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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
Public Hearing
December 3, 2003
Chesterfield, Missouri
Volume 11

In the Matter of)
Missouri-American Water)
Company's Tariff to) Case No. WR-2003-0500
Revise Water and Sewer)
Rate Schedules)

RONALD PRIDGIN, Presiding,
DEPUTY CHIEF REGULATORY LAW JUDGE

CONNIE MURRAY,
BRYAN FORBIS,

COMMISSIONERS.

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2 Appearances (Continued)
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 Richard Popovich
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1 JUDGE PRIDGIN: Good evening. The
2 Missouri Public Service Commission has set this
3 time for a local hearing in the matter of
4 Missouri-American Water Company's Tariffs to Revise
5 Water and Sewer Rate Schedules, Case No.
6 WR-2003-0500, in which Missouri-American Water
7 Company seeks a general water rate increase.

8 Missouri-American's proposed water
9 service tariffs are designed to produce an annual
10 increase of approximately 12.2 percent or 20
11 million dollars in the company's water service
12 revenues and 3.3 percent or \$1,637 in the company's
13 sewer service revenues. Additionally, the
14 Commission staff has recently filed an overearnings
15 complaint against the company, which charges that
16 the company is earning about 20 million dollars
17 more than it should at its current rates.

18 The Missouri Public Service Commission
19 regulates the rates charged by investor owned
20 utility companies in Missouri to insure that those
21 rates are just and reasonable. The Commission also
22 regulates the quality of service and safety of the
23 operations of investor owned utilities. The
24 Commission is made up of five commissioners, two of
25 whom are here this evening. The commissioners are

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

6 I am Ron Pridgin. I am a regulatory law
7 judge for the Missouri Public Service Commission,
8 and I will preside over this evening's hearing.
9 With me tonight on my left is Commissioner Connie
10 Murray and on my right, Commissioner Bryan Forbis.

11 This is an official hearing of the
12 Missouri Public Service Commission, and the
13 statements and testimony of witnesses will be
14 recorded by the court reporter and must be given
15 under oath. All of the commissioners will have a
16 chance to read all of the witnesses' remarks. In
17 addition to this hearing this evening, nine other
18 local public hearings are being held in this case
19 and other areas of the state.

20 Also, a trial type evidentiary hearing
21 will be held beginning December 15th, 2003,
22 starting at nine o'clock in the morning at the
23 Commission's offices at the Governor Office
24 Building in Jefferson City, Missouri. That hearing
25 will be open to the public, and the company will

1 have the burden at that hearing of showing that the
2 proposed rate increase is necessary. The parties
3 will present their witnesses for and against the
4 proposed rate increase at that time, and the
5 staff's overearnings complaint will be tried at the
6 same time.

7 The purpose of the hearing tonight is to
8 hear from you on the subject of the proposed rate
9 increase. The company will not present witnesses
10 tonight and will not answer questions. Tonight is
11 your chance to testify, and your remarks will be
12 made a part of the official record of this case.

13 I will call the name of each witness who
14 is signed up to speak, and I will call you in the
15 order that you signed up. When your name is
16 called, please come forward to the podium. I will
17 place you under oath and ask you some preliminary
18 questions. I will ask you to spell your name so
19 that the court reporter can put it in the record
20 correctly. You will then have a chance to make
21 your statement. There then may be questions from
22 counsel, from the commissioners, or myself. Please
23 do not leave the podium until you are excused.

24 There may be someone who wishes to
25 testify but, because of religious convictions,

1 cannot take an oath. If so, please indicate that
2 to me when I ask you to be sworn so that your
3 testimony may be affirmed instead.

4 Does anyone have any questions about our
5 procedure?

6 Seeing none, we will begin the public
7 hearing on Case No. WR-2003-0500 in the matter of
8 Missouri-American Water Company's Tariffs to Revise
9 Water and Sewer Rate Schedules.

10 Will counsel make their entries of
11 appearance, please, beginning with staff?

12 MR. SNODGRASS: Yes. Good evening. My
13 name is Cliff Snodgrass, Your Honor, and I
14 represent the interests of the staff of Missouri
15 Public Service Commission.

16 JUDGE PRIDGIN: Mr. Snodgrass, thank you.

17 On behalf of the Office of the Public
18 Counsel, please.

19 MS. O'NEILL: Good evening. My name is
20 Ruth O'Neill. I represent the Office of the Public
21 Counsel and the public. Thank you.

22 JUDGE PRIDGIN: Thank you very much.

23 On behalf of Missouri-American Water
24 Company, please.

25 MR. CIOTTONE: Your Honor, my name is

1 Richard Ciottone. I'm associated with the firm of
2 Brydon, Swearngen & England in Jefferson City. I
3 represent Missouri-American Water Company. My
4 associate on my left is David P. Abernathy. He is
5 vice president and corporate counsel for the
6 company as well.

7 JUDGE PRIDGIN: Thank you very much, sir.

8 We do also have some interveners in this
9 case. Are there any attorneys who wish to enter an
10 appearance on behalf of an intervener?

11 All right. Seeing none, let me call the
12 first witness. And I will apologize in advance.
13 If I mispronounce anyone's name, please feel free
14 to correct me and we'll get that pronounced
15 correctly for you.

16 I see the first witness is a George
17 Kossel, if I'm pronouncing that correctly.

18 MR. KOSSL: That is correct, sir.

19 JUDGE PRIDGIN: Thank you, sir.

20 If you would, please come to the podium,
21 sir.

22 Would you please raise your right hand to
23 be sworn?

24 Do you swear the evidence you're about to
25 give will be the truth, the whole truth, and

1 nothing but the truth, so help you God?

2 MR. KOSSL: I do.

3 JUDGE PRIDGIN: Thank you very much,

4 sir. If you would, please state your name for the

5 record and spell your last name, sir.

6 MR. KOSSL: My name is George K-o -

7 double s - l, Koss1. I live at 11873 Majella Drive

8 -- that's M-a-j-e-l-l-a Drive -- Bridgeton,

9 Missouri 63044. My phone number is 739-5794.

10 JUDGE PRIDGIN: Mr. Koss1, are you a

11 customer of Missouri-American Water Company?

12 MR. KOSSL: Yes, sir.

13 JUDGE PRIDGIN: Any statement you have

14 for the Commission, sir?

