

1 STATE OF MISSOURI
2 PUBLIC SERVICE COMMISSION
3
4 TRANSCRIPT OF PROCEEDINGS
5 Public Hearing
6 July 23, 2018
7 Branson, Missouri
8 Volume 3

9
10 In the Matter of the Application) File No.
11 of Rate Increase Request for) WR-2018-0170
12 Liberty Utilities (Missouri Water))
13 LLC d/b/a Liberty Utilities)

14
15 JOHN T. CLARK, Presiding,
16 REGULATORY LAW JUDGE
17 WILLIAM P. KENNEY,
18 COMMISSIONER.

19 (Starting time of the proceedings: 6:36 p.m.)

20 REPORTED BY: KAREN VEST, Registered Professional
21 Reporter, Certified Realtime Reporter, and Certified
22 Court Reporter within and for the State of Missouri
23
24
25

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P R O C E E D I N G S

IT IS HEREBY STIPULATED AND AGREED that these proceedings may be taken in shorthand by Karen Vest, RPR, CRR, a Registered Professional Reporter, Certified Court Reporter, and Certified Realtime Reporter in the state of Missouri, and afterwards transcribed into typewriting.

(Whereupon, proceedings began at 6:36 p.m. on Monday, July 23, 2018, with appearances as noted.)

JUDGE CLARK: Good evening. We'll go on the record now.

Today is July 23rd, 2018, and it is 6:36 p.m. The Missouri public Commission has set aside this time for a local public hearing in File Number WR-2018-0170, which is captioned as In the Matter of an Application for Rate Increase Request for Liberty Utilities (Missouri Water) LLC doing business as Liberty Utilities.

My name's John Clark. I'm the regulatory judge that will be presiding over this hearing. And with me today is Commissioner Bill Kenney.

1 Commissioner, would you like to make
2 any opening remarks?

3 COMMISSIONER KENNEY: Thank you, judge.
4 To each of you ratepayers, I appreciate you coming
5 out tonight.

6 I hope that the Missouri Public Service
7 Commission staff, the company, and the Office of
8 Public Counsel were able to answer most of your
9 questions.

10 I am one of five commissioners. The
11 other four will have an opportunity to read the
12 transcripts from tonight's -- any comments that you
13 have tonight. On behalf of the Commission, I would
14 like to thank you for coming out.

15 This is just one part. We have a
16 hearing scheduled for August, of which all the
17 intervenors will participate. And after that
18 hearing, the Commission will make some decisions.

19 But again, thank you very much for
20 coming out tonight.

21 JUDGE CLARK: I'm going to begin by
22 asking counsel for the parties to make their
23 appearance on record, which will also serve as their
24 production to the public, starting with Liberty
25 Utilities.

1 MR. BOUDREAU: Yes. Thank you, Judge
2 Clark. Appearing on behalf of Liberty Utilities, my
3 name is Paul Boudreau. I've given my contact
4 information to the court reporter.

5 JUDGE CLARK: Thank you, Mr. Boudreau.
6 From the Commission staff?

7 MR. WESTEN: Thank you, judge. My name
8 is Jacob Westen. I am deputy counsel for the staff
9 council office of the Public Service Commission, and
10 my contact information has been provided to the
11 court reporter. Thank you.

12 JUDGE CLARK: Thank you, Mr. Westen.
13 And from the Office of the Public Counsel?

14 MR. WILLIAMS: Thank you, judge. My
15 name is Hampton Williams appearing on behalf of the
16 Office of the Public Counsel, and my contact
17 information has been provided to the court
18 reporter.

19 JUDGE CLARK: Thank you, Mr. Williams.
20 Any intervenors? I see no intervenors.

21 The Commission has already scheduled,
22 as Commissioner Kenney said, an evidentiary hearing
23 in August to take evidence regarding Liberty
24 Utilities' application for rate increase.

25 But it has also scheduled several local

1 public hearings in some of the counties affected to
2 give members of the public a chance to comment about
3 Liberty Utilities' application. And that's the
4 purpose of today's hearing as well.

5 For those of you who would like to
6 provide testimony today, and it appears that there
7 are three people who have signed up to do so, and
8 I'll call people in the order that they are written
9 down.

