

In the Matter of:

MISSOURI-AMERICAN WATER COMPANY'S REQUEST FOR AUTHORITY, etc.

WR-2020-0344, VOL. X

January 29, 2021



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BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

Public Hearing

January 29, 2021

Jefferson City, Missouri

Volume 10

WebEx

In The Matter of Missouri-American)
Water Company's Request for)
Authority to Implement General) File No.
Rate Increase for Water and Sewer) WR-2020-0344
Service Provided in Missouri)
Service Areas)

NANCY DIPPELL, Presiding
REGULATORY LAW JUDGE

WILLIAM P. KENNEY
JASON R. HOLSMAN,
COMMISSIONERS

REPORTED BY:
Beverly Jean Bentch, CCR No. 640
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A P P E A R A N C E S

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P R O C E E D I N G S

1
2 JUDGE DIPPELL: Let's go ahead and go on the
3 record. First I would like to ask everyone to be sure
4 and mute your computer or your phone or how you're
5 calling in unless you are speaking. That will help us
6 with any feedback issues. And if you are on a call-in
7 line, you may have to hit *6 to unmute when you are
8 ready to speak.

9 Today is January 29, 2021. The Missouri
10 Public Service Commission has set this time for a
11 virtual local public hearing in Case No. WR-2020-0344.
12 That's In the Matter of Missouri-American Water
13 Company's Request for Authority to Implement a General
14 Rate Increase for Water and Sewer Service Provided in
15 Missouri Service Areas.

16 The Commission has scheduled this local public
17 hearing, which we are holding virtually, to give members
18 of the public a chance to comment about
19 Missouri-American's request. The Missouri Public
20 Service Commission regulates the rates charged by
21 investor-owned public utility companies in Missouri to
22 ensure that those rates are just and reasonable. The
23 Commission also regulates the quality of service and
24 safety of operations of those public utilities.

25 The Commission is made up of five

1 commissioners. The commissioners are appointed by the
2 Governor to fixed terms and confirmed by the Senate.
3 The commissioners employ a staff of engineers,
4 accountants, attorneys, financial analysts and other
5 specialists in the field of utility regulation.

6 My name is Nancy Dippell. I'm a Regulatory
7 Law Judge with the Commission, and I will be presiding
8 over this hearing today. With me on the line are
9 Commissioner Kenney and Commissioner Holsman.

10 This is an official hearing of the Missouri
11 Public Service Commission, and the statements and
12 testimony of the witnesses will be recorded by a court
13 reporter and will therefore be given under oath or
14 affirmation. All of the commissioners will then have an
15 opportunity to read the witnesses' remarks and those
16 comments will be put into the official case file of this
17 case.

18 I'd like to go ahead and begin by asking the
19 counsel that are present for the parties to enter their
20 appearance for the record. Can we begin with
21 Missouri-American Water?

22 MR. LUFT: Thank you, Judge Dippell. Tim
23 Luft, 727 Craig Road, St. Louis, Missouri 63141, counsel
24 for Missouri-American Water. Thank you.

25 JUDGE DIPPELL: And Commission Staff?

1 MS. PAYNE: Thank you, Judge. Whitney Payne
2 on behalf of the Staff of the Missouri Public Service
3 Commission.

4 JUDGE DIPPELL: Thank you. Office of the
5 Public Counsel?

6 MR. HALL: Good afternoon, Judge. Thank you.
7 Caleb Hall appearing on behalf of Missouri's Office of
8 the Public Counsel. Our office address is 200 Madison
9 Street, PO Box 2230, Jefferson City, Missouri 65102.

10 JUDGE DIPPELL: Thank you. And are there any
11 of the official intervenors that have attorneys present
12 that needed to make an entry? I'm not hearing any.

