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STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
  
TRANSCRIPT OF PROCEEDINGS  
LOCAL PUBLIC HEARING  
November 19, 2015  
Forsyth, Missouri

File No. WR-2015-0192

In the Matter of the )  
Rate Increase Requests )  
of the Regulated Water )  
and Sewer Utilities )  
Owned and Operated by )  
Ozark International, )  
Inc. )  
)

Volume I

DANIEL JORDAN, Presiding  
SENIOR REGULATORY LAW JUDGE  
WILLIAM P. KENNEY, Commissioner

REPORTED BY: PAULA C. VOYLES, CCR, RPR, CRR

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

2

3 (Commencing at 12:35 o'clock p.m.)

4

5 JUDGE JORDAN: We're on the record.

6 Hello, everyone. The Commission is calling the  
7 action in file number WR-2015-0192. This relates to  
8 the rate actions of the entities owned by Ozark  
9 International, Incorporated.

10 This is the Missouri Public Service  
11 Commission's local public hearing. My name is  
12 Daniel Jordan. I'm the Regulatory Law Judge  
13 assigned to this action. My job today is to conduct  
14 a proceeding, a proceeding in which we will take  
15 testimony from those who wish to testify. I will  
16 eventually draft a decision for the Commissioners to  
17 vote on. They make the final decision in this  
18 action.

19 And with us today from his office in  
20 Jefferson City is Commissioner Bill Kenney.

21 Commissioner Kenney, anything you want  
22 to say?

23 COMMISSIONER KENNEY: Yes. Good  
24 afternoon. Thank you for attending today. I am one  
25 of five Public Service Commissioners appointed by

1 the governor. We have a court reporter here today,  
2 so the other four will have an opportunity to read  
3 your testimony. We're not allowed to answer any  
4 questions today. This is -- the process will go  
5 forward, and we do appreciate your testimony, those  
6 of you who speak today. Thank you.

7 JUDGE JORDAN: Thank you, Commissioner.  
8 This is your time to speak. The Company will not be  
9 offering evidence. No one will answer your  
10 questions during this part of the proceeding. As  
11 the Commissioner mentioned, we have a court reporter  
12 who will take your testimony, who will transcribe it  
13 so that it will become part of the record, the  
14 evidence on which the Commission makes its decision,  
15 and that will be available for all commissioners to  
16 review.

17 I hope that you've been able to gather  
18 from the presentation so far that Staff works very  
19 hard in putting together the best recommendation  
20 that it can that will do the best for everyone. Any  
21 water case, especially those involving small, aged  
22 systems with infrastructure problems is a challenge  
23 for Staff to come up with a workable solution.

24 This case involves six companies with  
25 seven systems. So its challenges, always great, are

1 multiplied in this case. Their job, our job, the  
2 Commission's job is to make a decision that will be  
3 the best for everyone. And your input is part of  
4 that decision-making process.

5 I have a sign-up list. I will be  
6 calling witnesses from the sign-up list. Come up  
7 one person at a time. I have a table and chair.  
8 You may sit if you're comfortable. You may stand if  
9 you're comfortable. It's whatever you're  
10 comfortable with.

11 I will administer an oath or  
12 affirmation, and I may also ask a few questions to  
13 get you started, make sure we have the spelling of  
14 your name correct, things like that.

15 Do speak clearly. Be concise. Say  
16 what's on your mind, because we want to hear that.  
17 If someone has already said something you agree  
18 with, you don't have to repeat what they said. You  
19 can just come up and say, "I agree with the previous  
20 speaker," but do say that. We do want to hear that.

21 If there was some point that was made  
22 during the question-and-answer session, that's not  
23 on the record, so make sure you say that and get it  
24 into the record.

25 The Commissioner, I, Office of Public

1 Counsel, Staff may have some clarifying questions  
2 for you, so when you're done speaking, wait for a  
3 second until you're excused.

4 And this is, of course, not your only  
5 chance to participate. You may also make comments  
6 online. You can contact Staff or your lawyer, the  
7 Office of the Public Counsel for further input.

8 And do you have any questions about the  
9 proceeding that I'm running right now?

10 (No audible response).

11 Okay. I'm not seeing any. The  
12 Commission will now take testimony. And the first  
13 name that I'm going to call -- I have two names on  
14 this line. It is Dan and Carolyne Hopkins. So I  
15 will call Dan Hopkins.

16 MR. HOPKINS: It is Don.

17 JUDGE JORDAN: Don. Thank you.

18 MR. HOPKINS: Take me a second to get  
19 there, but I'm hurrying.

20 JUDGE JORDAN: Take your time, and when  
21 you're comfortable, I will administer the oath.

22 MR. HOPKINS: Okay.

23 JUDGE JORDAN: All right. Please raise  
24 your right hand. Do you solemnly swear that the  
25 testimony that you are about to give will be the

1 truth, the whole truth, and nothing but the truth?

2 MR. HOPKINS: Absolutely yes.

3 JUDGE JORDAN: Very good. And for the  
4 record, you are Don, D-O-N, Hopkins?

5 MR. HOPKINS: Don Hopkins.

6 JUDGE JORDAN: Is that correct? Very  
7 good.

8 Are you a customer of one of the  
9 companies that is involved in this proceeding?

10 MR. HOPKINS: Yes.

11 JUDGE JORDAN: Then, I'm going to ask --  
12 I'm going to begin by asking you about an exhibit  
13 that I have received. I think it is some 16 pages.

14 MR. HOPKINS: That would be this one  
15 (indicating), yes.

16 JUDGE JORDAN: Very good. I'm going to  
17 give that to the court reporter so that she may mark  
18 it.

19 (Exhibit 1 marked.)