10 When I call your name, please come down
11 front to the podium. I'll ask you to -- I'll place
12 you under oath and I'll ask you to state and spell
13 your name, and then you can offer your comment to
14 the Commission.

15 There's no specific time limit, but I'm
16 going to ask that you try to keep your remarks under
17 five minutes so that anybody who wants to testify
18 gets an opportunity to testify.

19 Also please remain at the podium after
20 your remarks until you have been excused, because
21 the Commission or the attorneys may have questions
22 for you.

23 If the attorneys have questions, I'm
24 going to ask that when they stop -- when the person
25 stops speaking, that you just go ahead and ask your

1 question. Okay?

2 The Commission won't be able to answer
3 any of your questions today because they have to
4 remain impartial until after the evidence is
5 presented in the evidentiary hearing.

6 If you have questions, please speak to
7 the representatives of the company, the Commission
8 staff, or the Office of the Public Counsel who are
9 here today.

10 And my final request before we start
11 the public comment portion is to -- is that you be
12 polite and courteous to everybody who's speaking
13 here and that you treat them as you would like to be
14 treated.

15 With that in mind, I'm going to call
16 the first person to testify, Denice Bart. Ms. Bart,
17 would you raise your right hand to be sworn?

18 (A witness is called to the stand
19 and is placed under oath by Judge
20 Clark.)

21 JUDGE CLARK: Would you please state
22 and spell your name for the record.

23 THE WITNESS: Denice Bart, D-E-N-I-C-E,
24 Bart, B-A-R-T.

25 JUDGE CLARK: And what would you like

1 to tell the Commission, Ms. Bart?

2 * * * * *

3 DENICE BART,

4 of lawful age, having been called as a witness and
5 being first duly sworn, was examined and testified
6 as follows:

7 THE WITNESS: I would like to make sure
8 that we enter this as an exhibit. I did bring a
9 letter.

10 JUDGE CLARK: Okay. And if you'll hand
11 that to the court reporter.

12 THE WITNESS: Can I read it first and
13 then can I hand it to her?

14 JUDGE CLARK: Absolutely. I'm sorry.

15 THE WITNESS: Thank you, judge, thank
16 you, Commissioner, for coming.

17 Holiday Hills Condo Association would
18 like to express our concerns about the proposed 31
19 percent water increase that has been made by Liberty
20 Water.

21 Holiday Hills Condo Association has
22 244 residents that are retired and on a fixed
23 income. With the rate increase of 31 percent, this
24 will affect many owners financially.

25 The Holiday Hills Condo Association

1 asks the Missouri commissioner to take this in
2 consideration in regards to the proposed water
3 increase.

4 Holiday Hills Condo Association also
5 asks the commissioner to be -- to consider that the
6 rate increase, if it's warranted, to only be
7 increased by the annual increase of the consumer's
8 price index.

9 We just ask that, you know, you be
10 considerate of owners that are on a fixed income or
11 that are retired.

12 We also want to make sure we go on
13 record that we've had numerous times of recent phone
14 calls into Liberty Water, and it is a circle that we
15 can never get a resident or someone on the phone to
16 help us in customer service.

17 We had water outage at Holiday Hills
18 yesterday, and we were not notified. I get -- I
19 have 244 owners, so I get calls on my cell phone on
20 a weekend and they're wondering why they have no
21 water pressure, why they don't have water.

22 They don't call Liberty because they
23 don't get an answer. They call me. So then I have
24 to then try to, you know, find contact and -- and to
25 make contact and then pass it on to the -- to my

1 owners.

2 So it's -- the service has lacked. We
3 also would just like to have better communication,
4 have a phone number that actually gets someone on
5 the phone that we can actually, you know, have
6 some -- some help.

7 Also out of my 244 owners, many of them
8 did not receive notice of this -- of this hearing.
9 And whenever I received a notice of it, I put a mass
10 email out to as many owners as had email addresses.
11 Even out of my 244, only about 91 of them have email
12 addresses.

13 So I don't know how many of them
14 actually even received notice of today's meeting.
15 So that is my other concern as well.

16 I did reach out to the Ozark Mountain
17 Resort and talked to the manager over there. And at
18 that point on Friday, she had not received notice of
19 this meeting.