15 MR. KOSSL: Yes. When I received a

16 notice from the Public Service Commission that they

17 are going to have a hearing, I seen this in my

18 neighborhood, and the Public Service Commission may

19 have the whole thing here. I read that, these two

20 things from a fire hydrant, where I'm paying for

21 both the fire hydrant through both taxes and other

22 means through the -- for the fire department. My

23 bills for three months, for the last year it varies

24 from 171 -- at \$107.84 for the last one. Then I

25 got a 71.58 for the other one. These are three

1 months' bill, by the way. And I have \$61 for last
2 winter's bill.

3 Here the American Water Company puts this
4 tag on the fire hydrant without a meter, and they
5 charge \$15 per day for water service. I noticed
6 that the City of St. Louis general contractor, who
7 bills the airport, has been -- in the last three
8 years been using this water service. I've watched
9 them. My name is on record at the EPA, because I
10 was complaining of dust. And they confirmed that,
11 that they have -- only have ten water drum. And
12 I've seen them trucks watering day in and day out,
13 and they can't cover enough dirt.

14 But this water service is \$15 a day for
15 24 hour use, for day in and day out, from year
16 after year. And now this water has been -- and I'm
17 paying for that, by the way, through the fire
18 hydrant service. Now, I'm paying the City of St.
19 Louis or their contractor to use the fire hydrant,
20 my water. Now they're asking -- the water company
21 asking me to pay them some more. St. Louis County
22 has a minimum of 150,000 homes. That's \$2.50 every
23 month times 3 -- I mean times 12. That's pretty
24 generous raise. I think so. 12-1/2 percent at the
25 time the economy looks good. That's all.

1 JUDGE PRIDGIN: Mr. Koss1, thank you.
2 Let me see if we have any questions. First from
3 counsel.
4 MS. O'NEILL: No, Your Honor.
5 MR. SNODGRASS: None from staff, Judge.
6 JUDGE PRIDGIN: All right. I see no
7 questions.
8 MR. CIOTTONE: No questions.
9 JUDGE PRIDGIN: All right. Thank you.
10 Commissioner Murray, any questions?
11 MS. MURRAY: No questions. Thank you.
12 JUDGE PRIDGIN: Thank you.
13 Commissioner Forbis?
14 MR. FORBIS: No questions.
15 JUDGE PRIDGIN: And I don't believe I
16 have any questions either.
17 Mr. Koss1, thank you very much for your
18 time and for your remarks this evening. We
19 appreciate it.
20 MR. KOSSL: Thank you.
21 JUDGE PRIDGIN: I see as the next witness
22 Kim Gardner.
23 Good evening, sir. If you would, please
24 raise your right hand and be sworn.
25 Do you swear the evidence you are about

1 to give will be the truth, the whole truth, and
2 nothing but the truth, so help you God?

3 MR. GARDNER: I do.

4 JUDGE PRIDGIN: Thank you very much,
5 sir. If you would, please state your name for the
6 record and spell your last name.

7 MR. GARDNER: My name is Kim Gardner.
8 First name is K-i-m. Last name Gardner,
9 G-a-r-d-n-e-r. I live at 4 Meppen Drive,
10 M-e-p-p-e-n, St. Louis.

11 JUDGE PRIDGIN: And are you a customer of
12 Missouri-American Water Company?

13 MR. GARDNER: Yes, I am.

14 JUDGE PRIDGIN: Any statements you have
15 for the Commission?

16 MR. GARDNER: Thank you. First let me
17 begin by saying that I believe that the water
18 company is a very good company and they produce a
19 very good product. The water is some of the best
20 quality I've experienced around and have no
21 complaints in that regard.

22 They have a policy of looking out for the
23 customer, the employee, and the shareholder. My
24 concern is that they may be looking out for the
25 shareholder over the customer and employee. And as

1 the Commission well knows, your job is very
2 difficult, because you're trying to find
3 information about a company from the outside
4 looking in at information and trying to interpret
5 it. So tonight what I wanted to bring is just a
6 snapshot of information that I had acquired out in
7 the field and help -- hopefully that will help you
8 understand and maybe make better judgment as far as
9 this rate case is concerned.

10 I believe the Commission is fully aware
11 of the significant problem that the water company
12 faces, which is the problem that they've inherited
13 with poor quality pipe material and the fact that
14 that pipe material is failing at a rapid pace
15 throughout the county and as a -- part of that, I
16 know the water company has proposed many different
17 solutions where a significant capital investment is
18 needed in order to try to solve that through major
19 replacements of one sort or another.

20 The situation, as I understand, is that
21 the Commission has allowed the water company to --
22 when they're faced with a break, to deal with the
23 repair by deciding whether to replace the full
24 length of pipe or to put a simple clamp on the pipe
25 where the break has occurred. And in doing so, the

1 difference is that you would have a maintenance
2 cost versus a capital expenditure cost. And as was
3 stated in the beginning of the hearing, the rate
4 case is here for an increase in capital expenditure
5 that the company has incurred.

6 My concern is that the company may not be
7 discriminating properly in their decisions whether
8 they should be making a capital investment versus a
9 maintenance expense. What I mean is that when they
10 deal with a break, are they giving field crews the
11 directive to make full stick replacement, full pipe
12 length replacement versus when they encounter a
13 break using their own judgment as to whether a
14 simple band or repair clamp would be sufficient for
15 that particular break.

16 And the reason I bring this up is that I
17 was -- had visited a field crew near my home where
18 there was a break, and I was talking to them about
19 the situation. And during that conversation they
20 brought up their concern, their lack of agreement
21 with the full pipe replacement versus a clamp. And
22 the understanding I got from the crew is that they
23 were under a directive to just replace pipe lengths
24 and not make the clamp repairs, even if in their
25 judgment they felt that it would be a less costly

1 repair.

2 So my impression is that the water

3 company may not be following the directive that

4 they had agreed with the Commission in doing full

5 length repairs. It may not be in the spirit of the

6 original agreement that the water company has with

7 the Commission. And instead, a blanket agreement

8 or a directive has been issued to those field crews

9 to make full length repairs; thus, increasing

10 capital expenditures; thus, increasing the request

11 for a higher rate increase to their customers.

