

BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

Local Public Hearing

Monday, June 26, 2023  
6:35 p.m. - 6:57 p.m.

WebEx

VOLUME 6  
Pages 1 - 17

In the Matter of Confluence Rivers )  
Utility Operating Company, Inc.'s )  
Request for Authority to Implement ) File No.  
A General Rate Increase for Water ) WR-2023-0006  
Service and Sewer Service )  
Provided in Missouri Service Areas. )

CHARLES HATCHER, Presiding  
SENIOR REGULATORY LAW JUDGE

MAIDA J. COLEMAN  
JASON R. HOLSMAN  
GLEN KOLKMEYER,

COMMISSIONERS

Stenographically Reported By:  
Beverly Jean Bentch, RPR, CCR No. 640

Job No. 146215

1 APPEARANCES:

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20 BY: JOHN CLIZER, ESQ.  
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1 The following proceedings began at 6:35 p.m.:

2 JUDGE HATCHER: Let's go on the record. First  
3 I would ask that everyone please mute themselves unless  
4 they are speaking. That will cut down on the background  
5 noise, prevent some feedback from happening.

6 Today is June 26, 2023. The Missouri Public  
7 Service Commission has set this time for a local public  
8 hearing to give members of the public a chance to  
9 comment about Confluence Rivers Utility Operating  
10 Company's General Rate Increase Application, and that is  
11 File No. WR-2023-0006.

12 The Commission regulates the rates that are  
13 charged by public utility companies in Missouri to  
14 ensure that those rates are just and reasonable. The  
15 Commission also regulates the quality of service and  
16 safety of the operations of public utilities. There are  
17 five Commissioners. They are appointed by the Governor  
18 and confirmed by the Senate.

19 The Commissioners employ a staff of engineers,  
20 accountants, attorneys, financial analysts and other  
21 specialists in the field of utility regulation. Again,  
22 my name is Charles Hatcher. I'm the Regulatory Law  
23 Judge and will preside over this hearing. Again, for  
24 the record with me today are Commissioners Maida  
25 Coleman, Jason Holsman and Glen Kolkmeier.

1 This is an official hearing of the Missouri  
2 Public Service Commission, and the statements and  
3 testimony of the witnesses will be recorded by the court  
4 reporter and are given under oath. The Commissioners  
5 have not made any decisions in this case and therefore  
6 cannot answer any questions. They have to remain  
7 impartial until after all of the evidence is introduced.

8 Let's go ahead and start with our introduction  
9 of counsel. For Confluence, go ahead.

10 MR. WOODSMALL: Thank you, Your Honor. David  
11 Woodsmall on behalf of Confluence River Utility  
12 Operating Company.

13 JUDGE HATCHER: Thank you, Mr. Woodsmall. And  
14 for the Staff of the Commission.

15 MR. THOMPSON: Thank you, Your Honor. Kevin  
16 Thompson for the Staff of the Missouri Public Service  
17 Commission, P.O. Box 360, Jefferson City, Missouri  
18 65102.

19 JUDGE HATCHER: And for the Office of the  
20 Public Counsel.

21 MR. CLIZER: John Clizer on behalf of the  
22 Missouri Office of the Public Counsel. Thank you.

23 JUDGE HATCHER: Thank you all. Normally I  
24 would have a list of witnesses and we would just call  
25 down that list. Today I do not have a prepared list of

1 witnesses. So what I'm going to do is just ask that  
2 anyone who is in the audience who would like to give  
3 their testimony to the Commissioners to speak up, and  
4 what I'll do then is swear you in and we will get you  
5 started with your testimony. If multiple people speak  
6 up, I'll assign a list at that point in time and we'll  
7 go down that list.

8 Is there anyone on the call, and I understand  
9 that lots of questions and answers have already been  
10 taken care of. That was what the very first part of  
11 this meeting was for. This part is the testimony to let  
12 the Commissioners know what your feelings are, what your  
13 thoughts are. The Commissioners and myself, we don't  
14 get to attend that first part with the question and  
15 answers. So if there's anything particular that you  
16 would like to say to the Commissioners, please speak up  
17 and now will be that time.