20 So that is my concerns at this time and
21 thank you so much for your time.

22 COMMISSIONER KENNEY: Ma'am, are you
23 the manager?

24 THE WITNESS: I am. I'm the manager
25 for the Holiday Hills Condo Association.

1 COMMISSIONER KENNEY: Okay. May I ask
2 you a question? Have you -- did you discuss any of
3 these issues with the staff or the company this
4 evening?

5 THE WITNESS: This evening we had the
6 question and answering. Yes, we brought up all of
7 these things. And they tell me now that there's
8 been a new phone number change to their website and
9 also to their billing.

10 But yet I had an owner call them today
11 and they were trying to get in contact with them,
12 and they were not able to get in contact with them.

13 They ended up calling us back and
14 saying, "Do you have another number for them because
15 I've not been able to reach them."

16 COMMISSIONER KENNEY: Was that because
17 the number was not going through or that no one was
18 answering?

19 THE WITNESS: They didn't answer. No
20 one answers the phone number.

21 COMMISSIONER KENNEY: So it doesn't
22 even go to a recording?

23 THE WITNESS: I don't know what they
24 experienced, but they did not ever experience anyone
25 to answer the phone.

1 I know when I have tried in the past to
2 call, I get routed to an extension that doesn't have
3 voicemail set up or I get to an operator and they
4 tell me that they don't handle the Missouri company,
5 and so then they tell me another number to call and
6 then I'm on another route.

7 For instance, we had a water outage
8 that was in a boil order. And the Liberty company,
9 they did notify the association. However, I've got
10 244 owners. And they left it in my hands then to
11 contact my owners.

12 COMMISSIONER KENNEY: Do those owners
13 have individual meters?

14 THE WITNESS: They do. They have
15 individual meters, yes. They were billed
16 individually.

17 COMMISSIONER KENNEY: But they failed
18 to notify them and just notified you?

19 THE WITNESS: That's right. And then
20 whenever the boil order -- on the second day of the
21 boil order, all the owners were calling me saying,
22 "Can we drink our water?"

23 And I said, "I don't know. I've been
24 trying to get a hold of Liberty, and I have not been
25 able to reach them. All I get is -- it just rings

1 or, you know, voicemail. I don't get a live
2 person."

3 Commissioner, it took me an hour one
4 day to get somebody to answer the phone whenever we
5 had the boil order.

6 COMMISSIONER KENNEY: I'm sure that's
7 frustrating.

8 THE WITNESS: Very frustrating when you
9 have that many customers, yes.

10 COMMISSIONER KENNEY: Okay. Thank you
11 very much.

12 THE WITNESS: Thank you.

13 JUDGE CLARK: How long ago was the boil
14 order?

15 THE WITNESS: I think it was about a
16 month or six weeks ago. I don't -- I don't have an
17 exact date.

18 JUDGE CLARK: Okay. Thank you very
19 much. If you'll give your letter to the court
20 reporter.

21 THE REPORTER: Thank you.

22 JUDGE CLARK: If you'll mark that as an
23 exhibit.

24 (Upon request of the Regulatory
25 Law Judge, Exhibit 1, Letter, was

1 marked for identification by the
2 court reporter.)

3 JUDGE CLARK: Jan Fischer? Mr.
4 Fischer, would you please raise your right hand to
5 be sworn?

6 (A witness is called to the stand
7 and is placed under oath by Judge
8 Clark.)

9 THE WITNESS: Would you please state
10 and spell your name.

11 THE WITNESS: My name is Jan Fischer,
12 J-A-N, F-I-S-C-H-E-R.

13 JUDGE CLARK: And what would you like
14 to tell the Commission?

15 * * * * *

16 JAN FISCHER,
17 of lawful age, having been called as a witness and
18 being first duly sworn, was examined and testified
19 as follows:

20 THE WITNESS: Well, I just wanted to
21 make a general comment with respect to I -- from my
22 perspective the rate increase would be unwarranted,
23 simply because of the fact I've lived in my home for
24 less than a year.

25 And in that year's time, or slightly

1 less than a year; it will be -- August 15th will be
2 a year, my -- my water has been out four separate
3 times.

4 And you know, whether it's for one
5 hour, two hours, or all day long, sometimes I don't
6 know. I simply have to go to work. You know,
7 typically unshaven or whatever, you know, that kind
8 of thing.