12 That's the snapshot that I wanted to

13 bring, and I feel that it would be important for

14 the Commission maybe to look into this a little bit

15 more.

16 JUDGE PRIDGIN: All right. Mr. Gardner,

17 thank you. Let me see if we have any clarifying

18 questions from counsel.

19 MS. O'NEILL: No, Your Honor.

20 MR. SNODGRASS: None, Judge.

21 MR. CIOTTONE: We have no questions.

22 JUDGE PRIDGIN: Thank you.

23 Commissioner Murray?

24 MS. MURRAY: No. Thank you.

25 JUDGE PRIDGIN: Thank you.

1 Commissioner Forbis?

2 MR. FORBIS: Just a quick question, Mr.

3 Gardner. I just want to make sure. When you were

4 talking to that crew, it was specifically about

5 like an immediate break in repair and they weren't

6 out there doing some sort of a general replacement

7 program? It was to fix a specific problem that had

8 happened?

9 MR. GARDNER: No, sir. It was a break in

10 the street where there was water running. They

11 were out there in the late evening for that repair.

12 MR. FORBIS: And the crew at that time

13 thought that just fixing the pipe would have been a

14 better permanent corrective action you think?

15 MR. GARDNER: That was my understanding

16 from my discussions with the field crew.

17 MR. FORBIS: Okay. Thanks.

18 JUDGE PRIDGIN: Okay, Mr. Gardner. Thank

19 you very much for your time and for your remarks

20 this evening. We appreciate it.

21 MR. GARDNER: Thanks.

22 JUDGE PRIDGIN: Thank you, sir.

23 All right. I see as the next witness

24 Jeff Coleman. Good evening, sir.

25 MR. COLEMAN: Good evening.

1 JUDGE PRIDGIN: Could I ask you to raise
2 your right hand and be sworn, please, sir?
3 Do you swear the evidence you are about
4 to give will be the truth, the whole truth, and
5 nothing but the truth, so help you God?
6 MR. COLEMAN: I do.
7 JUDGE PRIDGIN: Thank you very much,
8 sir. If you would, please state your name for the
9 record and spell your last name.
10 MR. COLEMAN: My name is Jeff Coleman,
11 C-o-l-e-m-a-n.
12 JUDGE PRIDGIN: And your address,
13 please?
14 MR. COLEMAN: 4643 Robbins Grove Drive,
15 Florissant.
16 JUDGE PRIDGIN: And are you a customer of
17 Missouri-American Water Company?
18 MR. COLEMAN: Yes, I am.
19 JUDGE PRIDGIN: All right. Any statement
20 that you have for the Commission this evening?
21 MR. COLEMAN: Yes. Thank you for
22 allowing me the opportunity to participate in this
23 evening's discussion. I'm here to testify in
24 opposition to the rate increase due to my line of
25 faith in American Water's billing integrity that

1 I've discovered firsthand as a customer.

2 I've been a customer since July of 2002

3 when we moved into our house and received our first

4 bill, our first quarterly bill in November of that

5 year. I contacted the company to inquire about the

6 rates and tax -- the surcharges. Just get a

7 general explanation of the items on my bill, what I

8 believed to be a fairly routine request that I've,

9 you know, made similar requests of other utility

10 companies. I've always received answers on that

11 very same phone call.

12 However, there were several items that

13 they were not able to explain to me, either the

14 calculation of or the rationalization behind some

15 of the tax and surcharges. And so I began to -- I

16 embarked at that point on a very long, arduous

17 series of phone calls and e-mails, which finally I

18 was able to complete just a couple of months ago,

19 of this year. But I'd just like to draw your

20 attention to the specific items that I had trouble

21 with.

22 One of them was the primacy fee that was

23 on my bill, the lowest surcharge in terms of the

24 actual cost of it. But I was, you know,

25 questioning that one because the -- I was surprised

1 to see it on my first bill in November when the
2 tariff filed with PSC specifies that that is an
3 annual charge to be levied on the first bill of
4 each calendar year. And when I questioned that, I
5 was advised that it is, in fact, an annual charge
6 and that they had simply billed it to me earlier
7 than they should have and that I would not be
8 seeing that item on any bills in 2003, which so far
9 has proved to be correct. But that kind of proved
10 to be the beginning of the other even more strange
11 things that I've discovered in these charges.

12 The fire hydrant service item was the one
13 that seemed to provide the most trouble with the
14 company in their ability to explain it. And given
15 the calculations, I had to go through several
16 different people in the Alton service center and
17 finally was able to get contact with a gentleman in
18 the rate department in Creve Coeur who was able
19 after several months to provide me the calculation
20 of that charge. And when I compared his
21 explanation to the tariff with PSC, I found a few
22 discrepancies which I brought to his attention.
23 And he was able to, you know, research those and
24 get back to me with clarification, but I --

25 One of the items I brought to his

1 attention was that the tariff specifies that that
2 rate will be reviewed and revised annually on March
3 1st of each year. The bill that I was looking at
4 at that time was the bill that I received in May of
5 this year, and the charge was the same. It was
6 explained that that charge would be changing
7 effective on my next bill. Well, it turned out
8 that that charge went down effective with this
9 year's billing. And so by waiting an extra billing
10 cycle to make that reduction, they ended up
11 effectively pocketing, you know, a few pennies
12 times every -- presumably every Missouri-American
13 Water customer in their jurisdiction, contrary to
14 what is specified in the tariff.

15 And he chalked it up to simply the
16 company was just simply behind in their billing
17 procedures and just, you know, understaffed, yada,
18 yada, and they were just slow on getting around to
19 it. But, you know, when asked if that change would
20 be made retroactively to everybody, you know, it
21 was clear that it would not be. And he explained
22 that their billing system was simply not
23 sophisticated enough to make that change
24 retroactively.

25 He was able to credit the amount on my

1 bill. But, you know, this was just one of those
2 things that without going over a bill with a
3 microscope and going through the Missouri tariff,
4 it's something that most people would not know
5 about or have access to and be able to very easily
6 identify. And there's -- I think that adds up on
7 that fee alone to a significant amount of money
8 that is in their account that is not appropriately
9 theirs.