20 JUDGE JORDAN: And that will go in the  
21 record unless I hear an objection.

22 Oh, I need to stop. I forgot something.  
23 I need to take entries of appearance. Sorry about  
24 that. I did this out of order.

25 Entries of appearance from the Company.

1 Anyone from the Company here?

2 MR. WIELAND: David Wieland for Ozark  
3 International and all the companies. Last name is  
4 spelled W-I-E-L-A-N-D, law firm Wieland and Condry,  
5 C-O-N-D-R-Y.

6 JUDGE JORDAN: Thank you, Counselor.  
7 For Staff, Staff counsel?

8 MS. MERS: Nicole Mers for Staff  
9 counsel, M-E-R-S.

10 JUDGE JORDAN: Thank you. And for the  
11 Office of Public Counsel?

12 MR. OPITZ: Thank you, Judge. From the  
13 Office of Public Counsel, I'm Tim Opitz, and my  
14 address is P.O. Box 2230, Jefferson City, Missouri  
15 65102.

16 JUDGE JORDAN: Thank you. Sorry for  
17 going out of order, everyone.

18 Mr. Hopkins, what would you like the  
19 Commission to know?

20 MR. HOPKINS: I'm just so unhappy with  
21 the water service that I get. As far as DNR is  
22 concerned, my water is not drinkable. They've  
23 checked at my kitchen faucet four or five times, and  
24 they have never told me anything other than "do not  
25 drink the water."

1                   To me, that's not a good situation.  
2       There is a whole lot of people in my area that can't  
3       buy water to drink because they don't have the money  
4       to. I don't have any money, but I -- at least I can  
5       buy drinking water.

6                   I have to brush my teeth with running  
7       water because I use false teeth that I have to glue  
8       in. So I have to use running water to brush my  
9       teeth, and then I rinse my teeth and my mouth with  
10      7 percent alcohol just to make sure that I'm safe  
11      with what water I'm using. I don't know if that  
12      helps or not, but I think it's worth a try.

13                  I never know for sure if I'm going to  
14      have water. I may go three, four weeks and have  
15      running water. I may every other day not have  
16      running water. I may have no water for three days  
17      in a row. I've got three 32-gallon garbage cans out  
18      back, two on the deck and one on the ground, that I  
19      keep water in to flush the toilet.

20                  A couple weekends ago, I completely  
21      emptied one of the barrels of water because I had to  
22      keep the toilet flushed. But that still doesn't  
23      help me take a shower, wash dishes, run the washing  
24      machine, that sort of thing, but at least I have the  
25      water to flush the toilet.

1                   Now, we're getting into the part of the  
2 year where it's going to get cold out there now and  
3 my barrels of water is going to freeze. So that  
4 leaves me a problem. If it snows, I bring in snow  
5 and melt it to flush the toilet with. If it don't  
6 snow, then I have nothing.

7                   I need a better water system than that.  
8 I just really, really don't want to pay an increase  
9 in water because of the service that I get now. Why  
10 would I want to pay more for not getting anything  
11 worth having anyway?

12                   Now, that's pretty much my thoughts on  
13 it.

14                   JUDGE JORDAN: Okay. Anything you want  
15 to say about this 16-page document?

16                   MR. HOPKINS: There's just a whole bunch  
17 of information in there. I've got what my water  
18 bill runs each month, what it would cost me if I was  
19 at a different place. I've got in there dates of  
20 when I didn't have water, when I had low water  
21 pressure, which I guess the low water pressure is as  
22 bad as the water being off as far as the water  
23 getting contamination in it. But it's just a whole  
24 bunch of information that I tried to put together as  
25 time went by.

1                   We rarely, rarely ever see a boil order  
2 sign around our neighborhood. Right now there are  
3 boil order signs up. They've been there for quite a  
4 while now since a couple weekends a row that we had  
5 no water. But most of the time, we don't see boil  
6 order signs. I did get one boil order in the mail a  
7 couple years ago, and then occasionally we see a  
8 boil order sign. But as far as I'm concerned,  
9 probably should be a 24-hour a day, 365-day a year  
10 boil order sign put up because my water is never  
11 good anyway.

12                   But all the information in here is just  
13 stuff that I've put together. A couple years ago, I  
14 was keeping very precise records of when my water  
15 was, and I called people and called people and  
16 called people, and I got nowhere. I got irritated  
17 and tore up everything I had and run it through the  
18 shredder. Well, last April I started again keeping  
19 records because it's starting to look like maybe  
20 somebody was interested in what I had to say, not  
21 enough that my water service is any better, but at  
22 least people talk to me now.

23                   I spent two years that nobody would even  
24 discuss anything with me. At least recently, there  
25 has been some discussion and this meeting, for one

1 thing, got set up, which I thought was a really good  
2 thing. At least somebody is listening to somebody.  
3 Maybe it wasn't me. I don't care who they listen  
4 to, but at least somebody listened to somebody and  
5 set up the meeting.

6 But I just -- I am just so discouraged.  
7 I lived here years ago, and I really, really liked  
8 Taney County. I moved away and came back 60 years  
9 later, and I'm disappointed with about everything  
10 I've run into, the water being the main thing.

11 I put enough money in my house now that  
12 I can't afford to move, and nobody will buy it  
13 because we don't have a water system. I can't  
14 afford to put in a well, so I'm stuck where I am.  
15 And I just hope somebody does something to get us  
16 water. You know, that's about all I can say.

17 JUDGE JORDAN: Okay. Here's what I will  
18 do as far as questions from counsel. I'll assume  
19 that there aren't any unless you tell me. Okay?  
20 Very good.

21 Questions from the Commission?

22 COMMISSIONER KENNEY: No.

23 JUDGE JORDAN: I have no questions for  
24 you, sir. Thank you for your testimony today.

25 MR. HOPKINS: Absolutely. I hope it

1 helps.

