## PUBLIC SERVICE COMMISSION 3/23/2011

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3	STATE OF MISSOURI
4	PUBLIC SERVICE COMMISSION
5	
6	TRANSCRIPT OF PROCEEDINGS
7	Local Public Hearing
8	Volume 3
9	March 23, 2011
10	Nixa, Missouri 6:00 p.m.
11	
12	In The Matter Of Rex Deffenderfer
13	Enterprises, Inc. Request For An
14	Increase In Annual Water System
15	Operating Revenues
16	File No. WR-2011-0056
17	HAROLD STEARLEY, Presiding
18	SENIOR REGULATORY LAW JUDGE
19	REPORTED BY:
20	ERIKA SCHAFFER
21	MIDWEST LITIGATION
22	
23	
24	
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Page 2 A P P E A R A N C E S 1 2 FOR THE OFFICE OF THE PUBLIC COUNSEL: 3 Ms. Christina Baker Senior Public Counsel P.O. Box 2230 4 Jefferson City, MO 65102 5 573-751-5565 6 7 FOR THE STAFF OF THE PUBLIC SERVICE COMMISSION: Ms. Rachel M. Lewis 8 Public Service Commission 9 200 Madison Street, 9th Floor P.O. Box 360 Jefferson City, MO 65102 10 573-526-6715 11 12 13 14 REPORTED BY: Erika Schaffer, CCR MIDWEST LITIGATION SERVICES 1911 South National, Suite 402 15 Springfield, MO 65804 16 Tel: 417-877-9700 Fax: 417-877-9704 17 18 19 20 21 22 23 24 25

PROCEEDINGS

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2	JUDGE STEARLEY: All right. Good evening. It's
3	Wednesday, March 23rd, 2011. Missouri Public Service
4	Commission has set this time for a local public hearing
5	in file number WR-2011-0056, which is captioned as, in
6	the matter of Rex Deffenderfer Enterprises,
7	Incorporated, request for an increase in annual water
8	system operating revenues. My name is Harold Stearley,
9	and I'm the Regulatory Law Judge presiding over this
10	case. Unfortunately, tonight, none of the commissioners
11	could make it here, but we're going to make a record of
12	any comments that you would all have. That will become
13	part of the official file and record in this case, and
14	all the commissioners can review it. The procedure
15	we're going to follow, is I'm going to call names who
16	have signed up, and after those names have been called,
17	I'll give anyone here an opportunity to speak. I would
18	like you to come down to our podium and state and spell
19	your name for our court reporter. I'll swear you in,
20	and then you can give your statement. Before we get
21	started though, I am going to take entries of appearance
22	from counsel who is present. Starting with the Office
23	of the Public Counsel.
24	MS. BAKER: Thank you. Christina Baker. P.O.
25	Box 2230, Jefferson City, Missouri, 65102. Appearing on

1	Page4 behalf of the Office of the Public Counsel and the rate					
2	payors.					
3	JUDGE STEARLEY: All right, Ms. Baker. And for					
4	the Staff of the Missouri Public Service Commission.					
5	MS. LEWIS: Thank you Your Honor. My name is					
6	Rachel Lewis on behalf of the Staff of the Missouri					
7	Public Service Commission. My address is P.O. Box 360,					
8	Jefferson City, Missouri, 65102.					
9	JUDGE STEARLEY: Okay. Thank you, Ms. Lewis. I					
10	know the company has representatives here, but they are					
11	not represented by counsel this evening. I have one					
12	name in on my sign-up sheet, and that is Bob Rubino.					
13	Mr. Rubino, if you'd please state and spell your name					
14	for us?					
15	WITNESS: I'm going to lower this first.					
16	JUDGE STEARLEY: By all means. I would have to					
17	do the same thing.					
18	WITNESS: Thank you for hearing my comments. My					
19	name is Bob Rubino. Last name is R-U-B- as in boy,					
20	I-N-O.					
21	BOB RUBINO,					
22	of lawful age, having been produced and sworn testified					
23	as follows:					
24	JUDGE STEARLEY: You may proceed					
25	WITNESS: All I ask what I want to do is ask					

