

BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

Local Public Hearing

Thursday, June 15, 2023
12:30 p.m. - 12:56 p.m.

Sedalia City Hall
200 South Osage Avenue
Sedalia, MO 65301
and WebEx

VOLUME III
Pages 1 - 19

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
DR. KAYLA HAHN,

COMMISSIONERS

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

Job No. 146211

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1 The following proceedings began at 12:30 p.m.:

2 JUDGE HATCHER: Let's go on the record. First
3 I ask everyone's patience as we learn more about the
4 microphones. Today is June 15, 2023. The Missouri
5 Public Service Commission has set this time for a local
6 public hearing to give members of the public a chance to
7 comment about Confluence Rivers Utility Operating
8 Company's General Rate Increase Application that is
9 captioned File No. WR-2023-0006.

10 The Public Service Commission regulates the
11 rates charged by public utility companies in Missouri to
12 ensure that those rates are just and reasonable. The
13 Commission also regulates the quality of service and
14 safety of the operations of public utilities.

15 There are five Commissioners. They are
16 appointed by the Governor and confirmed by the Senate.
17 The Commissioners employ a staff of engineers,
18 accountants, attorneys, financial analysts and other
19 specialists in the field of utility regulation.

20 My name is Charles Hatcher, and I'm a
21 Regulatory Law Judge and will preside over this hearing.
22 With me today are Commissioner Kayla Hahn, Commissioner
23 Jason Holsman, Glen Kolkmeyer and Maida Coleman. This
24 is an official hearing of the Missouri Public Service
25 Commission and the statements and testimony of witnesses

1 will be recorded by the court reporter and are given
2 under oath. The Commissioners have not made any
3 decisions in this case and thus they cannot answer any
4 questions today because they have to remain impartial
5 until all the evidence is presented.

6 Let's start with our introduction of counsel.
7 For Confluence.

8 MR. WOODSMALL: Thank you, Your Honor and
9 Commissioners. David Woodsmall on behalf of Confluence
10 River Utility Operating Company.

11 JUDGE HATCHER: Thank you. And for Staff.

12 MS. KERR: Carolyn Kerr on behalf of the Staff
13 of the Missouri Public Service Commission.

14 JUDGE HATCHER: Thank you. And Office of the
15 Public Counsel.

16 MR. CLIZER: John Clizer on behalf of the
17 Office of the Public Counsel.

18 JUDGE HATCHER: All right. The process we're
19 going to use today is to call the names that I have on
20 the sign-up list. I have four names. I do have
21 information that two of those names have gotten their
22 information I believe and have left. I will ask at the
23 end of calling those names if anybody else would like to
24 speak. So to begin with, Wayne Woodworth. Sir, if you
25 could come on down to the podium, I'll swear you in, and

1 then you can give your comments to the Commissioners.

2 Do you solemnly swear or affirm that the testimony
3 you're about to give is the truth, the whole truth and
4 nothing but the truth?

5 MR. WOODWORTH: Yes.

6 JUDGE HATCHER: Thank you, sir. Go ahead.

7 MR. WOODWORTH: Back in 2016, Confluence also
8 put in for an increase in rates as well. And there's
9 letters written to the Commission. And at that time we
10 were paying \$23.48.

11 JUDGE HATCHER: I'm so sorry to interrupt so
12 early in your answer. I don't have your name. Would
13 you please.

14 MR. WOODWORTH: Wayne Woodworth. I'm sorry.

15 JUDGE HATCHER: I'm sorry. Woodworth. I do
16 have your name. I just read it off the list.

17 THE STENOGRAPHER: Judge, could he get a
18 little bit closer to the microphone.

19 JUDGE HATCHER: Yes. Thank you, Ms. Bentch.
20 That's our court reporter online. She asked if you
21 could move just a little bit closer to the microphone.
22 I'll spell your name. W-a-y-n-e and the last name is
23 W-o-o-d-w-o-r-t-h.

24 MR. WOODWORTH: Correct.

25 JUDGE HATCHER: Mr. Woodworth, I'm sorry.

1 Please continue.

2 MR. WOODWORTH: Okay. Back in 2016,
3 Confluence requested an increase at that time and we
4 were paying \$23.48 a month. And I know I wrote a letter
5 to the Commissioner. There were several others that
6 wrote letters. And in February -- or excuse me, yes, in
7 February of 2017, they were approved for 79.74.
8 That's an increase of \$56.26 or 340 percent increase.
9 That's a huge increase. I don't get that kind of an
10 increase in my wages. I don't know of anybody here
11 that's had a 340 percent increase in their wages even
12 over the last six years. It was my understanding that
13 that was given and approved to take care of the lagoon.