2 MR. OPITZ: Judge, may I clarify, you've  
3 entered what he's given you as Exhibit 1?

4 JUDGE JORDAN: Yes.

5 MR. OPITZ: Okay. Thank you.

6 (Exhibit 1 admitted into  
7 evidence.)

8 JUDGE JORDAN: I have the 16-page  
9 document marked as Exhibit 1, and I will enter it  
10 into the record, unless I hear an objection.

11 (No audible response).

12 Not hearing an objection, Exhibit 1 is  
13 entered into the record.

14 Anything from Carlyne Hopkins?

15 MRS. HOPKINS: The same thing as he  
16 would have said.

17 JUDGE JORDAN: Would you like to --

18 MRS. HOPKINS: That's my husband. Oh, I  
19 got to come up and say the same . . .

20 JUDGE JORDAN: You don't have to if you  
21 don't want to.

22 MRS. HOPKINS: No, that's fine. I can  
23 say it. No, the same thing. I'm just as upset as  
24 he is.

25 JUDGE JORDAN: Please have a seat. I'll

1 administer the oath, then.

2 MRS. HOPKINS: Okay.

3 JUDGE JORDAN: Please raise your right  
4 hand. Do you solemnly swear that the testimony you  
5 are about to give will be the truth, the whole  
6 truth, and nothing but the truth?

7 MRS. HOPKINS: Yes.

8 JUDGE JORDAN: And Carlyne Hopkins is  
9 C-A-R-O-L-Y-N-E, for the court reporter.

10 What would you like the Commission to  
11 know?

12 MRS. HOPKINS: Well, I'd just like to  
13 have water that's safe or that we know is safe,  
14 because, you know, I really don't know if it's safe  
15 or not because they've come to our house and said if  
16 the water pressure is low, don't drink it. So when  
17 the water pressure is low, that's -- we don't --  
18 well, we never drink it anyway.

19 But, you know, the water pressure is  
20 always low, it seems like, and, you know, I don't  
21 know if it's safe or not. And how are we going --  
22 how are we supposed to know that, if it's safe or  
23 not, you know? That's the biggest problem we've  
24 got. I don't think anybody here would mind a raise,  
25 maybe they would, if they had water that they could

1 use, you know.

2 And there's a man that works for the  
3 water company, and I want that on record too. His  
4 name is Shorty. And if his -- if he wouldn't be  
5 there, we'd be in a world of a mess, because he does  
6 answer our calls, he does try to fix it he does try  
7 to help us.

8 And that's about all I can tell you.

9 JUDGE JORDAN: Thank you.

10 COMMISSIONER KENNEY: Thank you, ma'am.

11 JUDGE JORDAN: Commissioner, anything?

12 COMMISSIONER KENNEY: No.

13 JUDGE JORDAN: Thank you very much.

14 MRS. HOPKINS: Thank you.

15 JUDGE JORDAN: The name at the top of my  
16 list is John L. Shh (ph) --

17 MR. PALMER: Palmer.

18 JUDGE JORDAN: Palmer. Please have a  
19 seat.

20 MR. PALMER: I don't want to sit down.

21 JUDGE JORDAN: Or stand if you prefer.

22 Please raise your right hand. Do you  
23 solemnly swear the testimony you are about to give  
24 will be the truth, the whole truth, and nothing but  
25 the truth?

1 MR. PALMER: I do.

2 JUDGE JORDAN: Please spell your name  
3 for the court reporter.

4 MR. PALMER: John Palmer.

5 JUDGE JORDAN: And Mr. Palmer, are you a  
6 customer of one of these?

7 MR. PALMER: I'm Moore Bend.

8 JUDGE JORDAN: Moore Bend. Very good.  
9 And what would you like the Commission  
10 to know?

11 MR. PALMER: Well, when Mr. Brower  
12 bought Moore Bend Water Company, whether he knew all  
13 the particulars about it, who knows, but, you know,  
14 we do need water that is drinkable, quality. But  
15 everything is dollars and cents in the real world,  
16 then -- and when you make improvements, you do  
17 probably need some kind of increase. I don't think  
18 there's anybody that's probably opposed to a  
19 reasonable amount of increase. 300 percent isn't  
20 reasonable.

21 However, maybe we've all been spoiled,  
22 too cheap things. And so, you know, we just -- to  
23 make things fair, you know, I think probably  
24 compromise and things that still need to be looked  
25 at, but 300 percent is still ridiculous.

1                   However, if I owned a business, I would  
2 probably want that, but seeing how I don't,  
3 that's -- that's not a reasonable assertion. That's  
4 really -- and we have a good maintenance guy that  
5 tries to fix everything that -- Shorty does  
6 excellent work. So that's all really I have to say.

7                   JUDGE JORDAN: Questions from counsel?  
8 Commissioner?

9                   MR. OPITZ: No. Thank you, Mr. Palmer.

10                  COMMISSIONER KENNEY: I have one  
11 question, clarification. That 300 percent number,  
12 can you tell us where you got that from?

13                  MR. PALMER: That's what I heard  
14 everybody else talking about, the 300 percent  
15 increase, where right now I pay just a little over  
16 \$14 a month.

17                  Now, granted, like I've heard people  
18 talk about, it was maybe building up, and you  
19 haven't had any improvement in anything, and  
20 everybody wanted to, you know, live as cheap as they  
21 can. Everybody wants to do that. But the amount  
22 that the gentleman that I asked earlier from \$14 to  
23 over 40-some dollars in one-month increase is just  
24 plumb ridiculous.

25                  If -- you know, well, that's just my

1 opinion. It's just plumb ridiculous.