-	Page 5					
1	that the Commission review the records that DNR has, in					
2	regards to complaints about the RDE water service, and					
3	take that into consideration. I made one complaint, one					
4	time, and the reason I feel that this would be					
5	necessary, is when I talked to the DNR, at the time,					
б	they seem to have a record, an on-going record of having					
7	dealt with RDE. And, how I want to say this, is you					
8	hear a story from one side and you hear a story from the					
9	other side. I don't have all the information, but I					
10	think the Commission should take the opportunity to hear					
11	what DNR has, before they make their decision. And					
12	that's all I have to add.					
13	JUDGE STEARLEY: All right. Before you sit down,					
14	let me ask counsel; do you have any questions for this					
15	witness?					
16	MS. BAKER: About when did you when did you					
17	last call in to DNR? A year?					
18	WITNESS: I'm going to have to say either 2007					
19	or 2008.					
20	MS. BAKER: Thank you.					
21	WITNESS: Okay.					
22	JUDGE STEARLEY: And, are you having any service					
23	quality issues at this time, Mr. Rubino?					
24	WITNESS: No, I am not. At this time I am not					
25	having have not had any service issues, other than we					

1	Page 6 did have a break within our subdivision, which was
2	fixed.
3	MS. LEWIS: May I ask the witness, what was your
4	complaint to DNR?
5	WITNESS: Water taste, water quality. The water
6	was cloudy, the water had a very oily smell to it. It
7	lasted for about a day, day and a half. DNR did come
8	out. By the time DNR got there they took the water
9	sample they told me they didn't find any problems
10	with it. But by the time they got there, the
11	whatever was in the, at that time, had dissipated.
12	MS. LEWIS: Thank you
13	WITNESS: Okay.
14	JUDGE STEARLEY: Any other questions? All right.
15	Thank you very much, Mr. Rubino. Appreciate your
16	testimony. Is there anyone else that would like to
17	offer a statement to the commission? And if you would
18	please state and spell your name for us?
19	WITNESS: My name is Kathie K-A-T-H-I-E VanBebir
20	V-a-n-B-e-b-i-r.
21	KATHIE VANBEBIR,
22	of lawful age, having been produced and sworn testified
23	as follows:
24	JUDGE STEARLEY: Please proceed.
25	WITNESS: My complaint started when I we moved

1	Page7 into the house in 2006. And, it took almost two full
2	years to get the problem resolved. It was a leak in the
3	backyard, in their water pipe. It wasn't attached to
4	our water, so we didn't pay for that leak, but it was
5	continuous. I couldn't mow in that area. I called DNR.
6	I called the Sheriff's Department and I called the
7	Better Business Bureau. I called everybody I could
8	think of before it was finally fixed. But it was almost
9	two years.
10	JUDGE STEARLEY: Have you had any other problems,
11	since that time?
12	WITNESS: No. It's been fine since then.
13	JUDGE STEARLEY: All right. Any other comments
14	you'd like to make?
15	WITNESS: No. I think not.
16	JUDGE STEARLEY: I need to check with counsel
17	here. Does anyone have any questions for this witness?
18	MS. BAKER: No.
19	MS. LEWIS: I do not.
20	JUDGE STEARLEY: All right. Well, thank you very
21	much for your testimony. As you all can see, this isn't
22	really a very formal process. Is there anyone else who
23	would like to give a statement? Sir, and if you would
24	please state and spell your name?
25	WITNESS: Chad Zickefoose. C-H-A-D

Page 8 Z-I-C-K-E-F-O-O-S-E. CHAD ZICKEFOOSE, 1 of lawful age, having been produced and sworn testified 2 3 as follows: JUDGE STEARLEY: All right. You may proceed. 4 5 WITNESS: I guess I just wanted to comment, and express my concerns, just about the quality of service 6 7 and the reliability of the water system. It just seems like we have routine outages. I know in the past six 8 9 weeks, I've got at least two phone calls that the water's going to be turned off for some period of time. 10 That's a concern to me. Also, in the past -- it's been 11 12 few years, but I know I've gotten at least two postcards in the mail, notifying me of the proper chlorine not 13 14 being done, whatever, and there may be some sort of chloroform, or something, in the water. So, those 15 postcards -- I've got three young kids, who, you know, 16 17 most of us on the system -- so, you know, that's a 18 concern. We have routine pressure drops, where the 19 pressure will decrease to small volumes coming out of the taps. Of course the pressure -- the volume of the 20 water is an issue too, with the firefighting. We don't 21 have enough volume to fight fires in the neighborhood 22 23 with the hydrants. And then, it's also a concern to me, 24 with the lack of no backup electricity during power outages. During any sort of storm events, the water 25