13 So the process that we're going to follow for
14 the second half of this proceeding is that I have a list
15 of names of people who have preregistered to speak. I
16 will go down the list and call those names. When I do
17 call your name, just go ahead and unmute yourself and
18 then I'll ask you to give an oath or affirmation to tell
19 the truth. You can state your name and spell it, and
20 also it is helpful if you'll give us the area in which
21 you receive service since Missouri-American provides
22 both water and sewer service in various places all
23 around this state. So if you could state the type of
24 service that you receive and the area that you receive
25 that service, that would be helpful. And then you'll go

1 ahead and give us your comments.

2 We shouldn't have too much trouble with
3 timing; but just to be courteous to everyone and their
4 time today, I would ask that you keep your remarks to no
5 more than five minutes and that way everyone can have a
6 chance to testify that wants to do so.

7 After I've gone through the list of people who
8 have preregistered, I will open it up and ask those who
9 are still on the line if there are anyone else that
10 wants to give comments to the Commission. I would ask
11 you also to stay on the line immediately following your
12 comments so that if the commissioners, myself or some of
13 the attorneys have some clarifying questions they can
14 ask those of you before you get off the line.

15 Let's see. The audio of this testimony
16 portion of the hearing is also being streamed on our
17 internet website. That's the Commission's website at
18 psc.mo.gov. That will be recorded and will remain on
19 the website for some time if there are other people that
20 want to hear the testimony portion.

21 The commissioners won't be able to answer your
22 questions today, because they have to remain impartial
23 until after all of the evidence is presented in this
24 case. They have not made any decisions in this case at
25 this point. And this is part of the their fact

1 gathering process to hear your comments and then use
2 them in conjunction with the evidence the parties
3 present to help make their decision.

4 If you have questions still after the hearing,
5 you can use the same email address you used to register
6 for this hearing or if you have additional comments
7 you'd like to make in writing. That is
8 mawccomments@psc.mo.gov. And you can also call the
9 Commission's consumer services hotline at 800.392.4211
10 if you want to give comments, additional comments, or
11 try to find a good way to have your questions answered
12 if you weren't able to get all of the information you
13 needed here today.

14 There's also a spot on the Commission's
15 website under this case file that you can leave written
16 comments directly into the comment section of this case
17 file. Last little housekeeping thing that I'll say is
18 that there is a chat feature on this WebEx internet
19 interface. That is not an official comment area.
20 Sometimes in other hearings people have used that to get
21 additional information, to find a phone number, and
22 staff are monitoring that chat but those comments, any
23 comments that go into that will not be recorded in the
24 official file.

25 I think then that that is all of my

1 introductory information and we can go ahead and begin
2 with witness testimony. The first person I have on my
3 preregistration list is Daniel Ward. Is Daniel Ward
4 available?

5 MR. WARD: Yes, I am. Can you hear me?

6 JUDGE DIPPELL: I can hear you. Thank you.
7 If you could please raise your right hand if you're
8 able.

9 (Witness sworn.)

10 JUDGE DIPPELL: Great. Would you please state
11 your name and spell it for the court reporter?

12 MR. WARD: Daniel, no middle initial, Ward,
13 D-a-n-i-e-l W-a-r-d.

14 JUDGE DIPPELL: Thank you. If you could tell
15 us where you receive service if you're a customer and
16 then give us your comments.

17 MR. WARD: Yes. I'm in the Branson West area,
18 specifically in Stonebridge Village, and currently a
19 customer for Missouri-American Water for both water and
20 sewer service.

21 JUDGE DIPPELL: Okay. Go ahead with your
22 comments.

23 MR. WARD: Okay. Yes, my specific concern or
24 a big concern is I listened in to all of the 2018
25 hearings for many days and many hours, but it was very

1 educational on how the process worked. Anyway, I did
2 pay attention to everything that was said. One of the
3 things that disturbed me was the lack of consideration
4 of specific fiscal and social considerations regarding
5 the districts themselves and the demographics of the
6 district with regard to ratesetting. Specifically the
7 household incomes, for instance. The mean household
8 income was not even mentioned for each district.

9 And there was a lot of assumption made. In
10 fact, one off-the-cuff comment that kind of raised the
11 hair on the back of my neck here was when they made
12 jokes stating that the people in Branson with the
13 \$500,000 homes probably won't notice the rate increase.