2 JUDGE JORDAN: Okay. Thank you. Thank  
3 you for your testimony.

4 MR. PALMER: Thank you.

5 JUDGE JORDAN: The next name on my list  
6 is Robert Ward.

7 MR. WARD: Ward.

8 JUDGE JORDAN: Ward. Thank you.

9 Mr. Ward, please raise your right hand.  
10 Do you solemnly swear that the testimony you're  
11 about to give will be the truth, the whole truth,  
12 and nothing but the truth?

13 MR. WARD: I do.

14 JUDGE JORDAN: Mr. Ward, spell your name  
15 for the reporter, please.

16 MR. WARD: W-A-R-D.

17 JUDGE JORDAN: And you're a customer of  
18 one of these companies?

19 MR. WARD: Yes. I'm the guy's neighbor  
20 that just left here.

21 JUDGE JORDAN: So that would be Moore  
22 Bend?

23 MR. WARD: Moore Bend.

24 JUDGE JORDAN: What do you want to tell  
25 the Commission?

1 MR. WARD: Well, I agree with everything  
2 he said. The guy up here said 300 percent increase.  
3 This guy said 150 percent increase. I can  
4 understand it going up. We need water that we are  
5 can drink, but a 300 percent increase, that is  
6 ridiculous. Nobody should get a 300 percent  
7 increase.

8 Now, I don't mind paying the water bill,  
9 but going from 13 to \$14 up to \$40 or something, and  
10 we just use it on weekends mainly. So there's a lot  
11 of months we ain't even using water. But I  
12 understand we got to pay for it whether we use it or  
13 not, but a 300 percent increase, it's ridiculous.  
14 And I think anybody with common sense can understand  
15 that. That's about all I got to say.

16 JUDGE JORDAN: Very good. Questions?

17 (No audible response).

18 Commissioner?

19 COMMISSIONER KENNEY: Thank you,

20 Mr. Ward.

21 JUDGE JORDAN: Thank you, Mr. Ward. The  
22 next name on my list is Jim Hunter. Jim Hunter.  
23 Would Jim Hunter like to testify?

24 (No audible response).

25 Then, I'll move on to the next name, and

1 that's Sherry Mc -- McKicham?

2 MS. McKICHAM: Hi.

3 JUDGE JORDAN: Please raise your right  
4 hand. Do you swear that the testimony that you are  
5 about to give will be the truth, the whole truth,  
6 and nothing but the truth?

7 MS. McKICHAM: Yes.

8 JUDGE JORDAN: Please state your name  
9 for the reporter and spell it.

10 MS. McKICHAM: Sherry McKicham, spelled  
11 M-c-K-I-C-H-A-M. Most of my questions have been  
12 answered.

13 JUDGE JORDAN: Well, that's fair enough.  
14 Tell us which Company you are . . .

15 MS. McKICHAM: Taney County.

16 JUDGE JORDAN: Taney County. Very good.  
17 And what would you like the Commission  
18 to understand?

19 MS. McKICHAM: I think it's been  
20 answered, and I think they're going to get more  
21 people in their office to be able to talk to  
22 somebody, because I have two phone numbers. I tried  
23 the office, and I never get a question. Then I call  
24 him (indicating), and he answers me and my questions  
25 all the time. So -- and I just, you know, just want

1 to know what's going on. So that's all.

2 JUDGE JORDAN: Very good. For the  
3 record, is the person you're pointing to the  
4 individual known as Shorty?

5 MS. McKICHAM: Yes. So that's all.

6 JUDGE JORDAN: Very good. Questions?

7 (No audible response).

8 Commissioner?

9 COMMISSIONER KENNEY: Thank you very  
10 much.

11 JUDGE JORDAN: Thank you.

12 MS. McKICHAM: Thank you.

13 JUDGE JORDAN: The next name on my list  
14 is -- I really can't read this at all. It looks  
15 like maybe begins with a W. William -- am not able  
16 to read this. It's a signature rather than a  
17 printed name.

18 So I'll move on to the next one, which  
19 is Jeff Baggett. Would Jeff Baggett like to  
20 testify?

21 AUDIENCE VOICE: He left.

22 MR. OPITZ: Judge, may I ask if you can  
23 speak up? I think some people in the audience are  
24 having a hard time hearing when the names are being  
25 called.

1 JUDGE JORDAN: Thank you, Counsel.

2 Jeff Baggett is the name that I called.

3 Jeff Baggett.

4 (No audible response).

5 The next name on my list is Terry Howe.

6 Terry Howe?

7 (No audible response).

8 JUDGE JORDAN: All right. The next name  
9 on my list looks like maybe Kathleen Miller,  
10 something like that.

11 (No audible response).

12 Or maybe Karl. Karl Miller, Jr.,  
13 perhaps? Very good.

14 Please raise your right hand. Do you  
15 solemnly swear that the testimony you are about to  
16 give will be the truth, the whole truth, and nothing  
17 but the truth?

18 MR. MILLER: Yes.

19 JUDGE JORDAN: Please state your name  
20 and spell it for our court reporter.

21 MR. MILLER: K-A-R-L Miller. It's Karl  
22 Miller.

23 JUDGE JORDAN: And for the record,  
24 Mr. Miller, you and I had a brief exchange outside  
25 the auditorium, where you conveyed some information

1 to me. I understand you're going to put this on the  
2 record now.

3 MR. MILLER: Yeah.

4 JUDGE JORDAN: Very good. Please go  
5 ahead and tell the Commission what you would like it  
6 to know.

7 MR. MILLER: Mine is about like last  
8 year, last January we was out of water for about a  
9 month and a half, and I had to buy water. There's a  
10 lot of people in our community that's sick. Like my  
11 wife is on dialysis, been on dialysis 24 years. Now  
12 I have to buy Culligan water plus pay this water  
13 bill.

