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STATE OF MISSOURI

PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Public Hearing

December 14, 2011

Joplin, Missouri

Volume 7

In the Matter of) File No.
Missouri-American Water) WR-2011-0337,
Company's Request For Authority) et al.
To Implement A General Rate)
Increase For Water And Sewer)
Service Provided in Missouri)
Service Areas)

HAROLD STEARLEY, Presiding,
SENIOR REGULATORY LAW JUDGE
JEFF DAVIS,
COMMISSIONER.

(Starting time of the hearing: 6:12 p.m.)

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(Continued)

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

3

4 (Proceedings began at
5 6:12 p.m. on Wednesday,
6 December 14, 2011, with
7 appearances as noted.)

8 JUDGE STEARLEY: All right. Good
9 evening. It's Wednesday, December 14th, 2011.

10 The commission has set this time for a
11 public hearing in File Number WR-2011-0337, which
12 is captioned as In the Matter of Missouri-American
13 Water Company's Request For Authority to Implement
14 a General Rate Increase For Water and Sewer
15 Service Provided in Missouri Service Areas.

16 My name is Harold Stearley, and I'm the
17 regulatory law judge presiding over tonight's
18 hearing.

19 With me is Commissioner Davis. And
20 Commissioner, would you like to make an opening
21 statement?

22 COMMISSIONER DAVIS: My name is
23 Commissioner Davis. I'm one of the five
24 commissioners that's responsible for hearing this
25 case.

1 I guess just to outline a little bit
2 about the process, you know, it's the utility
3 files rates with us that's, you know, the tariffs
4 that they have filed.

5 And it's our job as a commission to
6 decide whether the rates that they have filed are
7 both just and reasonable.

8 And if they're not, then we tell the
9 utility what we think our -- what would be just
10 and reasonable rates, and then they will -- they
11 will file tariffs accordingly.

12 We have to base our decision based on
13 the facts, the evidence in the record, as well as
14 the law. And so, it is what it is.

15 You know, I want to thank you for
16 showing up here tonight, and I'll give you my
17 fullest attention and make sure that my colleagues
18 who are not here tonight, you know, make sure that
19 your voice is heard.

20 So that's all I have. Thank you for
21 coming.

22 JUDGE STEARLEY: And before we take your
23 testimony, I'm going to take entries of appearance
24 from counsel, starting with Missouri-American
25 Water Company.

1 MR. REICHART: Thank you, Judge. Here
2 on behalf of Missouri-American Water Company, John
3 J. Reichart. My address is 727 Craig Road, St.
4 Louis, Missouri, 63141.

5 JUDGE STEARLEY: Thank you,
6 Mr. Reichart. For the Office of the Public
7 Counsel?

8 MS. BAKER: Christina Baker. PO Box
9 2230, Jefferson City, Missouri, 65102, appearing
10 on behalf of the Office of the Public Counsel and
11 the customers.

12 JUDGE STEARLEY: Thank you, Ms. Baker.
13 And for the staff of the Missouri Public Service
14 Commission.

15 MS. LEWIS: Rachel Lewis for the staff
16 of the Missouri Public Service Commission, Post
17 Office Box 360, Jefferson City, Missouri, 65102.

18 JUDGE STEARLEY: Thank you, Ms. Lewis.
19 And I don't believe we have counsel from any of
20 the intervenors in this case present. So
21 Mr. Robbins, that brings us to your testimony.

22 MR. ROBBINS: Okay, sir.

23 (Mr. Robbins approaches
24 the podium.)

25 JUDGE STEARLEY: If you would please

1 state and spell your name for our court reporter
2 so we could get it in the record correctly and
3 then I will swear you in.

4 MR. ROBBINS: Dennis M. Robbins.
5 D-E-N-N-I-S, middle initial M, last name Robbins,
6 R-O-B-B-I-N-S.

7 JUDGE STEARLEY: Okay, Mr. Robbins. If
8 you'll please raise your right hand.

9 (Mr. Robbins was placed
10 under oath by Judge
11 Stearley.)

12 JUDGE STEARLEY: Please proceed.

13 * * * * *

14 DENNIS ROBBINS,
15 of lawful age, having been called to the podium
16 and being first duly sworn, testified as follows:

17 MR. ROBBINS: Thank you. As I stated
18 last time I was at a hearing, I own a small mobile
19 home park south of Joplin.