14 And I know that it was based on what you were
15 already paying. I know that there were others, at the
16 time it was Villages of Whiteman, and they were paying
17 more than we were and they had an increase of even more.
18 So I don't know why we're having such a huge increase at
19 that time and then we want more of an increase now,
20 because right now my wife and I are on a fixed income.
21 We're social security. We'll be lucky to have had 15 or
22 16 percent increase over the last six years. If you
23 look at what the economy is doing, I even looked back.
24 I keep track of what we spend. In May of last year, we
25 only spent \$289.93 on groceries. Well, this year in May

1 we spent \$635.35 and that's with buying fewer groceries
2 or 456 percent increase. We can't keep having increases
3 and survive. We really can't. And if you take in
4 Village of Whiteman and Villages Lake South, Villages
5 Lake North, and we're the two newest ones in the area,
6 there's roughly 300 houses that should be somewhere
7 around \$360,000 a year. I don't know why they can't
8 maintain a lagoon for \$360,000 a year.

9 JUDGE HATCHER: Mr. Woodworth, what system do
10 you receive service from?

11 MR. WOODWORTH: Pardon?

12 JUDGE HATCHER: What's the name of the system
13 that you receive your water and sewer?

14 MR. WOODWORTH: Well, it's Villages Lake
15 South, Villages Lake North, and it used to be Villages
16 of Whiteman. They've changed their name to something
17 else. Something Estates now. I think it's Whiteman
18 Estates.

19 JUDGE HATCHER: Thank you. Before you step
20 down, are there any questions from the Commissioners?
21 Commissioner Kolkmeyer.

22 COMMISSIONER KOLKMEYER: Good afternoon.
23 Thank you for coming today to testify. Is this at Knob
24 Noster?

25 MR. WOODWORTH: This is at Knob Noster.

1 COMMISSIONER KOLKMEYER: Okay. The Whiteman
2 kind of gave it away. I was just trying to put it all
3 together.

4 MR. WOODWORTH: If I had a strong enough arm,
5 I could throw a rock and hit the fence of Whiteman Air
6 Force Base.

7 COMMISSIONER KOLKMEYER: Okay. Thank you.
8 For the court reporter, Commissioner Kolkmeyer is asking
9 the question.

10 MR. WOODWORTH: I'm probably about a hundred
11 yards from the fence that surrounds Whiteman Air Force
12 Base.

13 COMMISSIONER KOLKMEYER: Okay. Thank you.

14 MR. WOODWORTH: Thank you.

15 JUDGE HATCHER: Thank you, Mr. Woodworth.
16 Next I have David Brown. And Mr. Brown's name is common
17 spelling of David, D-a-v-i-d, as well as Brown,
18 B-r-o-w-n. Mr. Brown, I need to swear you in before you
19 give your testimony. Do you solemnly swear or affirm
20 that the testimony you're about to give will be the
21 truth, the whole truth and nothing but the truth?

22 MR. BROWN: I do.

23 JUDGE HATCHER: Thank you, sir. Please go
24 ahead with your statement.

25 MR. BROWN: Some of these statements I made

1 earlier today. I really don't have many questions. I
2 was at the Monday night hearing as well. I appreciate
3 the opportunity.

4 The first thing is there was sworn testimony
5 by a Mr. Jordan Seaver of the OPC, Office of Public
6 Counsel, on June 8 last week. In that document he
7 proposes several rate options to the PSC. In those
8 options, on pages -- I think starting on page 5, there
9 were two options that really stand out. That is the
10 water rate, the one unmetered option two rate of a \$21
11 increase and then for sewer is a one sewer option two of
12 a \$17 increase. That was his ruling by his final
13 recommendations as far as unmetered services go.

14 We fall into that category within The Missing
15 Well. We are not metered. Confluence is already in the
16 process of laying pipe to be able to connect to the
17 rural water that we have available right there in Benton
18 County. It's actually coming from Henry County Water
19 District.

20 Monday night questions were asked about
21 metered service. Confluence River was really unable to
22 give us a timeline as to when metered service could be
23 provided. It was stated that they really don't have a
24 price for the meters because that changes daily and
25 they're having a very difficult time even getting

1 meters. So we don't have a timeline of when metered
2 service would even be provided.

3 Additionally, the sewer lagoon we have now is
4 an unpermitted lagoon. It, of course, does not meet any
5 DNR standards for a sewer operation. They stated here
6 today that this would be a small package waste plant
7 eventually which, you know, there's going to be a better
8 option for that sewer plant and then a final treatment
9 tank so that the outflow would not have bacteria.

