

1 STATE OF MISSOURI
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3 PUBLIC SERVICE COMMISSION
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6 TRANSCRIPT OF PROCEEDINGS
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8 Prehearing Conference
9
10 September 17, 2002
11 Jefferson City, Missouri
12 Volume 1
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16 THE STAFF OF THE MISSOURI)
17 PUBLIC SERVICE COMMISSION,)
18)
19 Complainant,)
20)
21 vs.) Case No. WC-2003-0067
22)
23 OSAGE WATER COMPANY,)
24)
25 Respondent.)
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29 LEWIS R. MILLS, JR, Presiding,
30 DEPUTY CHIEF REGULATORY LAW JUDGE.
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34 REPORTED BY:
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36 MINDY S. HUNT, CSR, CCR
37 ASSOCIATED COURT REPORTERS
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1 P R O C E E D I N G S

2 JUDGE MILLS: We're on the record for a
3 prehearing conference in Case No. WC-2003-0067.
4 This is a Staff complaint against Osage Water
5 Company. Let's begin by taking entries of
6 appearance with the Staff and then Public Counsel.

7 MS. KIZITO: Victoria Kizito, on behalf of
8 the Staff of the Missouri Public Service
9 Commission. Our address is P.O. Box 360,
10 Jefferson City, Missouri 65102.

11 MS. O'NEILL: Ruth O'Neill, appearing on
12 behalf of the Office of the Public Counsel. Our
13 office address is P.O. Box 7800, Jefferson City,
14 Missouri 65102.

15 JUDGE MILLS: Thank you. And let me note
16 for the record that it's about five minutes after
17 10:00. The prehearing was scheduled to start at
18 10, and no representative for Osage Water Company
19 is here yet.

20 However, I heard from the manager of the
21 Commission's data center yesterday that the
22 certified copy of the Notice of Complaint was never
23 delivered to Osage Water Company, and it appears
24 that it may have been sent to an old address.

25 Have counsel for either Staff or Public

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1 Counsel spoken to the attorney for Osage Water
2 Company about this case?

3 MS. O'NEILL: Your Honor, I haven't talked
4 to them specifically about this case, but on the
5 3rd of September, Greg Williams, who has been the
6 attorney and registered agent for Osage Water
7 Company for the last several years, sent a letter
8 to the Commission that I have seen, that said he
9 was withdrawing from all of his various --
10 everything that he's ever done for Osage Water
11 Company, he's not doing anymore. He's withdrawing
12 as registered agent director -- or withdrawing or
13 resigning as attorney. And also that his wife,
14 Debra Williams, is resigning as manager and
15 director, and that they no longer wanted to have
16 anything to do with Osage Water Company.

17 Now, they didn't file that with the
18 Secretary of State any earlier than the 3rd of
19 September either, and I'm not sure that it's ever
20 been filed up there. And it's my understanding
21 that that needs to be on file with the Secretary of
22 State for 30 days before it takes effect.

23 But last Tuesday morning I was in Camden
24 County with some of the attorneys for the Staff.
25 Not Ms. Kizito, but David Meyer and Keith Krueger

1 and Dan Joyce were there, on a motion for temporary
2 injunction regarding the Notice filed by Debra
3 Williams as a trustee for a promissory note secured
4 by a deed of trust, that she was going to sell
5 Osage Water Company on the courthouse steps for
6 non-payment of an obligation to Greg Williams for
7 attorney's fees.

8 There's been a temporary injunction
9 granted regarding that. The sale did not take
10 place on Friday as she had originally planned. And
11 I think that's probably a pretty quick synopsis of
12 what happened last week.

13 JUDGE MILLS: Excuse me. But my question
14 was, has anyone talked to an attorney for Osage
15 Water about this case, in particular to find out
16 whether or not anyone knew that this prehearing was
17 scheduled?

18 MS. O'NEILL: I don't know if he knew the
19 prehearing was scheduled, but I don't have any
20 information to suggest that Greg and Debra Williams
21 have changed their business address or that -- and
22 that's where Osage Water Company mail has gone for
23 several years.

24 JUDGE MILLS: Ms. Kizito, have you had any
25 conversations with an attorney for Osage Water?

1 MS. KIZITO: No, I haven't.

2 JUDGE MILLS: I'm not sure that there's
3 really going to be much for us to do today if we
4 don't have a Respondent present. And I don't know
5 that there's -- well, I instructed the data center
6 to re-send the Notice of Complaint yesterday when I
7 first found out that it had not been delivered to
8 the other address; that hopefully may get to the
9 Complainant.

10 However, I'll note that the Staff's
11 complaint did request expedited treatment. And
12 given the fact that we haven't yet been able to
13 obtain service on the Respondent, I'm not sure --
14 I'm not sure how quickly we can proceed once we do
15 get service on the Respondent, and we do make the
16 Respondent aware of the filing of the complaint.

17 MS. KIZITO: Your Honor, even if the
18 official copy wasn't served to him, the Staff did
19 transmit a final copy of its pleading to the
20 Company by E-mail on August 23rd at 3 p.m.

21 JUDGE MILLS: Okay.

22 MS. KIZITO: So he should be aware of it,
23 even if he didn't receive it.

24 JUDGE MILLS: He should have been aware
25 without having the notice. And I don't know

1 whether he was also -- whether he would have gotten
2 a copy of the order scheduling the prehearing
3 conference or not. I don't believe those are sent
4 certified. So we have no way of knowing whether or
5 not that reached him or not.

6 I'll tell you what, we'll go off the
7 record here. If counsel for Public Counsel and for
8 the Staff can try to get ahold of Mr. Williams or
9 whoever is acting on behalf of Osage Water these
10 days, to see if we can either reschedule this
11 prehearing conference as quickly as possible or
12 find out whether or not Osage Water is even aware
13 that this complaint is going on. And then you can
14 either let me know what you find out or we can set
15 up a conference call with you two and counsel for
16 Osage Water and do it altogether.

17 Would that be acceptable?

18 MS. O'NEILL: That's fine.

19 MS. KIZITO: Yes.

20 JUDGE MILLS: Is there anything else we
21 need to do while we're still on the record? Okay.

22 Let's go off the record.

23 (OFF THE RECORD.)

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