10 The third item that I had trouble with
11 was the sales tax item. And the explanation that
12 came back to me on that was, that as a residential
13 customer I'm not supposed to be charged sales tax,
14 so we'll go ahead and remove that from your
15 account. And that was \$5 and change. And so I
16 wonder again, you know, how many other customers
17 might be paying sales tax on their residential
18 water bill, and that would be money that they are
19 not supposed to be paying and that the company has
20 no right to collect.

21 So I do believe that a very -- a
22 comprehensive audit would be called for here of the
23 billing procedures and the financial accounting
24 systems of Missouri-American Water before any rate
25 increase would be considered, let alone granted.

1 And that's all I have.

2 JUDGE PRIDGIN: Mr. Coleman, thank you
3 very much. Let me see if we have any clarifying
4 questions from counsel first.

5 MS. O'NEILL: No questions from public
6 counsel.

7 MR. SNODGRASS: Nothing from staff.

8 JUDGE PRIDGIN: Thank you.

9 MR. CIOTTONE: No questions.

10 JUDGE PRIDGIN: All right. Thank you
11 very much.

12 Commissioner Murray?

13 MS. MURRAY: I don't believe I have any
14 questions, but thank you for the thorough analysis
15 of your bill. Appreciate the information.

16 MR. COLEMAN: Happy to help.

17 JUDGE PRIDGIN: Commissioner Forbis?

18 MR. FORBIS: Yeah. Mr. Coleman, hey,
19 just a couple of quick questions. On the sales tax
20 issue, I'm wondering, did you like ask any of your
21 neighbors if they had a similar situation happen by
22 chance, or did you -- or is this an isolated case?

23 MR. COLEMAN: I did ask a couple of my
24 neighbors. I haven't really followed through on
25 it, because they weren't able to lay their hands on

1 their water bill at the time I was asking them.
2 But that is something that's always been in the
3 back of my mind to follow up on, because I feel
4 very strongly that if I were to get a little more
5 thorough with that just in my own neighborhood, I
6 would find a lot of sales tax items showing up on a
7 lot of customer bills.

8 MR. FORBIS: And just so I'm clear on the
9 fire hydrant issues, this fee was charged early
10 and, as a result, the company made some extra
11 money. Your position is then it was refunded
12 later? I'm not quite sure I follow.

13 MR. COLEMAN: Are you talking about the
14 hydrant?

15 MR. FORBIS: The fire hydrant service
16 fee, yeah.

17 MR. COLEMAN: Okay. That's a fee that's
18 adjusted annually according to the tariff, and the
19 -- this -- in 2003 that adjustment resulted in a
20 decrease, because the company eliminated the
21 component described in the tariff as an amortized
22 investment in fire hydrants in order to remove,
23 relocate, or that's amenable to cost of removal.
24 They eliminated that component entirely, which by
25 itself brought down the overall calculation and

1 presumably resulted in a net decrease to all of
2 their customers. But that, you know, should have
3 been effective March 1st and then with any bill
4 subsequent to that. But the May 2003 bill did not
5 reflect that decrease.

6 MR. FORBIS: All right.

7 MR. COLEMAN: So that decrease -- the
8 timing of it resulted in, you know, the -- the same
9 rate from 2002 being applied one billing cycle too
10 many. And therefore, that differential was, you
11 know, money to the water company that they,
12 according to the tariff, are not entitled to
13 collect.

14 MR. FORBIS: The adjustment wasn't made
15 in time, so it resulted in an extra charge in the
16 bill. And you identified that, contacted them, and
17 they gave you a credit?

18 MR. COLEMAN: Correct.

19 MR. FORBIS: Okay. Thanks. That clears
20 up both those questions. I appreciate it.

21 MR. COLEMAN: You bet.

22 JUDGE PRIDGIN: Mr. Coleman, I want to
23 make sure that I'm clear. Is it your testimony
24 that Missouri-American has -- since you contacted
25 them has credited your bill properly?

1 MR. COLEMAN: Yes.

2 JUDGE PRIDGIN: Okay. Your concern is

3 perhaps there are other customers who have not --

4 who have not been billed correctly?

5 MR. COLEMAN: Yeah. I feel strongly that

6 most likely just about every other customer has not

7 been billed correctly. And I -- you know, with

8 these three items that I found fault with, I wonder

9 if there are other items that, you know, would come

10 up on my own subsequent bills that I would have

11 problems with. And I just feel like I'm constantly

12 having to scrutinize every water bill because I

13 can't rely on the ability -- the integrity of the

14 company to do that for me.

15 JUDGE PRIDGIN: Mr. Coleman, thank you

16 very much for your well researched testimony and

17 remarks. We appreciate it very much, sir.

18 MR. COLEMAN: Well, thank you.

19 JUDGE PRIDGIN: Thank you.

20 All right. I see as the next witness a

21 Karl Tyminski, if I'm pronouncing that correct.

22 MR. TYMINSKI: Good evening.

23 JUDGE PRIDGIN: Good evening, sir. Did I

24 pronounce that correctly?

25 MR. TYMINSKI: Right on target.

1 JUDGE PRIDGIN: Wonderful. If I could
2 get you to raise your right hand to be sworn,
3 please, sir.

4 Do you swear the testimony you are about
5 to give will be the truth, the whole truth, and
6 nothing but the truth, so help you God?

7 MR. TYMINSKI: I do.

8 JUDGE PRIDGIN: Thank you very much,
9 sir. If you would, please state your name for the
10 record and spell your last name.

11 MR. TYMINSKI: My name is Karl, and
12 that's K-a-r-l. And it's T, as in Tom,
13 y-m-i-n-s-k-i. I live at No. 2 Bitterfield Court,
14 Ballwin, Missouri. I'm here representing both
15 myself and the residents of the Henry Woods Home
16 Owners Association.

17 JUDGE PRIDGIN: All right. And are you
18 and are they customers of Missouri-American Water
19 Company?

20 MR. TYMINSKI: I am, and I believe all
21 the level home owners are customers as well.

22 JUDGE PRIDGIN: All right. Any
23 statements you have for the Commission this
24 evening, sir?

25 MR. TYMINSKI: Yes. The issue that I'm

1 going to testify for, discuss, deals with customer
2 service, more in the ability to repair or replace
3 items in a timely fashion. In our situation we
4 have 11 homes. All 11 homes are on a hill that
5 consists of three streets. We're on the eastern
6 edge of Ballwin, Missouri.

