

1 BEFORE THE PUBLIC SERVICE COMMISSION

2 STATE OF MISSOURI

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4 TRANSCRIPT OF PROCEEDINGS

5 Discovery Conference

6 January 26, 2012

7 Jefferson City, Missouri

8 Volume 18

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11 In the Matter of

12 Missouri American Water)

13 Company's Request For)

14 Authority To Implement A) File No. WR-2011-0337,

15 General Rate Increase For) et al.

16 Water and Sewer Service)

17 Provided In The Missouri)

18 Service Areas)

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20 HAROLD STEARLEY, Presiding

 SENIOR REGULATORY LAW JUDGE

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23 REPORTED BY:

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1 JUDGE STEARLEY: Today is Thursday,
2 January 26, 2012. The Commission set this time
3 for a discovery conference in File No. WR-2011-
4 00337, which is captioned as: In the Matter of
5 Missouri American Water Company's Request for
6 Authority to Implement a General Rate Increase
7 for Water and Sewer Service provided in the
8 Missouri Service Areas.

9 My name is Harold Stearley, and I'm
10 the presiding officer in today's conference, and
11 we shall begin by taking entries of appearance
12 starting with Missouri American.

13 MR. COOPER: Dean Cooper from the law
14 firm of Brydon, Swearingen, England, P.C., P.O.
15 Box 456, Jefferson City, Missouri 65102,
16 appearing on behalf of the Missouri American
17 Water Company. Also on the phone appearing on
18 behalf of Missouri American is Ms. Tracy
19 Elsmeier, and then also joining us on the phone
20 from Missouri American Water Company is
21 Mr. Denny Williams.

22 JUDGE STEARLEY: Thank you,
23 Mr. Cooper.

24 For the Office of Public Counsel.

25 MS. BAKER: Thank you. Christina

1 Baker, P.O. Box 2230, Jefferson City, Missouri
2 65102, appearing on behalf of the Office of
3 Public Counsel.

4 JUDGE STEARLEY: Thank you,
5 Ms. Baker.

6 And for the Staff of the Missouri
7 Public Service Commission.

8 MS. LEWIS: Rachel Lewis and Sarah
9 Kliethermes on behalf of the Staff of the
10 Missouri Public Service Commission.

11 JUDGE STEARLEY: Thank you,
12 Ms. Lewis.

13 There's no other counsel for parties
14 here in the hearing room. Any of the other
15 interveners on the phone?

16 (No response.)

17 JUDGE STEARLEY: Hearing none, we'll
18 just make record that no other party have shown
19 up.

20 Mr. Cooper, last time we were here,
21 Mr. Conrad with Ag Processing had some issues
22 regarding e-mails and attachments. Are you
23 aware if that's all been resolved at this
24 point?

25 MR. COOPER: That's really a tough

1 question. I guess I'm going to have to answer in the
2 negative. I'm not aware that there's a problem
3 today. If there is, we haven't been made aware of it.

4 JUDGE STEARLEY: All right. There's
5 nothing that's been filed, and that's kind of where we
6 left off.

7 MR. COOPER: Mr. England and Mr. Conrad
8 were having those conversations, but I'm not aware of
9 any issues at this point in time.

10 JUDGE STEARLEY: All right. Well, are
11 there any other issues from Staff or parties here?

12 MS. LEWIS: Staff has some information
13 with the EO92-0243, 0258, and 0278. This is in regard
14 to St. Joseph's retirement record and the system
15 infrastructures in the property records that the
16 Company has or does not have.