14 I want to know if you guys can tell me  
15 whether I just need to drill a well and say the heck  
16 with these guys or what, to get good water. A lady  
17 down the road a few years ago had a car wreck, used  
18 the water. They almost amputated her leg. It's a  
19 pretty serious situation when you come to medical.

20 And according to the boil orders, you  
21 don't know if you're going to have a boil order or  
22 not or if it's any good, because they hardly post  
23 'em. Nobody knows about it 'em. They just recently  
24 this year started putting a sign down the road.  
25 Before that, you didn't know nothing.

1                   So I'm after the medical aspect of it.  
2   There's a lot of people down there that's not well  
3   at all. Most of 'em is on Medicare, and you want to  
4   give a 300 percent water increase? And we've been  
5   paying water down there for years, and nobody's ever  
6   fixed nothin'. Same old crap. They just keep  
7   putting their money in their pocket, and nothing  
8   gets fixed.

9                   And whoever you call, it don't matter  
10   who you call, you can't get no help. They wanted me  
11   to have a TV station last January come out there and  
12   put it on TV. This year I'm going to do it. I'm  
13   tired of this water crap.

14                  JUDGE JORDAN: Questions from counsel?

15                  MS. MERS: Did you say which company you  
16   are under?

17                  MR. MILLER: Do what?

18                  MS. MERS: Are you Moore Bend as well?

19                  MR. MILLER: I'm Venice on the Lake.

20                  JUDGE JORDAN: Thank you. Any  
21   questions?

22                  COMMISSIONER KENNEY: No, but thank you,  
23   sir.

24                  JUDGE JORDAN: Thank you for your  
25   testimony.

1                   The next name I have looks like Jerry L.

2 Adam and Gloria Adam. Jerry Adam?

3                   MR. ADAM: Yes.

4                   JUDGE JORDAN: Do you solemnly swear  
5 that the testimony you are about to give will be the  
6 truth, the whole truth, and nothing but the truth?

7                   MR. ADAM: Yes.

8                   JUDGE JORDAN: Very good.

9                   MR. ADAM: I'll -- real short, I want to  
10 say I agree with Mr. Palmer, the gentleman there,  
11 about 300 percent water increase is too much. And  
12 also that a water increase of this amount will  
13 devalue property, and I think that's something that  
14 hasn't been addressed because perspective buyers  
15 will look at this and say a 300 percent increase,  
16 what's coming next? That's my . . .

17                  JUDGE JORDAN: Very good. Questions  
18 from counsel?

19                  COMMISSIONER KENNEY: No. Thank you,  
20 sir.

21                  JUDGE JORDAN: Thank you. Gloria Adam?

22                               (No audible response).

23                  Okay. Donald Helms?

24                  MR. HELMS: Not today. Thanks.

25                  JUDGE JORDAN: Very good. I have Ray E.

1 Davis. Would you like to testify?

2 Do you solemnly swear that the testimony  
3 you are about to give will be the truth, the whole  
4 truth, and nothing about the truth?

5 MR. DAVIS: I do.

6 JUDGE JORDAN: Go ahead, Mr. Davis,  
7 whenever you're ready.

8 MR. DAVIS: Ray E. Davis. I represent  
9 Moore Bend Water Company.

10 JUDGE JORDAN: Okay. And what would you  
11 like the Commissioner to hear.

12 MR. DAVIS: Pardon?

13 JUDGE JORDAN: Go ahead.

14 MR. DAVIS: First of all, when this  
15 water company bought Moore Bend Water Company from  
16 the previous owner, we had -- well, first of all, we  
17 had 2,000 gallon of water for 13.87. This says a  
18 thousand gallon in here. And they're wanting to  
19 increase it 250 percent.

20 Now, they only bought the water Company  
21 from the previous owner. They did not buy the  
22 buildings, the land around it or nothing. Then they  
23 bought the land. And now they're wanting us to pay  
24 for this land is what they're asking. That's where  
25 their expenses is coming in.

1                   And I don't feel personally and I don't  
2 think that the rest of the people from Moore Bend  
3 would want to buy some land for somebody to take  
4 care of their business. Why should we do that?

5                   Now, water increased 250-some percent,  
6 and all these other companies I noticed only a very  
7 fraction of that, and most of us down there are on  
8 limited income, so I'm asking hopefully that you'll  
9 consider this much lower than what they're asking  
10 for. I believe that will do it.

11                   JUDGE JORDAN: Thank you. Questions?

12                   (No audible response).

13                   JUDGE JORDAN: Commissioner?

14                   COMMISSIONER KENNEY: No. Thank you  
15 very much, sir.

16                   MR. DAVIS: Thank you.

17                   The next name on my list looks like Faye  
18 Ward.

19                   (No audible response).

20                   I'm not seeing Faye Ward.

21                   Very good. The next name on my list  
22 looked like Andrea Opie, Opic? Andrea Opie or Opic?

23                   MS. OPIE: My name is Andrea Opie.

24                   JUDGE JORDAN: Thank you. Do you  
25 solemnly swear that the testimony you are about to

1 give will be the truth, the whole truth, and nothing  
2 but the truth?

3 MS. OPIE: Yes, sir.

4 JUDGE JORDAN: I'll ask you to pronounce  
5 your name and spell it for the court reporter,  
6 please.

7 MS. OPIE: Andrea Opie, A-N-D-R-E-A,  
8 O-P-I-E.

9 JUDGE JORDAN: Thank you. You're a  
10 customer of one of these water companies?

11 MS. OPIE: Excuse me?

12 JUDGE JORDAN: You're a customer of one  
13 of these water companies?

14 MS. OPIE: Yes.

15 JUDGE JORDAN: And which one?

16 MS. OPIE: I live at 398 Glory Road for  
17 24 years. I've had a lot of problems in Taney  
18 County Water system. The most recent, three times  
19 I've had breaks at the top of my hill, and it's been  
20 the water company's break, not mine. Took 'em  
21 months to get out there. That was with the previous  
22 owner.

