AND DIRECTORS ARE ATTACHED

The undersigned understands that false statements made in this report are punishable for the crime of making a false  
declaration under Section 575.060 RSMo. Photocopy or stamped signature not acceptable.

4 Authorized party or officer sign here

KENNETH G. GEEL

(Required)

Please print name and title of signer:

KENNETH G. GEEL

/

CPA

NAME

TITLE

REGISTRATION REPORT FEE IS:

\$20.00 If filed on or before 4/30

\$35.00 If filed on or before 5/31

\$50.00 If filed on or before 6/30

\$65.00 If filed on or before 7/31

WHEN THIS FORM IS ACCEPTED BY THE SECRETARY OF STATE,  
BY LAW IT WILL BECOME A PUBLIC DOCUMENT AND ALL  
INFORMATION PROVIDED IS SUBJECT TO PUBLIC DISCLOSURE

E-MAIL ADDRESS (OPTIONAL)

REQUIRED INFORMATION MUST BE COMPLETE OR THE REGISTRATION REPORT WILL BE REJECTED

MAKE CHECK PAYABLE TO DIRECTOR OF REVENUE

RETURN COMPLETED REGISTRATION REPORT AND PAYMENT TO THE SECRETARY OF STATE - P.O. BOX 1366, JEFFERSON CITY, MO 65102

Suburban Water and Sewer Company  
1501 Vandiver Dr. #88  
Columbia, MO 65202  
(573) 474-4242 Phone  
(573) 474-4881 Fax

June 29, 2006

Missouri Public Service Commission  
Attn: Jim Russo  
Rate and Tariff Supervision  
PO Box 360  
Jefferson City, MO 63102  
(573) 751-7494

Dear Mr. Russo:

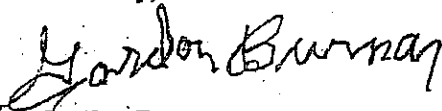
Enclosed please find a copy of the Compliance and Operation Inspection Report from Irene Crawford, Regional Director of the Northwest Region Office of Department of Natural Resources to Suburban Water and Sewer Company who operates the water system at the Bon Gor Lake Estates.

If you read the enclosed report they have a very extensive list of things that need to happen in order to keep DNR happy with the water system at Bon Gor Lake Estates. In the past couple of months we had to replace the pump plus other items in order to keep the system operational.

I am enclosing a copy of the bill from David Schnell Well Drilling. I am also enclosing a copy from the Public Water District #1 that we had to pay in order to provide water while the well was not operational. I am also enclosing a copy of the Profit and Loss sheets for the first six months of 2006 plus a copy of the balance sheet that shows the money I personally had to loan to the Suburban Water and Sewer Company to meet expenses.

Again I say let me hook on to Public Water District #1 as I am no longer willing or able to subsidize the water system at Bon Gor Lake Estate.

Sincerely,



Gordon Burnam  
President

Attachment J