17 We need this information to provide a full
18 analysis and to fully support our position. We have a
19 meeting scheduled with Missouri American. If that
20 doesn't resolve -- obviously, we sent a number of data
21 requests trying to get the information, and the
22 answers have been somewhat contradictory or they don't
23 answer the questions asked, so if we don't get our
24 questions answered, then we suspect that a Motion to
25 Compel will be filed and then a conference with you,

1 Judge --

2 JUDGE STEARLEY: Okay.

3 MS. LEWIS: -- would be necessary, but at
4 this time we're working with the Company to try to
5 resolve this.

6 JUDGE STEARLEY: You say you have a
7 meeting?

8 MS. LEWIS: Yeah.

9 JUDGE STEARLEY: When is that scheduled?

10 MS. LEWIS: We're supposed to meet after
11 this discovery conference.

12 JUDGE STEARLEY: All right. What I would
13 suggest, given the time lines of the case -- we're
14 rapidly approaching evidentiary hearing at this
15 point. If there's an issue you think, discovery to be
16 compelled, you set up a phone conference, and we'll go
17 on it, immediately, on the phone.

18 MS. LEWIS: Okay.

19 JUDGE STEARLEY: That way it'll be an
20 opportunity if -- depending on what that ruling is as
21 for someone to file a Motion for Reconsideration --

22 MS. LEWIS: Okay.

23 JUDGE STEARLEY: -- at this point and move
24 quick, so I guess don't hesitate to call. I'll be in
25 the office today. I won't be in the office tomorrow,

1 but I will still be checking work e-mails --

2 MS. LEWIS: Okay.

3 JUDGE STEARLEY: -- so I can be in the
4 office, if you need me.

5 Any other matters?

6 MS. BAKER: The only matter that I would
7 bring up is that RDRs have been answered; however,
8 with the shortened time frame after the revenue
9 requirement, things were not coming during the ten
10 calendar days.

11 There's been extra time in there. I
12 haven't pushed the issue, but with us changing after
13 surrebuttal next week to the seven days, I do want to
14 hold to that time frame very carefully.

15 JUDGE STEARLEY: Certainly, and if there's
16 problems, you don't have to wait. I think we've got,
17 what, a final discovery conference February 10, and
18 certainly wouldn't want you to be waiting. We'll set
19 up a phone conference as quickly as possible, if
20 there's a problem.

21 Also if after surrebuttal the parties find
22 the cutoff date for the discovery request is not
23 sufficient, then let me know promptly, please,
24 Theoretically, this is not imposed to cut off anybody
25 when they need to conduct discovery, but we like to be

1 able to wrap it up so the parties have time to prepare
2 for the evidentiary hearing without that still going
3 on in the background. Also not wanting to see
4 discovery being continued into or at the end of the
5 hearing.

6 Anything else we need to take up?

7 MR. COOPER: None here.

8 JUDGE STEARLEY: One note for Staff, since
9 Staff counsel is here --

10 MS. LEWIS: Uh-huh.

11 JUDGE STEARLEY: -- as you know on the
12 procedural schedule, the reconciliation is due
13 February 9.

14 MS. LEWIS: Yes.

15 JUDGE STEARLEY: And I had directed a
16 format in the procedural order way back at the
17 beginning of this. If there's any questions as to
18 what the Commission wants to see in that, let me know.

19 MS. LEWIS: We will do that.

20 JUDGE STEARLEY: They want a full side-by-
21 side comparison at minimum; at minimum Company, Staff,
22 and OPC's positions. If there's ways you can do the
23 interveners with a specific dollar amount, prefer that
24 as well, but at minimum we want to see those three
25 costs --

1 MS. LEWIS: Okay.

2 JUDGE STEARLEY: -- with the dollar
3 difference.

4 All right. Anything else we need to take
5 up?

6 MS. LEWIS: I don't think so. Not from the
7 Staff.

8 JUDGE STEARLEY: Okay. We'll go off the
9 record, then, and let you-all meet.

10 MS. BAKER: Okay. Thanks, Judge.

11 (The hearing concluded.)

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CERTIFICATE

I, Nancy L. Silva, RPR, a Certified Court Reporter, CCR No. 890, the officer before whom the foregoing hearing was taken, do hereby certify that the witness whose testimony appears in the foregoing hearing was duly sworn; that the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Nancy L. Silva, RPR, CCR