20 I'm on Missouri-American Water. I don't
21 use the sewer and trash service. I'm just on
22 water only out there.

23 I have 12 mobile homes. Had the park
24 for 12 years. Have seen my water bills go from
25 what they used to be in one year to what they are

1 now in one month with the same amount of usage
2 approximately.

3 I understand that the hearings I've come
4 to in the past -- and I do not have the figures in
5 front of me, and I apologize because I had to work
6 steady straight through the last two weeks and
7 didn't get to go home and get my records.

8 But I -- and you'll have to help me with
9 this because I know they've had some increases in
10 the past.

11 And the best my figures come to from '07
12 to now, it's been somewhere between a 60 to 80
13 percent increase from what I look at my bills by
14 my cubic feet and what my bills have increased
15 to.

16 For the same amount of cubic feet I was
17 using in '07, my bill reflects almost double that,
18 and my actual cost of what I have to write the
19 checks to.

20 I don't know if they're going to tell
21 me, "Well, that's not all going to us. Some is
22 going to your taxes. Some is going to this," just
23 like Empire did.

24 But anyway, bottom line, I have to write
25 the checks. My bills average me -- about the

1 lowest bill I've ever seen is 300 some a month.

2 Average bill is about 700 a month.

3 So this affects me greatly personally.

4 I wish more people were here to stand up for
5 themselves.

6 But in my world this 16 percent
7 increase, if it's approved, is anywhere from 60 to
8 100 some dollars a month. It could be anywhere
9 from 700, 1200 more a year added to my cost.

10 I -- as I stated in the past, I
11 understand every company has to make a profit. I
12 don't have a problem with that.

13 I don't even have a real problem -- I
14 almost didn't come tonight because I realize it's
15 in vain. But I just can't -- my personality is I
16 just can't sit aside and let stuff happen and go
17 past me like this.

18 I've been coming to these hearings the
19 last few years. I've learned a lot. I'm still
20 more confused than I am knowledgeable, to be
21 honest with you, but I'm adamant about coming to
22 them.

23 But my fear tonight is, as I explained
24 earlier, is will I have to come to another one in
25 six months or a year from now and another six

1 months and a year from now? And where is it going
2 to stop?

3 The utility bills are almost as great as
4 people's rent or house payments now as it is, and
5 I'm talking about the average person who I talk
6 to, not just me.

7 And at what point are people going to be
8 able to stay in affordable housing when the
9 utilities are going to run them more than what
10 their rent or their house payment is. It scares
11 the hell out of me personally.

12 And as far as the quality of
13 Missouri-American Water, I'm happy with the water
14 service. I'm happy with the quality of the
15 water.

16 I'm happy with the local people I work
17 with. They've been very good to me through all
18 this, and I've got -- I have a lot of empathy when
19 I call customer service. That's all you can get
20 is empathy from them.

21 I fight a continuing battle of -- as I
22 stated in the past, I do not pay a bill till I
23 have the money to pay it. I will not write a bad
24 check to nobody for nothing.

25 So when I get bills some from

1 Missouri-American Water, it reflects here -- I
2 have in front of me, as much as anywhere from
3 1300, 1700, 2300 a month for 12 families.

4 I can't cover that check until I go out
5 and paint enough houses to cover it. Just like I
6 can't pay the electric bills for those people
7 until I go out and paint enough houses to cover
8 that.

9 So I don't ever pay it when it's 30 days
10 late, but sometimes I pay it right up to the
11 deadline.

12 And then I had a major water leak this
13 year. Missouri-American Water worked with me.
14 They set me up on a payment program to pay 164 a
15 month along with my regular four to seven hundred
16 a month bill.

17 And I paid it faithfully, like I was
18 supposed to have paid it, anywhere from four to
19 seven days before it was due just to make sure
20 they got it in time.

21 And then after doing that three
22 payments, this summer they sent me a disconnect
23 notice anyway.

24 And so I called them and I said, "I
25 realize you made a mistake. You sent a disconnect

1 notice out on a mistake."

2 And they said, "No, it's not." They
3 said, "We processed your payment one day late,
4 Mr. Robbins."

5 I said, "What do you mean, you processed
6 it one day late?"

7 And they said, "Well, we have a right to
8 have up to ten days to process your check after we
9 receive it."

10 And I said, "You mean to tell me
11 basically in layman's terms if I send you a bill
12 and it's in the envelope sitting on the desk,
13 you're telling me basically that if you don't open
14 the damn thing and you don't input it in your
15 computer, then it's the same as not being there?"