23 The second time, I had to call and it  
24 was also the previous owner. The third time, it was  
25 the owners that now own it.

1                   There was also a water leak on top of  
2 Morning Glory that runs across, down into our  
3 driveway. In January of 2013, we had water running  
4 down our driveway and running down this way  
5 (indicating). It took us two and a half months to  
6 get that water fixed, and the water at Morning Glory  
7 is still not fixed and is still flowing down our  
8 road. We had to carry wood into our house on ice  
9 patches, and it wasn't fun.

10                   And basically, I feel that this water  
11 rate shouldn't be put all on the people. We've  
12 tolerated a lot here. We're buying our water. And  
13 I also agree that lots of us did not know about boil  
14 orders. I had to tell my neighbors about it because  
15 they weren't aware of it. And they're in their 80s.

16                   So we just need better communication  
17 with this water company, and we need to get things  
18 fixed, yes. And I know we need to pay, but not at  
19 the astronomical fee that they're asking us. Thank  
20 you.

21                   JUDGE JORDAN: Questions?

22                   (No audible response).

23                   JUDGE JORDAN: Commissioner?

24                   COMMISSIONER KENNEY: No. Thank you,  
25 ma'am.

1 JUDGE JORDAN: Thank you for your  
2 testimony.

3 Nicole Smith?

4 MS. SMITH: Hi, Judge.

5 JUDGE JORDAN: Please raise your hand.  
6 Do you solemnly swear that the testimony you are  
7 about to give will be the truth, the whole truth,  
8 and nothing but the truth?

9 MS. SMITH: Yes, I do.

10 JUDGE JORDAN: Go ahead and tell us  
11 which Company you are a customer of.

12 MS. SMITH: I'm just here representing  
13 somebody else because she's at work, and her name is  
14 Sandy Stoddard, S-T-O-D-D-A-R-D, at 337 Second  
15 Street on Venice on the Lake.

16 She says, "DNR tested my water last  
17 week, not contaminated, but no chlorine in the  
18 water. It should have chlorine in it.

19 "Can't trust the signs. They've been  
20 put up for 30 days or more, boil advisory signs. I  
21 don't think they are ever taken down. When is it  
22 safe to drink the water? I got sick and my dog got  
23 sick and threw up.

24 "How many of" -- "how many of had to  
25 boil water for a month?" How many of us, I think

1 that's what she meant.

2 "Wash your dishes in it, bathe in it,  
3 brush your teeth in it for over a month. Who has to  
4 do this now nine days?

5 "Not never being notified, would you  
6 drink the water and still have to pay for it,  
7 contaminated water? There are elderly people that  
8 don't have -- don't leave their homes, so they don't  
9 get to see the signs, and they are drinking the  
10 water. Somebody needs to care. Don't know when  
11 it's safe to drink. Come on. Something's got to  
12 give."

13 JUDGE JORDAN: Thank you for delivering  
14 that statement. Do you know which Company  
15 Ms. Stoddard is in?

16 MS. STODDARD: She is on Venice on the  
17 Lake.

18 JUDGE JORDAN: Venice on the Lake.  
19 Thank you.

20 Questions? Commissioner?

21 COMMISSIONER KENNEY: No. Thank you  
22 very much.

23 JUDGE JORDAN: Thank you. I have  
24 nothing for you.

25 Angela Eubanks.

1 MS. EUBANKS: Yes.

2 JUDGE JORDAN: Do you solemnly swear  
3 that the testimony you are about to give will be the  
4 truth, the whole truth, and nothing but the truth?

5 MS. EUBANKS: Yes, sir.

6 JUDGE JORDAN: Very good.

7 MS. EUBANKS: I live in Valley Woods  
8 subdivision in Spokane. Mr. Brower owns the water  
9 and the sewer there. I'm sorry?

10 My story is in 2007 I purchased my home  
11 in the Valley Woods subdivision. The current owner  
12 of the water and sewer at that time was Lance  
13 Harris. In 2012, I went downstairs on a Friday  
14 evening to my basement and found it flooded, where  
15 the sewer had backed up and flooded the basement.

16 At that time, 2012, Mr. Brower owned it.  
17 He bought it from Mr. Harris. I called the phone  
18 number that we had on the internet, nothing on the  
19 bill at the time, and couldn't get in touch with  
20 anybody. I did some serious Googling and managed to  
21 get in touch with a employee of Mr. Brower's, who I  
22 don't believe is working there anymore.

23 It was a Friday evening, so there was  
24 nothing that they could do for me. So I cleaned my  
25 basement and hoped for the best. I was told that

1 Monday they'd have somebody out there to help me.

2 Before Monday arrived, my basement  
3 backed up again and flooded and ruined the hardwood  
4 floor that was down there. I cleaned it up again.

5 On Monday, the fellow that worked for  
6 Mr. Brower came out and brought along a guy with the  
7 pumping company and, um -- to pump the tank,  
8 apparently. And he told me that something was  
9 clogged in my line that led from my tank to my house  
10 and that that was not part of Mr. Brower's  
11 servicing, that I would need to call a plumber to  
12 have that serviced, get the plug out. I'm probably  
13 not talking very technical. I'm just a girl here.

14 And so I frantically found a -- now, his  
15 pumping guy gave me a phone number of his friend  
16 that could come and do it. He wasn't available, so  
17 I found another plumber that came out, and he shot  
18 the line and got the plug out.

19 I paid -- had to pay him \$300 to do so  
20 out of my pocket, because I was told that that is  
21 not part of the sewer company's service.