10 One thing to take into consideration of that
11 sewer lagoon today is the outflow does flow down a ditch
12 under one of the roads and into a property owner's
13 private pond. There is some concern there. The other
14 thing I'd mention is basically how we got here in the
15 first place was the original developers failed the
16 community in not drilling a community well. They had a
17 noncompliant residential well they started with. It was
18 permitted as a noncompliant well designed to only
19 support 15 houses. I believe that was the right number.

20 Eventually one of the other homeowners on the
21 north side of the property drilled a well, paid for it,
22 another multi-residential well, and then gifted it to
23 the association. The association sued the developers,
24 and in that case, which was settled in 2009, Mr. Clizer
25 has a copy of that, but that's Case No. 05BE-CC00040.

1 In that case, the developer was ordered to bring the
2 water and sewer up to existing standards, and they
3 failed to do so or he failed to do so.

4 One of the developers, Glen Bain, passed away
5 on the date of the first scheduled court date. Then
6 they rescheduled it. It was Barry Hurst that was the
7 remaining developer.

8 So in 2009, when he was ordered to do that, he
9 was also fined \$10,000. He paid the fine and then
10 failed to do anything else with the water and sewer.
11 And then he passed away about two years ago. That's
12 when we got to the position with DNR that they were
13 forcing us to either do it ourselves, doing it meaning
14 drill a community well, bring the sewer up to today's
15 standards or sell the operation, which we did sell to
16 Confluence Rivers. That's about all I have. Does
17 anyone have any questions?

18 JUDGE HATCHER: Are there any Commissioner
19 questions?

20 COMMISSIONER HOLSMAN: Just one.

21 JUDGE HATCHER: Go ahead.

22 COMMISSIONER HOLSMAN: Thank you. This is
23 Commissioner Holsman. How long ago did you sell the
24 system?

25 MR. BROWN: They took over operations in April

1 of last year.

2 COMMISSIONER HOLSMAN: April of last year.
3 Have you seen any investment into it?

4 MR. BROWN: Not until two weeks ago when they
5 started laying pipe to connect to the rural water.

6 COMMISSIONER HOLSMAN: Okay. Thank you.

7 JUDGE HATCHER: Thank you. And I want to
8 confirm. You said you're in The Missing Well service
9 area?

10 MR. BROWN: Yes. I'm president of the HOA.

11 JUDGE HATCHER: Mr. Clizer.

12 MR. CLIZER: Your Honor, as Mr. Brown
13 indicated, he after the Q&A session was kind enough to
14 provide me a copy of the Final Judgment issued in the
15 case that he referenced in his testimony. I was going
16 to ask whether or not Mr. Brown was interested in
17 offering that as an exhibit to the hearing and whether
18 or not the Commission would be interested in receiving
19 that as an exhibit.

20 JUDGE HATCHER: Absolutely. If you'd like, I
21 will be happy to let you two discuss it afterwards to
22 figure out. I'm sorry. Are you suggesting he offer it
23 now as an exhibit?

24 MR. CLIZER: Yes.

25 JUDGE HATCHER: I didn't know if you guys

1 needed to talk first. Go ahead.

2 MR. CLIZER: I was going to return it to him.
3 If he would like to, I was going to offer that we enter
4 it as an exhibit to the hearing.

5 JUDGE HATCHER: I'm following now. Go ahead.
6 Sometimes it just takes me a minute to get there.

7 MR. BROWN: Yes, I'd be happy to offer it.

8 JUDGE HATCHER: Excellent. Could you please
9 bring that forward to me and I'll take care of that and
10 file that as an exhibit. Thank you, sir.

11 MR. WOODSMALL: Your Honor, I don't have a
12 problem with the Commission receiving this. I just want
13 to make clear that the court order that you're looking
14 at all involves matters that occurred prior to
15 Confluence River taking over the system and the problems
16 they had with getting this system up to speed. I just
17 want to make sure that the Commission knows that didn't
18 involve Confluence River.

19 JUDGE HATCHER: Absolutely.

20 MR. BROWN: I would definitely agree with
21 that. There were numerous letters that I wrote to the
22 Department of Natural Resources making complaints that
23 nothing was ever followed up on based on that case. DNR
24 never really followed it up. All they did was put it on
25 our shoulders. The state of Missouri never followed up.

1 JUDGE HATCHER: Commissioner Coleman.

2 COMMISSIONER COLEMAN: Mr. Brown, can you
3 remind me when that court case was settled?

4 MR. BROWN: I think it's dated stamped 2009.

5 COMMISSIONER COLEMAN: 2009. And Mr.
6 Woodsmall, Confluence acquired when?

7 MR. WOODSMALL: It's my understanding, Mr. Cox
8 can probably speak to this exactly, but it's less than
9 two years.

10 COMMISSIONER COLEMAN: Two years. And
11 Mr. Brown, you mentioned that within the last two weeks
12 you've seen some work but nothing prior to that?