7 In the fall of 2002, somewhere around
8 October when we turn off all the sprinkler systems,
9 we noted that down the court, one of the streets
10 that about five homes are on, there was a trickle
11 of water. And it just kept going into the sewer.
12 The first thought was geez, someone's sprinkler
13 system was leaking. So after getting the sprinkler
14 systems checked out, we realized that wasn't the
15 case. And winter came on and it was raining. We
16 kind of let that be. And the leaks were still
17 there in the spring and the summer of 2003.

18 So again, we call up. This time we call
19 the water company. We called the folks -- and I
20 will say your customer service efforts were good,
21 and people handled us very well and
22 professionally. Probably better than they had in
23 prior years. Real nice job in that aspect. So
24 from that aspect we were very satisfied.

25 A crew came out, marked it, and then

1 nothing happened. We called again in July or
2 August. A follow-up crew came out, and nothing
3 happened. So what we have is a -- for over a year
4 now we have a situation where we have water running
5 down the street. And some of the home owners in
6 the subdivision had approached me on it. And the
7 water is running down the street into the storm
8 sewer. And their concern was twofold.

9 First, in a prior point in time before we
10 were asked by the City of Ballwin, we had had
11 undermining of the street itself. Both the street
12 that I live on and the adjacent street has had
13 undermining come in recently and replace the
14 slabs. So some of the residents were concerned
15 that gee, with this water running, is that going to
16 undermine the street itself. The second issue is
17 just waste, that type of thing.

18 So in October we called the City of
19 Ballwin. We urged them to try to reach you folks
20 to do something about it. Still the leak remains
21 there. And we're just looking to have that leak
22 repaired. And we understand that you're coming for
23 a capital program. Maybe this supports that
24 capital program. But on the other hand, you think
25 this would be more of a repair and maintenance

1 item.

2 Thank you. That's all I have.

3 JUDGE PRIDGIN: Okay. Thank you. Let me
4 see if we have any questions from counsel first.

5 MS. O'NEILL: No questions.

6 MR. SNODGRASS: No questions from staff.

7 JUDGE PRIDGIN: Thank you.

8 MR. CIOTTONE: No questions.

9 JUDGE PRIDGIN: All right. Thank you
10 very much.

11 Commissioner Murray?

12 Mr. Tyminski, I'm sorry. We'll have some
13 questions from --

14 MR. TYMINSKI: Oh, sure.

15 JUDGE PRIDGIN: Commissioner Murray?

16 MS. MURRAY: I just wanted to be sure on
17 one thing. You said the leak is still present?

18 MR. TYMINSKI: Still present. It's at
19 No. 1, which is adjacent to my house. No. 1
20 Bitterfield Court in Ballwin. The crews were out,
21 and I confirmed that in July and August, somewhere
22 in that time frame. The leak is still present.

23 MS. MURRAY: Thank you.

24 MR. TYMINSKI: It was there when I walked
25 the dog last night.

1 JUDGE PRIDGIN: Commissioner Forbis?

2 MR. FORBIS: If I can just clear

3 something up, Mr. Tyminski, the leak is on the

4 company side of the meter? I mean, no one's paying

5 for this water; correct?

6 MR. TYMINSKI: I got my bill. Definitely

7 the leak is the company's. I don't --

8 MR. FORBIS: You might be a little more

9 excited about it if it were on your side.

10 MR. TYMINSKI: And I talked to the

11 residents at No. 1 Bitterfield Court, and they also

12 didn't have a problem with their bill. And that's

13 really where the water emanated from.

14 MR. FORBIS: All right. Just wanted to

15 check that. Thank you.

16 MR. TYMINSKI: Thank you.

17 JUDGE PRIDGIN: Thank you very much for

18 your testimony this evening. We appreciate it.

19 Next I see Patrick O'Driscoll.

20 Good evening, sir. If you would, please

21 raise your right hand to be sworn.

22 Do you swear the evidence you are about

23 to give will be the truth, the whole truth, and

24 nothing but the truth, so help you God?

25 MR. O'DRISCOLL: Yes, sir.

1 JUDGE PRIDGIN: Thank you very much,
2 sir. If you would, please state your name for the
3 record and spell your last name.

4 MR. O'DRISCOLL: Patrick O'Driscoll,
5 O-D-r-i-s-c-o-l-l.

6 JUDGE PRIDGIN: And your address,
7 please?

8 MR. O'DRISCOLL: 449 Ivywood Drive,
9 Ballwin, Missouri, St. Louis County.

10 JUDGE PRIDGIN: And are you a customer of
11 Missouri-American Water Company?

12 MR. O'DRISCOLL: Yes. We're also a
13 customer of the old St. Louis County Water Company
14 for about 30 years.

15 JUDGE PRIDGIN: Any statements you have
16 for the Commission, sir?

17 MR. O'DRISCOLL: I was concerned about
18 the danger of radioactive materials getting into
19 our water supply. On the St. Charles County side
20 there's Weldon Springs, and they moved all the
21 radioactive material when they built the atomic
22 bomb in St. Louis on Broadway. They moved it out
23 to the airport, and then it was moved out to Weldon
24 Springs. They built the materials in rich uranium
25 for the atomic bombs in the '30s and '40s, and they

1 buried it out there in Weldon Springs. My concern
2 is, some of it's leaking out and it's getting into
3 our water supply.

4 And the fact is that the intake valve for
5 the water company is slightly just beyond the point
6 where Weldon Springs -- there's a possibility that
7 it could get into our drinking supply and cause
8 cancer. I've lost a couple of relatives to cancer,
9 and one of them was serving in the U.S. Air Force.
10 He was on a missile silo, and the water was polluted
11 with radioactive material. He died of cancer at
12 33, and that's my concern, too. And, you know, we
13 just don't want to get cancer. But with the
14 restrictions that are on safety and everything like
15 that, I hope that they'll be very careful about
16 having any radioactive materials in our drinking
17 water.