22 I called and spoke with Mr. Brower  
23 myself, told him that I did not think it was fair  
24 that I had to pay the \$300 out of pocket to plumb  
25 the line, that I had learned that when I purchased

1 my house in 2007, it was five years and my tank had  
2 never been pumped in those five years.

3 My argument was, had it been pumped and  
4 serviced properly, then I don't believe that line  
5 would have gotten clogged. So I felt like it was an  
6 inadequacy on their part for, in the five years I  
7 lived there, never pumping my tank.

8 I was spoken to very harshly. At one  
9 point, I asked Mr. Brower if -- I told him that my  
10 floors in my basement were ruined. I had to replace  
11 all that, the expense, the \$300 to the plumber. And  
12 the thing that got me the most was when I asked  
13 Mr. Brower did I need to hire a lawyer to defend  
14 myself, he said that I could hire a lawyer if I  
15 wanted to, but his high-powered, high-paid lawyer  
16 would eat mine for breakfast.

17 I knew at that point that I would not be  
18 able to deal with Mr. Brower or his company any  
19 further, so I contacted you guys and got in touch  
20 with David Spratt, and he has been an advocate for  
21 our neighborhood ever since.

22 From that experience, we learned that we  
23 needed to be proactive in the service that our  
24 neighborhood was provided, because it was not being  
25 done on its own.

1 I also called DNR at that time and had  
2 them come out and check the water, and it was found  
3 to be bad. And there was a list that was mailed to  
4 us that was given to the water and sewer company  
5 that they had to do in regards to getting it back up  
6 to par.

7 So now here it is 2015. Since then, the  
8 only thing we asked was please give us a list of the  
9 services that you are required -- because I've paid  
10 my bill every month on time -- and all I ask is for  
11 the service that you're required to provide, protect  
12 my home's water and sewer, and give us a list of  
13 those time frames, and I would like to be out there  
14 to physically witness it being done, because I knew  
15 with my experience in 2007 -- 2012 that I couldn't  
16 trust that it was being done.

17 There has been no help in that regards  
18 at all. Our tank is supposed to be lifted, and  
19 there's a filter that's supposed to be cleaned. How  
20 often, I don't know. The grass grows over it. My  
21 husband deliberately doesn't weed-eat around it so  
22 that we can see that it has not been lifted to be  
23 looked at.

24 I would like to make one regards,  
25 because I'm sure this will be brought up. I was

1 told by Mr. Brower's company that it was my fault  
2 that the plug in the line was there because they  
3 found baby wipes and grease. Well, I never  
4 physically with my own eyes saw the baby wipes. I  
5 was also told that there was a snake in my tank. I  
6 never saw the snake either.

7 But we have two adults and a teenager in  
8 my house. We don't have babies, and we don't flush  
9 baby wipes. So that's just somebody's word against  
10 mine. Regardless, all I ask is that the services be  
11 provided that's due to us for paying our bill,  
12 whatever the will bill is.

13 I was told that in three years from the  
14 date of 2012, that my tank would be due to be pumped  
15 again. So October the 1st, last month, I started to  
16 call and say it's been three years, may I please  
17 have my tank pumped, and please let me know when  
18 you're going to do it so I can be here to see it  
19 done. And now it's the end of November, my tank  
20 still hasn't been pumped, and nobody has given me  
21 any idea of when or if it will be done. And if I'm  
22 not proactive, then it costs me money.

23 Our water, we continuously throughout  
24 the year will come home, there'll be a little tiny  
25 sign at one stop sign that says "boil order." It

1 happens a lot. We write it down on our calendar. I  
2 should have brought it, but I can't give you an  
3 exact number, but it happens a lot throughout the  
4 year.

5 We have several companies in our  
6 neighborhood, around our neighborhood, Gateway Cafe  
7 and Amie's Salon, and we talk to them, and they know  
8 nothing about it. There's one little sign when it  
9 happens, and it happens often.

10 So all I'm saying today is that I don't  
11 think it's fair to raise the rates when we're not  
12 getting service in my neighborhood that is due us.

13 JUDGE JORDAN: Thank you. Questions?

14 (No audible response).

15 JUDGE JORDAN: No questions.

16 Commissioner?

17 COMMISSIONER KENNEY: Have you brought  
18 these additional complaints to the Office of -- I  
19 mean to the PSC?

20 MS. EUBANKS: I keep in touch with  
21 Mr. David Spratt a lot. I contacted him last month,  
22 the 1st day of October, and asked him could he help  
23 me see about getting my tank pumped, that it was  
24 exactly three years to the date, and I was promised  
25 that I would --

1                   COMMISSIONER KENNEY: So in your  
2 subdivision, each of the homes have their own  
3 below-ground tank?

4                   MS. EUBANKS: Yes, sir.

5                   COMMISSIONER KENNEY: All right. Thank  
6 you.

7                   JUDGE JORDAN: Thank you.

8                   That's the last name that's on my list,  
9 but if someone else wants to testify, this is the  
10 time to do it. Please come forward.

11                   I'll go ahead and swear you in first.  
12 Do you solemnly swear that the testimony you are  
13 about to give will be the truth, the whole truth,  
14 and nothing but the truth?

15                   MR. ROBERTSON: I do.

16                   JUDGE JORDAN: Thank you. Please state  
17 your name. I'll write it down here on the witness  
18 list.

19                   MR. ROBERTSON: Chris Robertson.

20                   JUDGE JORDAN: I'm writing down  
21 C-H-R-I-S, R-O-B-E-R-T-S-O-N?

22                   MR. ROBERTSON: Yes, sir.

23                   JUDGE JORDAN: All right, Mr. Robertson.  
24 What is your connection to this case?

25                   MR. ROBERTSON: I'm a Moore Bend Water

1 customer, have been for about two years, but I'm  
2 also the public works director here for the City of  
3 Forsyth, and I own an environmental service company,  
4 as Mr. Brower does, and I also ran the Venice on the  
5 Lake Water Company for five years back in 2000. So  
6 I bring a lot of experience in these systems that  
7 we're talking about today.