14 Well, specifically we're in Stone County here,
15 and Stone County has a much lower median household
16 income than St. Louis County. In fact, the average
17 household income in Stone County is \$41,000 a year. And
18 while, yes, I specifically live in Stonebridge Village,
19 there's a couple, a few \$500,000 homes, but we have 610
20 residences here and many of those are one-bedroom,
21 two-bedroom and three-bedroom condominiums. In fact, my
22 mother who is 88 years old lives in one of the
23 three-bedroom condominiums that I purchased for her, and
24 her household income is fixed on social security and
25 that's it. That's why I moved here so she had

1 assistance.

2 There's many people like that that live here.
3 That assumption was wrong and should never have been
4 stated. That was a very poor assumption. So therefore,
5 when you look at St. Louis with the average income of
6 \$61,000 a year versus Stone County average income of
7 \$41,000 a year, I think that's a significant
8 consideration that should be put into the process.

9 I do know to say that oh, well, we use these
10 people to offset the costs of the infrastructure in St.
11 Louis County, take the Branson, raise their rates so
12 they can offset the costs of doing improvements in St.
13 Louis County. No, that's the wrong way to approach it.
14 That's like let's tap the poor so we can pay for the
15 rich. I think, you know, little bit of reverse logic
16 there when you look at how that works, you know. So
17 anyway, when you look at other processes in a democratic
18 society. That was a major concern. I think it needs to
19 be considered here.

20 The staff did a great job in the analysis. I
21 read it. Very good analysis on the waterworks
22 financials. And back when you look at that, in 2018, it
23 was agreed upon for 9.55 percent ROE, I believe. Yes,
24 you'll verify that. If that's what was agreed upon in
25 2018 by all parties, that would be -- no, 9 to 10

1 percent, that's what it was, 9.5 to 10 percent would be
2 the agreed upon ROE. So if that's the case, that's
3 agreed upon ROE. You will go down the road and say hey,
4 we changed our mind, we want ROE higher than that. That
5 shouldn't be the way it works. They agreed upon it in
6 2018. That's the way it should be. When you work at
7 the American Waterworks Company and the wealth they've
8 acquired in the last two years, it is astronomical.
9 February 1, '17, the stock price was \$78 a share. Today
10 right now I just checked it it's \$159. Okay. So \$78,
11 \$159 in two years or three years here, whatever, I mean,
12 if you look at that rate of increase and it's not a
13 decline. The trend line is up. This company's trend
14 line is up. You know, I mean, it's not trending down.
15 The earnings per share goes up. I mean, this is a very
16 wealthy company with the CEO in her third quarter
17 briefing promising -- or forecasting a 7 to 10 percent
18 increase annually to the company's dividend to
19 stockholders. A 7 to 10 percent dividend promise from a
20 CEO means hey, we're rich, we're going to get richer,
21 you know. And when you look at what they base their
22 promises on, it's on rate increases.

23 So I think, you know, we get frustrated down
24 here as customers, especially people on fixed income
25 when you're giving companies these kinds of rate

1 increases that exceed the Consumer Price Index and the
2 inflation rate for the rest of the country and we're in
3 a pandemic. Half the people here aren't working. You
4 know, the unemployment rate in Branson area goes over 30
5 percent during this time of year, and the churches are
6 feeding people. That's what we do here in the
7 wintertime. We feed the people that are unemployed when
8 everything shuts down.

9 These are the things. The social
10 consideration should be in there. I mean, this is a
11 utility company providing a necessary service. Okay.
12 So that's what frustrates us here. Yeah, okay, we got a
13 golf course like, you know, and so forth. You know,
14 other people are impacted by this. I'm lucky enough to
15 be in good shape financially. But I look at the other
16 people here. They are not such. This is hurting them.

17 We actually had people move out of here
18 because of the cost. Okay. And this is one of the
19 things they're very frustrated at is that these water
20 rates are just going up, up, up and the sewer rates are
21 going up, up, up.