18 If you're on a phone, it is \*6 to unmute. If  
19 you called in, press \* and the number 6, \*6.

20 Okay. I will read off my typical closing  
21 announcement about how to give some comments just in  
22 case anyone is feeling a little extra introverted or  
23 they know some friends who weren't able to be here, but  
24 then I will come back and I will ask if there's anyone  
25 here who would like to make any comments.

1 MR. CLIZER: Your Honor, one person appears to  
2 have unmuted.

3 JUDGE HATCHER: Excellent. If they can go  
4 ahead and say your name.

5 MR. RAYE: Yes, Your Honor. My name is Steve  
6 Raye.

7 JUDGE HATCHER: And how do you spell your name  
8 for the court record, please?

9 MR. RAYE: Okay. It's Stephen with a p-h,  
10 S-t-e-p-h-e-n, last name is Raye, R-a-y-e.

11 JUDGE HATCHER: Thank you. And I'm going to  
12 swear you in and then ask if you'd like to give your  
13 comments. Do you solemnly swear or affirm that the  
14 testimony you are about to give will be the truth, the  
15 whole truth and nothing but the truth?

16 MR. RAYE: I do.

17 JUDGE HATCHER: Thank you. And please go  
18 ahead.

19 MR. RAYE: Thank you. I live in the Fox Run  
20 Subdivision which is located in Clay County just outside  
21 of Kearney, Missouri, the home of Jessie James. We are  
22 a 40-lot subdivision of acre-and-a-half to two-acre  
23 lots. We have a sewer treatment plant that is serviced  
24 now by Confluence Rivers. It's a gravity leach field  
25 type of a plant.

1           Recently they did do some upgrades to the  
2 site, new culvert, a blacktop road back to it and that.  
3 But as far as any actual work on the treatment facility,  
4 I don't think anything has been performed.

5           We were originally serviced by Central Rivers.  
6 Then in 2022, I believe it was, Elm Hills purchased it  
7 from Central Rivers. At that time Central Rivers, the  
8 agreement that we had with them was for our monthly fee,  
9 included all of our sewer treatment facility operations.  
10 It also included an annual cleaning of our filter system  
11 and our equipment.

12           We have a tank outside of our home that has a  
13 pump in it. When the tank gets to a certain level, it  
14 kicks on the pump, the pump kicks it up to the main line  
15 and it goes down to the treatment plant. Included in  
16 our monthly fee was an annual cleaning where they would  
17 come out, spend a good hour and a half, two hours  
18 cleaning filters, checking wiring, all that and  
19 everything.

20           When Elm Hills took over, that service went  
21 away. We also had a line that we could call for 24-hour  
22 emergency service and they would come out and help us  
23 out. Now, that was an additional cost, but we had a  
24 higher degree of a level of service in that with Central  
25 Rivers prior to Elm Hills. That went away. Our rates

1 continued the same.

2 Then Elm Hills was purchased by Confluence  
3 Rivers, and now they are proposing -- currently it's  
4 44.81 a month. They're proposing if they get everything  
5 82.96 a month. We have suffered diminished services.  
6 We're kind of on our own. We've been kind of left  
7 holding the bag. And I must strongly, strongly object  
8 to any sort of a rate increase. This has kind of turned  
9 from my perspective into this is like a cash cow for  
10 whoever owns it. There's minimal investment in doing  
11 anything and they just collect checks. Just wanted to  
12 go on the record. Thank you for listening to me and my  
13 wonderful little rant. And thanks for your time. I  
14 appreciate it. Thank you, Your Honor.

15 JUDGE HATCHER: Thank you. We appreciate you  
16 taking the time out of your day. Were there any  
17 Commissioner questions for Mr. Raye?

18 Okay. I'm going to move on. I did see  
19 another unmuted call-in. Is anyone else wanting to  
20 speak this evening and testify to the Commissioners?

21 MS. TRUMMER: Yes.

22 JUDGE HATCHER: Go ahead and state and spell  
23 your name for the court reporter, if you would. I think  
24 you might have just muted yourself. It's \*6 to unmute  
25 if you're on a telephone. There you go.



1 MS. TRUMMER: All right. Thank you, Your  
2 Honor. My name is Amy Trummer. It's A-m-y  
3 T-r-u-m-m-e-r.

4 JUDGE HATCHER: And Ms. Trummer, I'm going to  
5 swear you in. Do you solemnly swear or affirm that the  
6 testimony you're about to give will be the truth, the  
7 whole truth and nothing but the truth?