18 The other thing is, there's a lot of
19 breakdowns. I think that we shouldn't be
20 responsible. The sewer should be responsible for
21 paying all the repairs. We had several repairs in
22 our neighborhood. My neighbor came out of -- his
23 water was sprinkling out of the ground. And we
24 thought it was the water sprinkler system he had.
25 And it took awhile for them to get out to prove

1 that it wasn't the water sprinkler. It was a leak
2 by his mailbox, and the water main was broken. And
3 I think they came out and replaced it twice. But
4 it's still working okay. And we have several other
5 leaks in our neighborhood. I hope they can do
6 something to keep them, you know, repaired so we
7 don't lose a lot of water. It's cost us in the
8 long run because it goes into the bill.

9 The other thing, I think water utilities
10 are a good investment, but do they overpay for the
11 old St. Louis Water Company, the big companies? I
12 know that they serve about 100 different
13 municipalities and cities in Missouri, and I hope
14 that, you know, we're not getting taxed for all
15 these acquisitions. Thank you.

16 JUDGE PRIDGIN: Mr. O'Driscoll, thank
17 you. Let me see if we have any questions. First
18 from counsel.

19 MS. O'NEILL: No, Your Honor.

20 MR. SNODGRASS: None, Judge.

21 MR. CIOTTONE: No, Judge.

22 JUDGE PRIDGIN: Thank you very much.

23 Commissioner Murray?

24 MS. MURRAY: Yes. Have you talked to the
25 company or anyone at the company about your

1 concerns?

2 MR. O'DRISCOLL: Some of the workmen I've
3 talked to. They came out to do the repairs. Still
4 got a few leaks in our neighborhood where the water
5 -- I know it hasn't rained for the last couple of
6 days, but there's been a little seepage of water
7 going down the streets in a couple of places, too,
8 in my neighborhood. But I'm not complaining about
9 that. But I mean these leaks do add up to our
10 bills when they've got to process that water and
11 everything like that.

12 I hope that I can bring my concerns here
13 to prevent anybody from getting cancer. Cancer is
14 a terrible thing. Radioactivity is, you know,
15 being diluted by being dumped into various places,
16 and I hope that nobody ever has cancer caused by
17 radioactive materials.

18 MS. MURRAY: Have you discussed that
19 concern with anyone at the company?

20 MR. O'DRISCOLL: Not -- well, just the
21 workmen. But, you know, I could -- well, I didn't
22 discuss it with the office people or anything like
23 that.

24 MS. MURRAY: All right. Thank you.

25 JUDGE PRIDGIN: Commissioner Forbis?

1 MR. FORBIS: I don't think so. Thank
2 you, Mr. O'Driscoll.

3 JUDGE PRIDGIN: Thank you very much,
4 sir.

5 MR. O'DRISCOLL: Thank you.

6 JUDGE PRIDGIN: We appreciate your
7 remarks this evening.

8 JUDGE PRIDGIN: Next I see David Lee.
9 Good evening, sir.

10 MR. LEE: Good evening.

11 JUDGE PRIDGIN: If you would, please
12 raise your right hand and be sworn.

13 MR. LEE: Hi. I'm David Lee.

14 JUDGE PRIDGIN: Do you swear the evidence
15 you are about to give will be the truth, the whole
16 truth, and nothing but the truth, so help you God?

17 MR. LEE: I do.

18 JUDGE PRIDGIN: Thank you very much,
19 sir. If you would, please state your name for the
20 record and spell your last name.

21 MR. LEE: My name is David. Last name
22 Lee.

23 JUDGE PRIDGIN: And your address,
24 please?

25 MR. LEE: 9500 Doris Ann Court,

1 D-o-r-i-s, A-n-n. That's Affton, Missouri 63123.

2 JUDGE PRIDGIN: And are you a customer of

3 Missouri-American Water Company?

4 MR. LEE: Yes, I am. And I'm also a

5 former Democratic candidate for St. Louis County

6 executive. I come here representing approximately

7 222,000 voters in the St. Louis County district.

8 JUDGE PRIDGIN: All right. Any statement

9 that you have for the Commission? And if I could

10 trouble you to back off from the microphone just a

11 little bit. I think we're getting some feedback.

12 MR. LEE: How's that?

13 JUDGE PRIDGIN: That's fine.

14 MR. LEE: Okay. Very good.

15 JUDGE PRIDGIN: Thank you very much, sir.

16 MR. LEE: To start with, this was kind of

17 close to where I live, within a one-year period on

18 Doris Ann Court, which is in about a 40, 50 year

19 old neighborhood in Affton, there's been a major

20 water main break along this street. It's a court,

21 and it's a court that runs downhill. One goes to

22 the middle of the court, which is about -- the

23 court runs about maybe a full mile in length. And

24 the first main break was in front of my mother's

25 home, 9500 Doris Ann also, where I live, and then

1 recently a water main break at the top of the hill.

2 Now, during both of these breaks it

3 turned Doris Ann Court into what looked like a

4 river. I mean, we're talking massive flows of

5 water washing out the street for at least 100, 200

6 feet. The street has had undermining problems for

7 a number of years. The St. Louis County street

8 department has even had to mud jack or pump

9 concrete under slabs to try to shore things up. So

10 it has kind of been an ongoing problem. I just

11 wanted to call your attention to that.

12 Now, on a bigger note, throughout St.

13 Louis County there's quite a few zoning districts

14 labeled as nonurban or NU zoning category. And in

15 these areas hundreds of home owners do not have the

16 luxury of -- of -- I will call it St. Louis County

17 water service. Of course this isn't

18 Missouri-American Water Company.

19 And what I would like to see -- I'm for

20 infrastructure improvement. We need to keep our

21 water system safe and sound. I understand all

22 that. But the problem is with these areas. Those

23 areas are -- unless somebody comes up with a ton of

24 money and wants to develop them, these people are

25 at the mercy of either the water company or

1 whatever for their water service.

2 Quite a few of them have damaged aquifers

3 from either chlorine or any other type of activity,

4 and they have no source of water except for a water

5 hauling service. And they're basically paying \$40

6 per 2,000 gallons of water for a cistern. And so

7 the water sits in a cistern, sits in there for

8 weeks at a time. I also find a lot of these

9 customers are elderly. So, you know, a lot of them

10 have to put water in a cistern. And it'll sit

11 there for weeks, until it's finally, you know,

12 pumped down and then they have the money to refill

13 and all that kind of stuff.