22 Anyway, I just don't understand it, how we can
23 make this company so wealthy off the backs of the
24 ratepayers. If this company was breaking even, I can
25 see one thing but it's not breaking even. And I looked

1 at the executive salaries, and I don't want to get into
2 that detail, they're doing okay. But anyway, that's all
3 I have to say. Thank you.

4 JUDGE DIPPELL: Thank you, Mr. Ward. Are
5 there any questions from the commissioners or attorneys
6 for Mr. Ward? I'm not hearing any. So we appreciate
7 your participation in this today. Thank you.

8 MR. WARD: Thank you. And again, the staff,
9 that was amazing work you did on that analysis. I read
10 it all. You have some very talented people. I
11 appreciate that. Thank you.

12 JUDGE DIPPELL: I'm sure our staff appreciates
13 your comments. Thank you.

14 Michelle Hyde? Is Michelle Hyde available?
15 And again, if you are on a phone, you may have to hit *6
16 to unmute the system. I'm not hearing Ms. Hyde. If I
17 go past you, you'll have an opportunity at the end to
18 join us and give comments. Diana Allynn?

19 MS. ALLYNN: Yes.

20 JUDGE DIPPELL: Ms. Allen, thank you. Would
21 you please raise your hand if you're able.

22 MS. ALLYNN: I am.

23 (Witness sworn.)

24 JUDGE DIPPELL: Thank you. If you could state
25 your name and spell it for the court reporter?

1 MS. ALLYNN: D-i-a-n-a Allynn, A-l-l-y-n-n.

2 JUDGE DIPPELL: And if you could tell us what
3 area that you live in and what kind of service you
4 receive if you're a customer?

5 MS. ALLYNN: Yes. I receive the water
6 service. I'm at 140 Forest Lane, Branson, Missouri in
7 the Woodlands.

8 JUDGE DIPPELL: Okay. Go ahead with your
9 comments.

10 MS. ALLYNN: Well, I guess it was I had
11 mentioned earlier too that I just wanted to know why we
12 were doing this during the middle of a pandemic when, I
13 think David Ward said it best, we've got 30 some percent
14 unemployment. Most all of us -- I mean, we live in a
15 tourist industry. And we, you know, when I always joke
16 about and say we are the -- the nonessential of
17 nonessentials. We don't have anybody coming. We don't
18 have any income. We don't have anything. And then to
19 see that there's a 5, \$6 increase going to come every
20 single month, you know, for a lot of us we're having a
21 hard time just feeding our kids. It's like why now.
22 Why can't we have this discussion just 12 months from
23 now.

24 JUDGE DIPPELL: Thank you. Are there any
25 questions for Ms. Allynn? I'm not hearing any. Thank

1 you so much for your participation, Ms. Allynn. We
2 appreciate your comments.

3 MS. ALLYNN: Thank you.

4 JUDGE DIPPELL: Lisa Gilmore? I'm not hearing
5 anyone. Doug Smith? I'm not getting anyone. I have a
6 list also of people who preregistered but did not give
7 us which hearing they were planning to participate in.
8 I'm sorry. Who do I have on the line?

9 MR. SMITH: This is Doug Smith.

10 JUDGE DIPPELL: Very good. Mr. Smith --

11 MR. SMITH: I just heard the first comment. I
12 heard you say that you needed to hit *6 to unmute. So
13 that's what I just did. Anyway, I'm on now.

14 JUDGE DIPPELL: Great. If you could please
15 raise your right hand.

16 (Witness sworn.)

17 JUDGE DIPPELL: Would you please state your
18 name and spell it for the court reporter?

19 MR. SMITH: Douglas Smith, D-o-u-g-l-a-s
20 Smith, S-m-i-t-h.

21 JUDGE DIPPELL: And tell us the area you live
22 in, the service you receive if you're a customer and
23 then give us your comments.