8 MS. TRUMMER: Yes.

9 JUDGE HATCHER: Thank you. If you would  
10 please go ahead.

11 MS. TRUMMER: So I have lived in Glen Meadows  
12 for four years. And when we moved into Glen Meadows, it  
13 was under -- the water and sewer was under Divine Homes  
14 or Don Collier. And so with that being said, we had a  
15 lot of issues. I live back on Glenn Eagles. You  
16 couldn't have your windows open because of the stench.  
17 You couldn't -- Our water was always rusty. It was  
18 just, you know, there was a lot of issues.

19 I personally reported Don and Divine to the  
20 Department of Natural Resources multiple times, along  
21 with other residents, just because of the health hazard  
22 of water and sewage is a big issue.

23 I guess my concern about the rate increase is  
24 I feel like we are having to pay for Don Collier's  
25 negligence and for Divine's negligence. When Confluence

1 took over and bought it, yes, we realized that we might  
2 get meters and rates might go up that way. We  
3 understood that. And we understood that they had to do  
4 some upgrades. But the letter that was sent out because  
5 the upgrades ended up being so much higher than  
6 originally thought I guess. Now I just do not agree  
7 with paying for something that was neglected for years.  
8 I mean, many, many years. And that's all. Thank you.

9 JUDGE HATCHER: Okay. Thank you, Ms. Trummer.  
10 I do appreciate you also taking the time out of your day  
11 to be here and talk with the Commissioners. Are there  
12 any Commissioner questions for Ms. Trummer? Okay.  
13 Hearing none.

14 MR. CLIZER: Your Honor --

15 JUDGE HATCHER: Yes.

16 MR. CLIZER: -- John Clizer, can I pose a  
17 question to the witness?

18 JUDGE HATCHER: Yes.

19 MR. CLIZER: Ms. Trummer, you mentioned  
20 several issues with the service quality while it was  
21 being owned by the prior owner. After Confluence took  
22 possession of the system, have you noticed any change in  
23 the service quality?

24 MS. TRUMMER: I have noticed that we haven't  
25 had rust in our water. It hasn't been as rusty. That's

1 on my end. I have noticed some people just yesterday  
2 said that their water was brown. A lot of people -- or  
3 I've noticed that our water pressure is not super strong  
4 and I think that that's another reason -- I had to pick  
5 up my son. So I apologize for coming in late -- I think  
6 that's another reason why there's a concern about the  
7 other subdivision may be tapping in is because our water  
8 pressure is all over the place. It's either okay or  
9 it's low in our homes.

10 But as far as the stench, I will tell you I  
11 have not -- it's been only here and there with the  
12 smell. And I actually talked to a gentleman that came  
13 to my door because one of our residents reported that  
14 there was waste in the creek. And I called Confluence  
15 and they did send somebody out and he came to my door,  
16 very nice gentleman, and he said they were going to have  
17 the creek pumped out because there was waste from the  
18 previous owner still in there I guess. I don't know why  
19 there would still be waste in there from the previous  
20 owner if it was there originally, but I don't know. But  
21 they did come. They're on top of the issue. They're  
22 apparently pumping it out this week. And then we need  
23 to have a really good rain to get rid of the rest of it.  
24 Other than that, as far as I haven't had rusty water.  
25 Unfortunately more neighbors are not on this call. But

1 on Facebook everybody posts pictures of the rusty water  
2 and the pressure. So you know, I mean, I wish people  
3 would step up and get on the call. Anyway, that's the  
4 answer. I'm sorry.

5 MR. CLIZER: Thank you very much. I have no  
6 further questions, and I'm sure the Judge will instruct  
7 at the end of this on how customers might be able to  
8 make comments if they want.

9 MS. TRUMMER: Thank you.

10 JUDGE HATCHER: Absolutely. Any other  
11 questions for Ms. Trummer? Okay. Are there any other  
12 witnesses in attendance that would like to speak?