8 I also understand Mr. Brower's input on  
9 this and the need for raises in the rates. My  
10 problem is simply the amount of raise, the  
11 300 percent raise, all at once. Like I said  
12 earlier -- and I didn't know my comments wasn't read  
13 into the record earlier, but like I said earlier,  
14 the City of Forsyth, their rate is \$11.50 per  
15 thousand, for the first thousand, and then 3.45, I  
16 believe, after that.

17 And we have a 385,000-dollar-a-year  
18 water budget alone. And so I don't think Moore Bend  
19 Water Company has that kind of budget. And I do  
20 understand what the gentleman earlier was talking  
21 about on the sliding scale, smaller water-based  
22 customers.

23 I think most of the people here  
24 understand that there's going to be increases as the  
25 system is brought up to par. It seems to me that

1 Mr. Brower bought a bunch of subpar systems, and,  
2 you know, like they said earlier, we were having  
3 problems with these systems earlier. There have  
4 been problems with Venice on the Lake water system,  
5 the sewer systems. I actually walked in the sewer  
6 reading the water meters years ago.

7 So it's been -- this is not -- this is  
8 something that he's inherited, and I understand that  
9 he needs to fix it. I think a big complaint I've  
10 heard here today with the folks is he continues to  
11 buy these systems and build his company, but he has  
12 not the Staff to take care of them correctly and to  
13 answer people's phone calls.

14 Being in my position with the City of  
15 Forsyth, I know when we simply just have an outage  
16 overnight just for a few hours that the amount of  
17 phone calls that I receive about did I chlorinate  
18 the line, did I issue a boil order, things like  
19 that.

20 So I can imagine these folks, how they  
21 feel. They've had these problems for years before  
22 Mr. Brower, and -- but at least I know that the  
23 company at the time was open 8 to 4, and there was  
24 somebody you could talk to. So that's one thing  
25 that I would like to see, and I personally realized

1 this with the one phone call that we tried to make.

2 We've been a water customer less than  
3 two years, and we got our water shut off and never  
4 received a bill or a door hanger saying that it was  
5 going to be shut off. That's standard practice if  
6 they're going to shut your water off. So I think  
7 there's a lot of miscommunication. I don't think  
8 it's properly staffed.

9 I know Shorty that comes out and works  
10 on the water does a good job. I'm sure he's limited  
11 on what Bert wants him to do. Bert is the one that  
12 calls the shots. Shorty goes out there and shows up  
13 with a backhoe, and he says, do you want to replace  
14 this stick-up line or do you want to put a Band-Aid  
15 on it? I would imagine it's a Band-Aid. When you  
16 do use a repair clamp and you've got duct-to-line  
17 pipe, you're going to repair that and you're going  
18 to have a leak down the road.

19 So I've been in this business for 25  
20 years, so I understand what they're going through.  
21 I just think that we'd like to see a little bang for  
22 our buck before we stop stomping our feet about a  
23 300 percent increase.

24 He's done upgrades to the well, and  
25 that's fine, but I want to know that he's testing

1 that water by my house, at the end of the lines. I  
2 want to know that he has a flushing program. I want  
3 to know what the results are, not at the well, out  
4 where we drink or where -- well, I guess we don't  
5 drink -- out where we wash our camper and use it for  
6 other things.

7 But that's the problem is we have a  
8 subpar water system; they're wanting us to pay for a  
9 pristine water system. And that I, you know, I  
10 personally have a problem with.

11 So I think if there's any way to do it,  
12 like I said earlier, on a sliding scale, approve a  
13 rate, show some work. Go street to street. It's  
14 been done. I've seen a lot of water systems, you  
15 know, do it over the years. Instead of going and  
16 getting low interest loans and Department of  
17 Agriculture financing, they just do it street by  
18 street. They budget in a little money every year,  
19 and then when they'd have a public meeting and show  
20 that they needed a 3 or 5 percent increase or 10 or  
21 20, they could show, like the highway department  
22 does, this is, you know -- after they finish a  
23 project, this is what we done with your money.

24 So that's what I would like to see  
25 instead of a 300 percent raise with no guarantee

1 this is going to be done. Let's do some work first,  
2 and then we'll talk about another raise later.

3 JUDGE JORDAN: Questions?

4 (No audible response).

5 COMMISSIONER KENNEY: None, sir. Thank  
6 you, sir.

7 JUDGE JORDAN: I have none. Thank you.

8 MR. ROBERTSON: Thank you.

9 And who else would like to testify  
10 today? Anyone?

11 Very well, then. Thank you very much  
12 for your testimony. If you think of any more issues  
13 or your neighbors do, you may contact Staff, you may  
14 contact the Office of the Public Counsel and convey  
15 those.

16 We appreciate your being here. This is  
17 part of what makes the Commission's decisions as  
18 good as they can be. So on behalf of the commission  
19 and the commissioners, I thank you for attending.  
20 We will adjourn this hearing, and we are off the  
21 record.

22 (NOTE 2011: Index and exhibits should be at the END  
23 OF THE TRANSCRIPT BEFORE THE CERTIFICATE PAGE)

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25 (Concluded at 1:26 o'clock p.m.)

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E X H I B I T S

Exhibit No.		Page
Exhibit 1	Documents submitted by Mr. Hopkins (16 pages) (Exhibit retained by the Commission)	7 13

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Phonetic spelling: (ph) Exactly as stated: [sic]



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