14 That's a large problem. You can go

15 anywhere in rural America and find farms that are

16 placed a mile apart, and you find out they have

17 city water. And so why not St. Louis County?

18 Can't we make that an overall goal, to provide

19 water service for every home in St. Louis County?

20 Another one that was brought to my

21 attention from voters is that there's a 2 to \$250

22 water inspection fee. Some new thing that I'm not

23 aware of myself. That when you sell your home and

24 then you want to change over service, they're

25 wanting to come out in front of your house. And

1 where your water -- I guess I'm going to call it an
2 inlet, where you take and lift the lid and put a
3 T-valve in it to turn your water on and off at your
4 home. They're saying that this has to be flush on
5 grade and that the water company is charging 2,
6 \$250 to either make this improvement or make that
7 inspection. I'm not sure of all the details. But
8 this was brought to my attention in the late
9 period.

10 Something else I did want to ask is, if
11 someone could just -- for my education is, how many
12 of these mailers were sent out throughout St. Louis
13 County? Does anybody have that information?
14 Because I feel that if this meeting may have been
15 held starting at seven p.m. -- I know it's kind of
16 late, but I know it was very difficult for me to
17 get here to make the time frame. And I believe
18 being December 3rd, around the holidays, and also
19 at the time there's a problem, probably that there
20 would have been a lot more people here voicing
21 their opinions on this issue. So that's all I
22 have. Thank you.

23 JUDGE PRIDGIN: All right, Mr. Lee.
24 Thank you. Let me see if we have any questions
25 from counsel.

1 MS. O'NEILL: No questions.

2 MR. SNODGRASS: No questions.

3 MR. CIOTTONE: Mr. Lee, could the \$250

4 fee you're talking about be something that some

5 home inspection service is charging prospective

6 buyers to do inspections?

7 MR. LEE: No. This was on Doris Ann

8 Court. One of the neighbors sold their homes. And

9 actually the water company came out, sprayed some

10 blue paint where this unit was being either

11 elevated so they could do their T-handle. I'm not

12 quite sure. And they said this is -- then they

13 sold their home, had to pay it. Then they bought

14 another home in Oakville, and they said they had to

15 pay that. So I don't know if it's a new service

16 fee. But this wasn't an independent inspector or

17 anything.

18 MR. CIOTTONE: You believe the \$250 was a

19 fee charged by the water company?

20 MR. LEE: That's correct.

21 MR. CIOTTONE: Thank you.

22 JUDGE PRIDGIN: Thank you.

23 Commissioner Murray, any questions?

24 MS. MURRAY: Mr. Lee, did you say you are

25 a candidate or a current office holder?

1 MR. LEE: Candidate.

2 MS. MURRAY: So when you say you're
3 representing 220,000 voters, that's 220,000 voters
4 you hope were going to vote for you?

5 MR. LEE: No, no. That was in my past
6 election. I ran against Buzz Westfall. He was
7 tough, but I'm -- up against. But anybody who can
8 get 22,000 voters against Buzz is doing a pretty
9 good job. So those are the people I'm reference --
10 you know, those are the people I'm referring to.

11 MS. MURRAY: And you're referring to
12 representing them because you've heard from many of
13 them or --

14 MR. LEE: Oh, absolutely. The Way that I
15 basically started out in this whole thing is as a
16 citizen's advocate, and then it just kind of rolled
17 into, you know, county executive and all kinds of
18 other of that stuff. But that's where the number
19 comes from, is my previous August primary voter
20 tally.

21 MS. MURRAY: Okay. Thank you.

22 MR. LEE: Sure.

23 JUDGE PRIDGIN: Thank you.

24 Commissioner Forbis, any questions?

25 MR. FORBIS: Just a couple of quick

1 questions.

2 Mr. Lee, on the second issue, on the
3 nonurban zoning district, your point is just that
4 you would hope the company would expand and provide
5 service to some of these other nonserved
6 territories?

7 MR. LEE: That's correct. They do a
8 pretty good job. And I know that they need to
9 improve infrastructure. But if we're going to do
10 infrastructure improvement, let's improve it to
11 where it benefits all citizens of St. Louis
12 County. Even though it may be expensive, I know
13 five homes did want to, you know, get county
14 water. And for five homes it was -- to run the
15 pipeline down the hill a mile, they got a price of
16 \$180,000 split between five homes.

17 MR. FORBIS: And on your first issue on
18 this main break, the company tried to repair it
19 before. I think you mentioned at least once?

20 MR. LEE: That's correct. This will be
21 the second repair within a year probably there, and
22 then maybe five years prior another water main
23 break. And it's a large main, because when this
24 thing goes, it looks like a river.

25 MR. FORBIS: Do you have any sense, is it

1 because it's an old pipe or do you know what's
2 going on or --

3 MR. LEE: That's -- I would presume it's
4 an old pipe, things of that nature, unless there's
5 maybe some type of shifting of -- with the street.
6 The County has been on that street a number of
7 times removing slabs. And then they finally
8 replaced a bunch of slabs, overlaid it with
9 asphalt, things of that nature. So it seems to be
10 an ongoing problem.

11 MR. FORBIS: Okay. Thank you.

12 JUDGE PRIDGIN: Commissioner, thank you.

13 Mr. Lee, thank you very much for your
14 time and your remarks this evening.

15 MR. LEE: Thank you.

16 JUDGE PRIDGIN: I appreciate it.

17 I don't see any other witnesses who have
18 signed up. Is there anyone else who wishes to
19 testify this evening?

20 Yes, sir. If you would, please come
21 forward.

22 Could I ask you to come up and sign in on
23 the witness list, please?

24 MR. POPOVICH: Yes. I can do that.

25 JUDGE PRIDGIN: Sir, if you would, please

1 raise your right hand to be sworn.

2 Do you swear the evidence you are about

3 to give will be the truth, the whole truth, and

4 nothing but the truth, so help you God?

5 MR. POPOVICH: I do.

6 JUDGE PRIDGIN: All right. Thank you

7 very much, sir. If you would, please state your

8 name for the record and spell your last name.

9 MR. POPOVICH: Yes. My name is Richard

10 Popovich, and that's spelled P-o-p-o-v-i-c-h.

11 JUDGE PRIDGIN: And your address,

12 please?