16 And she said, "Well, in essence that's
17 what I'm saying, but in theory."

18 And I said, "Well, that's what you're
19 telling me."

20 So by that incident -- this happened in
21 August. Then they demanded all that payment money
22 in one payment and my bill.

23 So I had to come up with \$2700 to pay
24 them to keep my water on. And even though I
25 didn't void the contract, I honored it.

1 And so that's why I have a little bit of
2 a problem with I do probably take things too
3 personal when I get a disconnect notice when I
4 know I pay my bills faithfully, never wrote a bad
5 check in 12 years to Empire or Missouri-American
6 Water.

7 I feel -- I take it very personal when I
8 get those. And I pay them before the disconnect
9 notice.

10 But then I mailed them a payment again
11 in December and -- or -- and mailed it early. And
12 I called them and I said, "Now I mailed my check.
13 Now so are we going to have a problem?"

14 And they said -- the lady again told me
15 this way. This was this past Sunday. "Well, we
16 have ten days to process that check after we
17 receive it. So if it's late, that's not our
18 fault."

19 And I still don't understand that
20 concept. I'll be honest with you guys. Okay.

21 So she said, "Well, what we really here
22 at Missouri-American Water want our customers to
23 do is we want you to pay online."

24 Which I refuse to do, and I don't even
25 know how to use a computer.

1 "Or we want you to set us up with direct
2 out of your checking account."

3 And I said, "Well, that ain't going to
4 happen in my lifetime. You ain't doing that
5 because I don't even trust you to take more out
6 than you should."

7 So I said, "We're going to have to come
8 to terms here where you tell me when I mail you my
9 check, you're going to open the damn thing in a
10 timely manner and not send me threatening
11 letters."

12 So I don't know how to voice that any
13 other way than what I stated, to be honest with
14 you. I don't know. I'm just at my wits' end with
15 all of this, guys, I really am.

16 I know you guys are sympathetic to my
17 plight here, and I know my problem is not your
18 problem.

19 But as I stated out front, and I said
20 this at the last hearing, my trailer park is
21 bringing in less money than what the damn
22 utilities are.

23 I mean literally my electric and water
24 bills and my trash service is as much as the
25 income from the whole park. And I can't sell the

1 park because my utilities are so high, nobody will
2 buy it.

3 If I shut it down, I've got to ask the
4 families to move out. I can't raise the rent
5 because they can't afford the rent as it is.

6 So I'm not speaking just for me. I'm
7 speaking for average families, that this is a big
8 thing.

9 I realize you guys are saying it's only
10 \$2 per 5,000 gallons or whatever. But you
11 multiply that times every family every month, and
12 that's a lot of money to a lot of people right
13 now.

14 And a lot of people are hurting out here
15 in the economy, and I just don't understand the
16 utility companies still coming at us with 20
17 percent, 15 percent, 30 percent, and just slamming
18 us every six months to a year.

19 And we don't see no end to it. That's
20 all I have to say.

21 JUDGE STEARLEY: Does counsel have any
22 questions for this witness?

23 MS. LEWIS: No.

24 MR. REICHART: No questions, Your Honor.

25 JUDGE STEARLEY: Commissioner Davis?

1 COMMISSIONER DAVIS: Okay. It's
2 Mr. Robbins, correct?

3 MR. ROBBINS: Yes.

4 COMMISSIONER DAVIS: Okay. Let me just
5 -- I mean I know you've appeared here in front of
6 us before and I remember you appearing. You own a
7 mobile home park?

8 MR. ROBBINS: Yes, sir.

9 COMMISSIONER DAVIS: And you have 12
10 lots that are rented, correct?

11 MR. ROBBINS: Yes, sir.

12 COMMISSIONER DAVIS: Now is it -- do you
13 rent them -- rent just the slab or do you rent the
14 mobile home?

15 MR. ROBBINS: Rent the mobile home, yes,
16 sir.

17 COMMISSIONER DAVIS: Okay. So you rent
18 them the mobile home, and you basically charge
19 them one fixed price for water, sewer, electric,
20 trash?

21 MR. ROBBINS: Correct.

22 COMMISSIONER DAVIS: So -- and do you
23 mind me asking what your -- what rent you're
24 charging?

25 MR. ROBBINS: Yeah. For a mobile home,

1 like a 3 bedroom/2 bath, it's 450 a month for all
2 that.