24 MR. SMITH: I live in St. Louis County,
25 specifically Concord Village. Zip code 63128. My

1 address is 10411 Vintage Court. I do receive water
2 service and also sewer service.

3 JUDGE DIPPELL: Okay. Go ahead with your
4 comments for us.

5 MR. SMITH: I'm just commenting that I have
6 not done extensive research like the first gentleman,
7 but the rate increase is considerable considering we had
8 a rate increase just a couple years ago. And the rate
9 increase for St. Louis for my area probably would cover
10 a brand new water tower which is about 50 percent larger
11 than the existing one over in Sunset Hills area.

12 So that's what this -- supposedly this rate
13 increase is going to cover part of. Also, it's just --
14 It seems like the rates just keep going up and up and
15 up. I understand to a certain point but not like --
16 It's going to be like a 22, 23 percent increase. That's
17 pretty steep. I'm just asking that you please
18 reconsider this and perhaps make better use. I'm not
19 complaining but I'm just saying that a lot of the times
20 that we have water service repairs done on the streets
21 in St. Louis County, specifically my street real close
22 to me, Concordia School Road is having new water service
23 put in up there and sewer service.

24 The gentleman that had been up there for the
25 last three days with the exception of yesterday, that

1 would be -- well, they started on Friday and then
2 Monday, Tuesday and Wednesday they sat in their cars the
3 entire time. They didn't do anything. Well, wait a
4 minute. Let me back up one. Tuesday they did work.
5 They started digging up the street. The rest of the
6 time they sat in their cars. And this could be verified
7 by other residents in the subdivision.

8 I just think that that's not really good use
9 of manpower and I don't think that the executives at the
10 water company would put up with that. I don't care if
11 they're union or not. You just don't do that.

12 So I would ask that that doesn't happen any
13 more. Anyway, that's the end of my discussion. Thank
14 you very much.

15 JUDGE DIPPELL: Thank you, Mr. Smith. Are
16 there any questions for Mr. Smith?

17 MR. LUFT: Just one clarifying question.
18 Mr. Smith, you're in Concord Village. Is your sewer
19 provider MSD, Metropolitan St. Louis Sewer District?

20 MR. SMITH: Yes, sir.

21 MR. LUFT: Thank you.

22 JUDGE DIPPELL: Thank you. Are there any
23 other questions for Mr. Smith? Thank you, Mr. Smith,
24 for participating today. We appreciate your comments.

25 MR. SMITH: Thank you for the opportunity to

1 speak.

2 JUDGE DIPPELL: So that was all of the names
3 that I had on my preregistered list, but I do have some
4 people who said that they would like to testify. This
5 is the eighth of these local public hearings, comment
6 hearings that we've had in the last week and a half.
7 I'm going to just go through these names in case some of
8 these people are on this line.

9 And I'm going to go through these pretty
10 quickly. Again, if I go past you and you're not able to
11 speak up, just speak up when you're able. You may again
12 have to press *6 if you're on a phone to unmute. David
13 Parr? Julie or Terry Hayes? Is someone -- there we go.
14 Barbara Yusen? Bruce Kondracki? Phillip Mitchel?
15 Clarissa Cobb-Fritz? Jasmine Jones or Nancy Norton?
16 I'm not getting anything from any of those folks. So at
17 this time then I would just open it up to the rest of
18 you that are on the line if you wish to give comments.
19 If you can unmute and speak up, I will get to you as I
20 can identify you.

21 Is there anyone else that -- There we go. Is
22 that someone on the line to give comments?

23 MR. LAMOUREUX: This is Les Lamoureux.

24 JUDGE DIPPELL: Okay. Can you please raise
25 your right hand.

1 (Witness sworn.)

2 JUDGE DIPPELL: Can you please spell your name
3 for the court reporter?

4 MR. LAMOUREUX: Les, L-e-s, Lamoureux,
5 L-a-m-o-u-r-e-u-x.

6 JUDGE DIPPELL: And Mr. Lamoureux, would you
7 tell us what part of the state you reside in and what
8 kind of service you receive from the company?