13 MR. BROWN: Correct.

14 MR. WOODSMALL: Commissioner Coleman, I've
15 received better information and it's slightly less than
16 one year that Confluence acquired Missing Well.

17 MR. BROWN: They acquired and we signed the
18 papers in April of last year.

19 COMMISSIONER COLEMAN: April. Okay. Thank
20 you, Mr. Brown.

21 MR. BROWN: Yes.

22 JUDGE HATCHER: Commissioner Kolkmeier.

23 COMMISSIONER KOLKMEYER: Yes. Thank you,
24 Judge. Am I remembering right you're at Bolivar?

25 MR. BROWN: No, we're actually in Benton

1 County right on the edge of Henry and Benton County off
2 of 7 Highway.

3 COMMISSIONER KOLKMEYER: Okay. I'm trying to
4 think.

5 MR. BROWN: You know where Truman Lake is?

6 COMMISSIONER KOLKMEYER: Yes.

7 MR. BROWN: We're right north of there.

8 COMMISSIONER KOLKMEYER: Thank you.

9 JUDGE HATCHER: Thank you, Mr. Brown.

10 MR. BROWN: Thank you.

11 JUDGE HATCHER: I apologize for my
12 pronunciation of the last name, Julie Sieving,
13 S-i-e-v-i-n-g. Also it could be Julie S-i-e-u-i-n-g,
14 although that would be much harder to pronounce. Is
15 there anyone named Julie that would like to testify?

16 Okay. That's consistent with the information
17 I was told that there's a couple of people that had
18 gotten their answers to their questions. Kyle Herrog
19 (phonetic spelling) H-e-r --

20 MR. WOODSMALL: Your Honor, his name is Kyle
21 Herrog and I went to school with him, and he's left.

22 JUDGE HATCHER: Thank you, sir. As promised,
23 if anyone did not pre-sign up, I don't want to exclude
24 you. The Commission would like to hear your testimony.
25 If anyone is here and would like to offer their

1 testimony, please come on up to the microphone. Fair
2 warning. In about 30 seconds, I'm going to close the
3 hearing.

4 You'll have other opportunities. We have four
5 more hearings, including tomorrow, some on WebEx, and
6 I'll be giving instructions on how to submit written
7 comments. I'm not seeing anyone rise to come to the
8 microphone.

9 Let's go to ending our hearing then. Are
10 there any closing remarks from the Commissioners?
11 Commissioner Holsman.

12 COMMISSIONER HOLSMAN: Just want to thank
13 everybody for testifying today. I hope the question and
14 answer session was productive. We look forward to the
15 continuation of these hearings in the next couple days.
16 Thank you.

17 COMMISSIONER COLEMAN: Thank you for coming.

18 COMMISSIONER KOLKMEYER: Again, thank you for
19 coming.

20 JUDGE HATCHER: I echo that as well. I do
21 want to thank everyone for standing at the microphone.
22 That takes guts. I also want to thank everyone for
23 taking time out of the middle of their day to come and
24 do this. I know it's not anyone's favorite activity,
25 but we do appreciate it.

1 If you would like to comment or know someone
2 who would like to comment and they were not able to be
3 here, you may still make written comments on the case or
4 go to the website, the PSC website, psc.mo.gov. In the
5 upper right-hand corner I believe it says submit
6 comments. Make sure to include this rate case number
7 and it ends in 0006. It's WR-2023-0006. This hearing
8 is now -- I'm sorry. I normally give out the email for
9 OPC. If anyone would like to contact the Office of the
10 Public Counsel, their email address is mopco@opc.mo.gov.

11 Seeing no other matters coming before the
12 body, we are adjourned and we are off the record.

13 (Thereupon, the hearing concluded at 12:56
14 p.m.)

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CERTIFICATE OF REPORTER

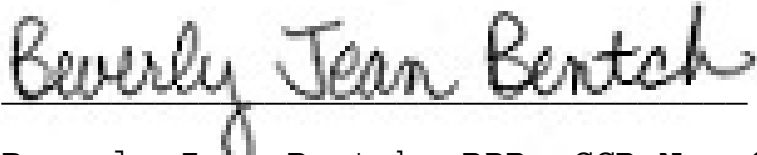
STATE OF MISSOURI)

COUNTY OF COLE)

I, Beverly Jean Bentch, RPR, CCR No. 640, do hereby certify that I was authorized to and did stenographically report the foregoing Public Service Commission evidentiary hearing; and that the transcript, pages 1 through 18, 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 6th day of July, 2023.



Beverly Jean Bentch, RPR, CCR No. 640

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