3 COMMISSIONER DAVIS: Okay. It's 450 --
4 450 a month, and that includes all of your -- all
5 of your utilities?

6 MR. ROBBINS: Yeah.

7 COMMISSIONER DAVIS: Okay. And your
8 aggregate water bill, you said -- I mean and this
9 is for 12 units, is that correct?

10 MR. ROBBINS: Yes, sir.

11 COMMISSIONER DAVIS: Runs between four
12 and seven hundred dollars a month?

13 MR. ROBBINS: Correct. For just the
14 water, not the other services, because it's
15 separate.

16 COMMISSIONER DAVIS: Now does that
17 include sewer too?

18 MR. ROBBINS: No.

19 COMMISSIONER DAVIS: No?

20 MR. ROBBINS: No.

21 COMMISSIONER DAVIS: Okay. So -- and
22 I'm just mentally trying to do the math here.
23 Basically it breaks out between roughly \$35 -- and
24 so your master -- you have one master meter,
25 correct?

1 MR. ROBBINS: Correct. On a good month,
2 35 per unit. On a bad month, 60 to 70 per unit.
3 So I figure more or less for me average, about 55
4 a month is what I figure it is for just water.

5 COMMISSIONER DAVIS: Okay.

6 MR. ROBBINS: Correct.

7 COMMISSIONER DAVIS: Okay. And so
8 roughly the -- so you're saying roughly the
9 average would be 550 times 12. It would be
10 roughly 600 and 660 a month?

11 MR. ROBBINS: Right.

12 COMMISSIONER DAVIS: Okay. And you're
13 looking at an increase of -- depending on whose --
14 whose rate you're looking at, where you got the
15 company proposed rate, the staff's proposed rate.

16 You're looking at somewhere between --
17 do you know -- I mean what -- do you know what
18 your usage per month is for all of your master
19 meter? Is it, you know, 12 -- I mean --

20 MR. ROBBINS: Yes. And that's why --

21 COMMISSIONER DAVIS: Is it 50,000
22 gallons or is it --

23 MR. ROBBINS: It is -- this month here,
24 it was 72,000 gallons.

25 COMMISSIONER DAVIS: Okay.

1 MR. ROBBINS: Another month it was
2 closer to 90,000 gallons.

3 COMMISSIONER DAVIS: Okay. So and -- I
4 mean I'm just looking at what the company has
5 proposed and what the staff has proposed.

6 And it looks like it's -- I'm just going
7 to ballpark this. This is fuzzy math, but it
8 looks like a dollar per month for every 5,000
9 gallons.

10 So if it's 50,000 -- or if it's 50,000
11 gallons, then it would roughly be \$10 a month of
12 an increase. Where if it's 90,000, it would be
13 roughly \$18 a month increase for all those units.
14 Is that --

15 MR. ROBBINS: Well, if you do it that
16 way. But if you take the -- if you take 16
17 percent increase on a bill that's \$100 a month,
18 that's \$16 more a month.

19 The increase that I read here that they
20 were asking for is 16 percent. Am I wrong on
21 that?

22 COMMISSIONER DAVIS: I know they were
23 asking for approximately 40 million. I know the
24 PSC staff has recommended approximately 21
25 million. I'm not sure. I'll let OPC speak to

1 OPC's position. So --

2 MR. ROBBINS: Yeah. Because I would
3 like to be sure on that because that's what I
4 based my figures on, is what I received.

5 COMMISSIONER DAVIS: Well, I know -- I
6 know that part of the problem here, I think, is
7 rate design.

8 Where the company has proposed a -- I'm
9 going to try to think of this -- basically
10 across -- fair to say an across-the-board rate
11 design where you've got basically all customers,
12 no matter what system they're in, are paying one
13 rate.

14 Whereas staff has made a little bit
15 different proposal where you're going to have
16 different regions paying different rates.

17 So even though staff is recommending an
18 increase, the increase for the Joplin area is
19 probably more than some areas, but less than other
20 areas.

21 Is that a -- I'm looking out in the
22 crowd for some sort of guidance from people that
23 work at the Public Service Commission. Hopefully
24 that's right.

25 So yes, they requested a 16 percent

1 increase. You know, who knows what that number
2 will actually be.