13 MR. POPOVICH: 733 Turn Tine (ph) Trail,

14 and that's in Creve Coeur.

15 JUDGE PRIDGIN: And are you a customer of

16 Missouri-American Water Company?

17 MR. POPOVICH: Yes, I am.

18 JUDGE PRIDGIN: Any statements you have

19 for the Commission this evening, sir?

20 MR. POPOVICH: Yes. I just wanted to

21 make a statement rather than present evidence.

22 I did send an open letter to you folks.

23 I don't know if you had a chance to read it or

24 not. But I did send an open letter, and I did

25 address it I believe to your counsel.

1 Anyway, currently I am the owner of
2 Butler Hill Apartments. Currently. And two things
3 I wanted to bring I guess to your attention. The
4 first thing is that the water sewer service that is
5 in front of the apartments, it has probably broken
6 I would say ten times in the last 13 years. It had
7 to shut off the water to all our residents. We
8 have 72 units. And it would seem like possibly if
9 they would actually fix it correctly rather than
10 send out a crew each time it breaks, that might be
11 actually a -- shall we say more of a cost effective
12 procedure to you?

13 The next thing that I wanted to bring to
14 your attention is, being a small business owner, a
15 12.2 percent increase to me seems to be totally off
16 the board. I don't know how many people in this
17 room who either have businesses or have jobs who
18 are getting a 12.2 percent increase. And I'm just
19 wondering, has the Public Service Commission --
20 have they gone into the financial records of the
21 company and just see what the chief executive
22 officers are making, what perks they have, how big
23 their staffs are, what their pension plans are?
24 Also, have they considered maybe cutting back on
25 some waste?

1 We've been somewhat in tough economic
2 times, though hopefully we are somewhat coming out
3 of it. But for a monopoly to come up before the
4 public, a public that is paying bills, and to say
5 we want a 12.2 percent increase to me just seems to
6 be almost off the charts. Therefore, I would
7 suggest -- again, I don't know how much you folks
8 delve into their financial dealings, but I believe
9 that the Public Service Commission should look
10 extremely close at all the salaries of all the
11 workers, see if there is some way that they can cut
12 out fat.

13 If you look at the businesses now that
14 are up and running, I think -- throughout the
15 country, I think you will see in many, many
16 instances where people have really had to bite the
17 bullet, and I do believe that a public utility
18 should not get off the hook. Thank you very much.

19 JUDGE PRIDGIN: Mr. Popovich, thank you.
20 If I could ask you to stay at the podium for just a
21 moment, sir, and we'll see if we have any questions
22 from counsel.

23 MS. O'NEILL: No questions.

24 MR. SNODGRASS: None.

25 MR. CIOTTONE: No questions.

1 JUDGE PRIDGIN: All right. Thank you.
2 Commissioner Murray, any questions?
3 MS. MURRAY: No questions. Thank you.
4 JUDGE PRIDGIN: Commissioner Forbis?
5 MR. FORBIS: Mr. Popovich, just real
6 quickly, have you -- you've visited with the
7 company about this reoccurring problem at your
8 apartment complex?
9 MR. POPOVICH: Not really revisited
10 them. Like I said, it's probably happened at least
11 ten times. I mean, it just happens right out in
12 front of it. The street itself used to be called
13 Butler Hill Road. They have changed it, and now
14 it's called Griffin Road.
15 MR. FORBIS: Okay.
16 MR. POPOVICH: It was just before it gets
17 to Tesson Ferry. But like I said, it has happened
18 probably ten times in the last 13 years. Maybe
19 more.
20 MR. FORBIS: So some sort of long-term
21 repair is what you're looking for. But you haven't
22 really discussed that possibility with --
23 MR. POPOVICH: Well, it would seem to
24 make some type of sense. I mean, every possible --
25 it seems like it breaks at least once every winter.

1 MR. FORBIS: Okay.

2 MR. POPOVICH: And sometimes more than
3 once every winter.

4 MR. FORBIS: Thank you.

5 MR. POPOVICH: Thank you.

6 JUDGE PRIDGIN: Mr. Popovich, I just have
7 a quick question or two. As an owner of this
8 apartment complex do you personally or your
9 corporation, however the apartment -- however your
10 business is set up, pay for water for your tenants
11 and then pass that cost along in rent or --

12 MR. POPOVICH: The way it is now -- in
13 fact, I'm currently the owner. There's a chance
14 that I will be selling it shortly, and one of the
15 reasons is the escalating costs. Not only with the
16 utilities but with insurance and that sort of
17 thing. Just the way the current market situation
18 is right now with low interest rates, in the rental
19 market it is pretty tough to pass on rental
20 increases. Okay. So --

21 JUDGE PRIDGIN: But are you saying --

22 MR. POPOVICH: So the question is, I pay
23 all the water. We really have five buildings.
24 When I initially bought the complex, the water bill
25 was about -- I've owned it for 13 years -- was

1 approximately \$800 -- okay? -- a month -- every
2 three months for five buildings. Right now it's
3 approximately \$1400. So it has close to doubled.
4 And as I said, I'm in a position right now where I
5 cannot pass on that increase.

6 JUDGE PRIDGIN: Okay. Mr. Popovich,
7 thank you very much for your time and your
8 remarks.

9 MR. POPOVICH: Thank you so much.

10 JUDGE PRIDGIN: Thank you.

11 I don't see any other witnesses who have
12 signed up. Is there anyone else who wishes to
13 testify?

14 All right. Seeing no other witnesses,
15 let me see if we have anything else from counsel
16 real quickly.

17 MS. O'NEILL: No.

18 MR. CIOTTONE: No, Your Honor.

19 JUDGE PRIDGIN: All right. Any closing
20 remarks, Commissioner Murray?

21 MS. MURRAY: I would just thank everyone
22 for taking the time to be here.

23 JUDGE PRIDGIN: All right. Thank you.

24 Commissioner Forbis?

25 MR. FORBIS: Same. Thank you for coming.

1 JUDGE PRIDGIN: And I would also echo
2 their comments and thank everyone for coming,
3 especially those who have testified.

4 Seeing nothing further from counsel, from
5 the Commission, this will conclude the hearing. We
6 will go off the record. Thank you very much.

7 (Hearing concluded.)

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