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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
TRANSCRIPT OF PROCEEDINGS
Local Public Hearing
Volume 3
March 23, 2011
Nixa, Missouri 6:00 p.m.

In The Matter Of Rex Deffenderfer
Enterprises, Inc. Request For An
Increase In Annual Water System
Operating Revenues

File No. WR-2011-0056

HAROLD STEARLEY, Presiding
SENIOR REGULATORY LAW JUDGE

REPORTED BY:
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1 PROCEEDINGS

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 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

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,
6 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 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 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

1 Z-I-C-K-E-F-O-O-S-E. CHAD ZICKEFOOSE,
2 of lawful age, having been produced and sworn testified
3 as follows:

4 JUDGE STEARLEY: All right. You may proceed.

5 WITNESS: I guess I just wanted to comment, and
6 express my concerns, just about the quality of service
7 and the reliability of the water system. It just seems
8 like we have routine outages. I know in the past six
9 weeks, I've got at least two phone calls that the
10 water's going to be turned off for some period of time.
11 That's a concern to me. Also, in the past -- it's been
12 few years, but I know I've gotten at least two postcards
13 in the mail, notifying me of the proper chlorine not
14 being done, whatever, and there may be some sort of
15 chloroform, or something, in the water. So, those
16 postcards -- I've got three young kids, who, you know,
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
20 the taps. Of course the pressure -- the volume of the
21 water is an issue too, with the firefighting. We don't
22 have enough volume to fight fires in the neighborhood
23 with the hydrants. And then, it's also a concern to me,
24 with the lack of no backup electricity during power
25 outages. During any sort of storm events, the water

1 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.

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 JUDGE STEARLEY: Okay. Please proceed.

19 WITNESS: I built a house back in '06. And I had
20 originally planned to put in a well. And found out that
21 -- my contractor found out -- that there could be water
22 brought to the house without a well. And in checking on
23 the price -- which I can't remember -- it was cheaper
24 than putting in a well. And we went ahead and got
25 hooked up. And then after that, I received -- we paid

1 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 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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