13 MS. GIVAN: Yes, I would.

14 JUDGE HATCHER: Yes. If you could please  
15 state and spell your name for our court reporter.

16 MS. GIVAN: Sure. Jan, J-a-n, Givan,  
17 G-i-v-a-n.

18 JUDGE HATCHER: Can you spell that last name  
19 for me again?

20 MS. GIVAN: Certainly. G-i-v-a-n.

21 JUDGE HATCHER: Let me swear you in, Ms.  
22 Givan. Do you solemnly swear or affirm that the  
23 testimony you're about to give will be the truth, the  
24 whole truth and nothing but the truth?

25 MS. GIVAN: Yes.

1 JUDGE HATCHER: Thank you. Go ahead.

2 MS. GIVAN: I just wanted to put in my  
3 comments in regards to the rate increase that I do  
4 object to it. I'm in Branson Cedars and the amount is  
5 just a blanketed amount without meters. And I have a  
6 home that I do not rent and I only occupy about a third  
7 of the year and I pay the same amount as everyone else  
8 that has possibly up to 16 guests a night. So I just  
9 wanted to put in my comments about not being happy about  
10 a rate increase.

11 JUDGE HATCHER: Thank you. I appreciate that.  
12 I thank you also for taking time to join our meeting  
13 this evening. Are there any questions for Ms. Givan?

14 All right. Are there any other -- Anyone else  
15 in attendance tonight that would like to testify? Okay.  
16 I'm going to give my closing announcement which is how  
17 to contact the Commission just in case you change your  
18 mind or know of someone who couldn't be here tonight.  
19 After that, I will call one last time for any in-person  
20 testimony. You can make written comments to the Public  
21 Service Commission by going to the Commission's web  
22 page. That's psc.mo.gov. And in the upper right-hand  
23 corner is a link that says submit comments. And just  
24 make sure that you include the file number for this case  
25 and that is WR-2023-0006. Those comments are open. You

1 can also send a letter in to the Commission via snail  
2 mail. And you can contact the Office of the Public  
3 Counsel. Their email address is mopco@opc.mo.gov.

4 I think that was everything. Are there -- I'm  
5 going to return now and ask if there's anyone else on  
6 our WebEx meeting that would like to testify.

7 Okay. Before we adjourn, are there any  
8 closing comments from our Commissioners?

9 MS. TRUMMER: Your Honor, this is Amy Trummer.  
10 I missed the first way to get a hold of you guys for  
11 other people.

12 JUDGE HATCHER: You mean for the Office of  
13 Public Counsel, the email is mopco@opc.mo.gov.

14 MS. TRUMMER: Okay. All right. Thank you.  
15 Can I just send an email there?

16 JUDGE HATCHER: Yes. Let me see if I can get  
17 you an email for Staff as well.

18 MR. CLIZER: While he's looking that up, I  
19 would point out that the contact information should be  
20 on the notice that you received that included how to get  
21 on this call. So at the bottom of that should have the  
22 mailing address for both I believe Staff and OPC if you  
23 want to send written comments that way and you can also  
24 find our telephone number online and they should be  
25 listed on that sheet as well.

1 JUDGE HATCHER: Yes. Excellent point. Thank  
2 you, Mr. Clizer.

3 MS. TRUMMER: Thank you very much. Is there a  
4 deadline?

5 JUDGE HATCHER: The hearing for the case is  
6 scheduled for August. So up until then would be a good  
7 time to submit any of your comments. I think we start  
8 on August 10. Okay. I'll ask the audience one last  
9 time before we go, are there any other persons that wish  
10 to testify? Okay. I would like to thank everyone for  
11 taking the time to be here, all of the counsel, the  
12 Commissioners and all of our witnesses and attendees.  
13 We're going to go ahead and adjourn the hearing at this  
14 time, and we'll go off the record.

15 (Thereupon, the hearing concluded at 6:57  
16 p.m.)

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## CERTIFICATE OF REPORTER

STATE OF MISSOURI )

COUNTY OF COLE )

I, Beverly Jean Bentsch, RPR, CCR No. 640, do hereby certify that I was authorized to and did stenographically report the foregoing Public Service Commission local public hearing; and that the transcript, pages 1 through 16, is a true record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or counsel connected with the action, nor am I financially interested in the action.

Dated this 7th day of July, 2023.

Beverly Jean Bentsch

Beverly Jean Bentsch, RPR, CCR No. 640

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