9 It's not -- it's not necessarily an
10 enjoyable thing. You just come home and hope that
11 your water is back on, and sometimes it is -- or
12 most of the time it is.

13 But it's just one of those things that
14 the communication -- it's always me making the call,
15 "Hey, what's going on here?" It's never coming from
16 Liberty to me.

17 Yesterday, I called and -- and the
18 woman that I spoke with said that somebody will be
19 getting back with me, and he did. I don't know if
20 that was you. I'll assume so. But you know, very
21 prompt and such.

22 But the prior time, whenever it was,
23 five, six weeks ago, whenever it went out, you know,
24 I called in again saying, "What's going on in this
25 situation?"

1 And they said, "Well, we've got a boil
2 advisory or boil order," you know, whichever one it
3 is. It doesn't matter; it just means you're not
4 supposed to drink it without, you know, preparing
5 it.

6 In that situation somebody will be
7 calling you back, and nobody ever called back.

8 And so those are just the kinds of
9 things that I think we just need to take care of
10 business first before we increase our rates.

11 JUDGE CLARK: Okay. Thank you for your
12 comments.

13 COMMISSIONER KENNEY: Thank you very
14 much, sir.

15 JUDGE CLARK: Sally Chowning? Ms.
16 Chowning, did I say your name right?

17 THE WITNESS: Yes.

18 JUDGE CLARK: Would you please raise
19 your right hand to be sworn?

20 (A witness is called to the stand
21 and is placed under oath by Judge
22 Clark.)

23 JUDGE CLARK: Would you please state
24 and spell your name.

25 THE WITNESS: Sally Chowning,

1 S-A-L-L-Y, C-H-O-W-N-I-N-G.

2 JUDGE CLARK: And Ms. Chowning, what
3 would you like to tell the Commission?

4 * * * * *

5 SALLY CHOWNING,
6 of lawful age, having been called as a witness and
7 being first duly sworn, was examined and testified
8 as follows:

9 THE WITNESS: I would like to tell the
10 Commission that if Liberty is awarded this increase,
11 that they use some of that money to be better
12 communicators with their customers.

13 I have never personally been notified
14 of a water outage or a boil advisory or of this
15 hearing tonight. I find them all out some other
16 way, like turning my water on and nothing happens.

17 JUDGE CLARK: And how were you informed
18 about this hearing tonight? How did you find out
19 about it?

20 THE WITNESS: The manager of our condo
21 association, who also didn't hear till a week ago
22 and then informed those of us who had email. Those
23 of us who didn't, didn't get informed because not
24 that many have email.

25 JUDGE CLARK: And what has -- have you

1 tried to contact the company perhaps?

2 THE WITNESS: I did when we had the
3 boil order to see when we would be able to drink our
4 water again, but I wasn't able to reach anybody who
5 knew anything.

6 JUDGE CLARK: Did you have anything
7 else you wanted to tell the Commission?

8 THE WITNESS: No.

9 JUDGE CLARK: Thank you for your
10 comments.

11 COMMISSIONER KENNEY: Thank you.

12 JUDGE CLARK: Okay. Those are all the
13 people that signed up to speak tonight.

14 Is there anybody, having heard people
15 speak, who realized that they would like to make a
16 public comment to the Commission for us to consider?

17 If you get home and you decide that you
18 do want to make a comment or if you have a friend
19 who wanted to make a comment but couldn't be here
20 tonight, I want to remind you that you can always
21 make a comment anytime before the evidentiary
22 hearing by contacting the Office of Public Counsel
23 or by going to the Public Service Commission's web
24 page. There is a spot that you can leave a comment.

25 The Commission does take the comments

1 very seriously and they do look at all of them, so I
2 would encourage you to do so if you have additional
3 comments you want to make.

4 With that in mind, thank you all for
5 coming out tonight. This hearing is now adjourned
6 and we will go off the record.

7 (Whereupon, the proceedings were
8 concluded at 6:49 p.m. on Monday,
9 July 23, 2018.)

10 (Exhibit 1 was left in the custody
11 of the court reporter and will
12 accompany the original transcript
13 upon completion.)

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CERTIFICATE OF REPORTER

I, Karen Vest, Registered Professional Reporter, Certified Realtime Reporter, and Certified Court Reporter within 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 Vest, RPR, CRR,
Missouri CCR No. 846

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