3 MR. ROBBINS: Correct.

4 COMMISSIONER DAVIS: And then it's also
5 how that gets apportioned. So just because -- I
6 mean if everybody agrees, you know, that the
7 number is 5 percent or 10 percent or whatever,
8 it's still if they agree to apportion it in a
9 different manner, you may not get hit with all 16
10 percent of that. Do you understand that?

11 MR. ROBBINS: Correct.

12 COMMISSIONER DAVIS: So.

13 MR. ROBBINS: But that's what I based
14 mine on because I don't see proposed right here.
15 I do see an increase of 16 percent.

16 COMMISSIONER DAVIS: Mm-hmm.

17 MR. ROBBINS: Okay. Well, I'm basing
18 what Dennis writes the checks for.

19 COMMISSIONER DAVIS: Yeah.

20 MR. ROBBINS: And if my check I write
21 now is \$600 and it goes up 16 percent, it's going
22 to be \$700 basically.

23 COMMISSIONER DAVIS: Right. 96 dollars.

24 MR. ROBBINS: Right. And that's what I
25 look at like. And that's if anything -- and I'm

1 not prepared enough. I've been working too much.

2 COMMISSIONER DAVIS: Right.

3 MR. ROBBINS: But if it's anything like
4 my other bills that I looked at, it also reflects
5 -- when my bill goes up, my basic usage charge
6 bill with Missouri-American Water, I assume
7 because you pay taxes on that, state and local
8 taxes, then my taxes are going to go up 16 percent
9 too because they're taxing me on the amount I
10 bill.

11 So I have to look at that when I write
12 the checks. And I realize they don't get the
13 money, but Dennis is still paying out the money.

14 COMMISSIONER DAVIS: Right.

15 MR. ROBBINS: You know, so a 16 percent
16 increase for them --

17 COMMISSIONER DAVIS: Right.

18 MR. ROBBINS: -- may be 20 to 40 percent
19 for me.

20 COMMISSIONER DAVIS: Right, because it's
21 got -- the number has got to be grossed up for
22 taxes.

23 MR. ROBBINS: Right. And that's what I
24 look at when I write my checks.

25 COMMISSIONER DAVIS: Got it. All right.

1 Mr. Robbins, I don't think I have any more
2 questions. Is there anything else that you want
3 to add?

4 MR. ROBBINS: No. No, thank you.

5 COMMISSIONER DAVIS: Okay.

6 JUDGE STEARLEY: I have one quick
7 question for counsel. The billing practice that
8 Mr. Robbins has referred to, is that new
9 information to you all?

10 MS. LEWIS: It is new to staff. We just
11 learned of it from Mr. Robbins earlier this
12 evening, and we have every intention to look into
13 it.

14 JUDGE STEARLEY: Okay. I was going to
15 ask, are you planning on looking into that?

16 MS. LEWIS: Absolutely.

17 JUDGE STEARLEY: All right. Okay. And
18 Mr. Robbins, there are representatives from the
19 company here tonight.

20 When we conclude the hearing, you could
21 have an opportunity perhaps to speak with one of
22 them directly about this billing issue that you
23 indicated.

24 MR. ROBBINS: Okay. Thank you.

25 JUDGE STEARLEY: All right. Anything

1 else for this witness? Okay.

2 (Mr. Robbins is
3 excused.)

4 JUDGE STEARLEY: Well, hearing nothing
5 and since we don't have anyone else here, we will
6 adjourn tonight's public hearing, and I thank you
7 all for coming.

8 MR. ROBBINS: Thank you.

9 (The hearing was
10 concluded at 6:31 p.m.
11 on Wednesday, December
12 14, 2011.)

13 (No exhibits were
14 marked during the
15 course of this
16 hearing.)

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16	course of this hearing.	
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CERTIFICATE OF REPORTER

STATE OF MISSOURI)
) SS:
COUNTY OF GREENE)

I, Karen S. Rogers, Registered Professional Reporter, Certified Realtime Reporter, and Notary Public in and for the State of Missouri, do hereby certify that I was personally present at the taking of the proceedings as set forth in the caption sheet hereof; that I then and there took down in stenotype the proceedings had at said time; and that the foregoing is a full, true, and accurate transcription of such stenotype notes so made at such time and place, all to the best of my skill and ability.

Karen S. Rogers, RPR,
CCR No. 846, Notary Public

PUBLIC SERVICE COMMISSION 12/14/2011

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