9 MR. LAMOUREUX: Branson West Area and
10 Stonebridge Village. And I receive water and wastewater
11 sewer.

12 JUDGE DIPPELL: All right. Go ahead and give
13 us your comments.

14 MR. LAMOUREUX: My comments have to do with
15 again the amount of increase here being 15 percent plus
16 for water and 20 percent plus for wastewater. And in
17 the last session that we had with the Q&A, it was
18 explained that infrastructure drives most of this need
19 for increase. I certainly understand that everything
20 wears out and needs to be replaced. And I also
21 understand that some of this needed to be replaced many
22 years ago.

23 However, when it comes to how to pay for it,
24 I'm not -- I don't think that a rate increase is the
25 best way to do it because the rate increase like taxes

1 once you raise tax rarely ever does that tax go away.
2 So the rate increase you're basically forever going to
3 be paying for that infrastructure even after it has been
4 paid for.

5 I was thinking more along the lines of special
6 assessment. There are -- In a certain project in a
7 certain district there may be a certain dollar amount of
8 infrastructure improvements and those customers could be
9 billed a special assessment for that improvement and
10 maybe it could be stretched out over 12 to 24 months,
11 whatever. And once that special assessment is paid,
12 that improvement has been paid for. And we go on paying
13 your regular rate for water and sewer with maybe a
14 smaller increase from year to year like a 1 to 2 percent
15 increase.

16 I mentioned earlier that I'm on social
17 security, and the government has promised me a whopping
18 1.3 percent increase. Others have already expressed
19 their concern about this being during a pandemic that
20 has hurt many people financially.

21 So I just don't like the way that the
22 infrastructure improvements are included in a rate
23 increase that's probably never going to go away. And
24 I'm also concerned about the amount of that increase.
25 Those are my concerns.

1 JUDGE DIPPELL: Thank you, sir, for those
2 comments. Are there any questions for this witness?
3 Okay. I appreciate your comments, Mr. Lamoureux.

4 MR. LAMOUREUX: Thank you very much.

5 JUDGE DIPPELL: Is there anyone else on the
6 line that would like to testify? If you would like to
7 speak or give further comments, just unmute yourself.
8 If you're on a phone, you'll have to unmute your phone
9 and then hit *6 to unmute the system. If you're logged
10 in on the internet, you can hit the unmute button at the
11 bottom of your screen. I don't want to cut anybody off
12 if there's anybody there that would like to speak up.
13 We certainly appreciate all of your time in logging in
14 and participating in these processes. Like I say, this
15 is the eighth of these and the last of these local
16 public hearings, but there are other ways to give your
17 comments. You can contact the Public Service Commission
18 by email. You can email comments to
19 mawccomments@psc.mo.gov. You can go to our website at
20 psc.mo.gov and click on the comments section there or
21 you can call our consumer services if you need to figure
22 out a way to get additional information or to give
23 comments and that's 1.800.392.4211.

24 Is there anyone else that would like to speak
25 at this time? I'm not seeing anything else. Again, the

1 Commission appreciates all of your comments. This is an
2 important part of our process. And if there's no one
3 else, then we can go ahead and wrap up. We can go off
4 the record.

5 COMMISSIONER HOLSMAN: Thank you, Judge.

6 JUDGE DIPPELL: Thank you, Commissioner.

7 COMMISSIONER KENNEY: Thank you, Judge.

8 JUDGE DIPPELL: Thank you.

9 (Off the record.)

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CERTIFICATE OF REPORTER

I, Beverly Jean Bentch, RPR, CCR No. 640, Certified Court Reporter with the firm of Tiger Court Reporting, LLC, within the State of Missouri, do hereby certify that I was personally present at the proceedings had in the above-entitled cause at the time and place set forth in the caption sheet thereof; that I then and there took down in Stenotype the proceedings had; and that the foregoing is a full, true and correct transcript of such Stenotype notes so made at such time and place.

Beverly Jean Bentch

Beverly Jean Bentch, RPR, CCR No. 640

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