1	Page9 company doesn't have any way to provide backup power
2	they lose electricity. And, to me, water is a very
3	important thing, probably more important than
4	electricity. You can survive for several days, or
5	twelve days, without electricity. But it's pretty hard
6	to go that long without water. So, that's a big
7	concern. So, to me, it doesn't seem reasonable to ask
8	for a 35 percent rate increase. That seems excessive.
9	So I just ask the Commission to take all that into
10	consideration as they review the case.
11	JUDGE STEARLEY: Sir, I just wanted to ask, had
12	you ever contacted the Public Service Commission with
13	any of these concerns before?
14	WITNESS: No, sir.
15	JUDGE STEARLEY: All right. Are there any
16	questions from counsel?
17	MS. BAKER: No.
18	MS. LEWIS: I have one. Where did you receive
19	who did you receive the postcard from?
20	WITNESS: From the water company. I know I've
21	gotten at least two, in the six years that I've lived in
22	the neighborhood. It's a small postcard that says we
23	ran out of chlorine and the water quality isn't
24	appropriate for you to drink. Something to that effect.
25	I don't remember the words, but we've all gotten them.

1 And that's a concern.

Ŧ	And that's a concern.
2	JUDGE STEARLEY: Before you leave this evening, I
3	would encourage you to speak with one of our staff
4	members. Mr. Russo, over here would like to hear some
5	more detail about some of your concerns, and I know they
6	routinely come out and inspect these facilities, so, any
7	information you can provide the Commission on this would
8	be helpful. And, of course, you also have an
9	opportunity with people here from the company, to
10	discuss these matters, as well. All right. We
11	appreciate your testimony. Is there anyone else would
12	like to offer a comment? If you would please state and
13	your name for us?
14	WITNESS: Idella Koch. I-D-E-L-L-A K-O-C-H.
15	IDELLA KOCH,
16	of lawful age, having been produced and testified as
17	follows:
18	
ΤO	JUDGE STEARLEY: Okay. Please proceed.
19	JUDGE STEARLEY: Okay. Please proceed. WITNESS: I built a house back in '06. And I had
19	WITNESS: I built a house back in '06. And I had
19 20	WITNESS: I built a house back in '06. And I had originally planned to put in a well. And found out that
19 20 21	WITNESS: I built a house back in '06. And I had originally planned to put in a well. And found out that my contractor found out that there could be water
19 20 21 22	WITNESS: I built a house back in '06. And I had originally planned to put in a well. And found out that my contractor found out that there could be water brought to the house without a well. And in checking on

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1	Page11 for that and after that, we received I received a
2	bill for it seemed like a very enormous amount. It
3	was close to what we had already put in to it. Like a
4	startup fee or something. I don't know. But that was
5	not disclosed at the time I was making my choice. What
6	to do. And I feel like I should've known from the
7	beginning, you know, the entire fees that were going to
8	be involved. And I moved into the house in July 1 of
9	2006.
10	JUDGE STEARLEY: And, Ms. Koch, had you talked to
11	the company representative at that time?
12	WITNESS: No. My contractor had. To put in
13	to have the water brought to the house. But he was not
14	told of the another fee coming, you know, coming on top
15	of that, which is to bring the water to the house.
16	JUDGE STEARLEY: All right. Are there any
17	questions for this witness?
18	MS. BAKER: No.
19	MS. LEWIS: No.
20	JUDGE STEARLEY: Do you have anything further
21	you'd like to call our attention to, Ms. Koch?
22	WITNESS: I had no idea, until tonight, that my
23	house was in danger even though a fire hydrant is on my
24	property. Because I'm the only one on my little street
25	of four houses that has that's not a well. But,

1	Page 12 anyway, I guess I'll just hope that I never have a fire.
2	JUDGE STEARLEY: All right. Well, thank you very
3	much for your comments. Is there anyone else who would
4	like to give a statement to the Commission? Okay.
5	Well, seeing no one else, we will go ahead and adjourn
6	tonight's public hearing, so the local public hearing in
7	file number WR-2011-0056 is hereby adjourned. And I
8	thank you all very much for coming.
9	(The foregoing proceedings were concluded at
10	6:43 p.m. on March 23, 2011.)
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