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STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Local Public Hearing

January 9, 2012

St. Louis, Missouri

Volume 13

In The Matter Of Missouri- )  
American Water Company's ) File No. WR-2011-0337,  
Request For Authority To ) et al.  
Implement A General )  
Rate Increase For Water )  
and Sewer Service Provided )  
in Missouri Service Areas )

KENNARD L. JONES, Presiding  
SENIOR REGULATORY LAW JUDGE  
Kevin D. Gunn, Chairman  
Steve Stoll  
Robert S. Kenney  
COMMISSIONERS

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P R O C E E D I N G S

JUDGE JONES: Good afternoon. My name is Kennard Jones. I am the regulatory law judge presiding over this hearing. Although I am not assigned to this case, I am covering for a judge who is in Jefferson City. You all were going through a question and answer session and I hope you got all of your questions answered. If you think of more questions that you have, those that were answering prior to the hearing will remain and answer questions that may come up during the course of this hearing. We have several people signed up to testify. I will go down the list calling them. When I call your name come up to the podium, I'll swear you in, provide testimony and then remain there. The Commissioners may have questions for you and then you can be seated. I don't know if it was explained to you but during this portion of the hearing you're not allowed to ask questions of the Commissioners. You can ask what you want but they can't answer the questions because it may show bias in the case. They have to remain objective during the course of this proceeding. And after we get to the last person on the list I will ask if anyone else wants to testify and I'll ask for a show of hands and you can go ahead and testify. At

1 this time I'm going to have some opening comments from  
2 Chairman Gunn and Commissioners Kenney and Stoll.

3 CHAIRMAN GUNN: Thank you, Judge. I want to  
4 welcome everybody here today. This is one of 11 local  
5 hearings that we are having around the State for the  
6 case and as far as we can tell we have the most local  
7 public hearings of any commission throughout the  
8 country and that's because public input is important  
9 to us. We're here today to listen to you and we  
10 appreciate you coming out with your busy schedules.  
11 We will have some location -- other locations, for  
12 example, afterwards, for tonight, we are at the  
13 University of Missouri St. Louis. So if anybody can't  
14 make it we will give all the information out there as  
15 well. So I just want to thank you all for coming,  
16 appreciate you being here and taking time out of your  
17 busy schedule. The Judge -- I normally talk about how  
18 we can't answer questions but the Judge took care of  
19 that. And I know it is frustrating for you, it is  
20 also frustrating for us but that's just the way the  
21 law works right now. I appreciate you coming and I  
22 will let the other Commissioners introduce themselves.

23 COMMISSIONER KENNEY: Good afternoon,  
24 everybody. My name is Robert Kenney. I am one of the  
25 five Commissioners that will preside over the case. I

1 just want to welcome you to this local public hearing  
2 and also thank you for taking the time to be here.  
3 Your testimony becomes a part of the record in the  
4 case. It is being transcribed by a court reporter, so  
5 your voice is an important and integral part of the  
6 case. So we very much appreciate you taking the time  
7 to come and participate. Thank you.

8 COMMISSIONER STOLL: I am Commissioner Steve  
9 Stoll. I am the newest Commissioner. I have only  
10 been on the job three weeks. In fact, I don't even  
11 have a name tag yet but I do want to welcome you here  
12 and this is my first public hearing. I look forward  
13 to hearing what everyone has to say and, you know,  
14 looking forward to following this as we go along, so  
15 thank you.

16 JUDGE JONES: Okay. Let's go ahead and get  
17 started. The first person to sign up is Senator  
18 Chappelle-Nadal.

19 SENATOR CHAPPELLE-NADAL: I am going to try  
20 and speak as loud as possible.

21 JUDGE JONES: That's good. Can you please  
22 raise your right hand? Do you solemnly affirm that  
23 the testimony you are about to give is the truth?

24 SENATOR CHAPPELLE-NADAL: Yes.

25 JUDGE JONES: You may proceed.

1 SENATOR CHAPPELLE-NADAL: Thank you very  
2 much. Ladies and gentlemen, members of the Missouri  
3 Public Service Commission, I am State Senator Maria  
4 Chappelle-Nadal and I represent part of St. Louis  
5 County from University City to Hazelwood. I am  
6 appearing before you today to express my opposition to  
7 the proposed rate increase requested by Missouri  
8 American Water. Although I appreciate the need for  
9 Missouri American Water to recover some of the costs  
10 associated with the company's recent investment in  
11 water system improvements, I do not believe that St.  
12 Louis County residents should be asked to shoulder  
13 that additional financial burden in the midst of a  
14 national recession. Under the proposed rate increase  
15 the fixed quarterly customer charge would more than  
16 double from the current \$14.14 to \$30.90 per quarter.  
17 Customers also would also be -- would pay an  
18 additional 49 cents per thousand gallons of water used  
19 under the proposed rate hike. An average customer  
20 using 7500 gallons per month would pay an extra \$6  
21 each month or an extra \$18 per quarter. Missouri  
22 American Water says the proposed increase represents  
23 an overall increase of 24 percent for the St. Louis  
24 and St. Charles County Water Districts. For low  
25 income residents, families struggling to make ends

1 meet and seniors on fixed incomes, these additional  
2 charges pose an economic hardship. And I will digress  
3 from my statement that was previously written and say  
4 also for those of us like myself, who are paying for  
5 parents' expenses, it is also a hardship for us too.

6 Furthermore, the proposed rate increase  
7 follows closely on the heels of a 14.8 percent for St.  
8 Louis County residents approved in 2010 by the Public  
9 Service Commission. That resulted in residents paying  
10 an extra \$3.70 per month or \$11.10 extra per quarter.  
11 On top of that increase, last October the PSC approved  
12 a change to Missouri American Water's infrastructure  
13 replacement surcharge which added about \$3.35 to the  
14 water bill of an average customer each quarter.

15 Finally, I am concerned about allegations  
16 that Missouri American Water is attempting to replace  
17 Local 335 employees with nonunion contractors at work  
18 sites and in water quality monitoring facilities and  
19 plans to do away with the union altogether when the  
20 current contract ends in 2014. I do not think this  
21 effort, if true, is in the best interest of the  
22 company's employees or the 370,000 customers who  
23 reside in the St. Louis and St. Charles Counties.  
24 Again, while I am cognizant that Missouri American has  
25 made substantial investments in our water system over

1 the past few years, I do not believe it is appropriate  
2 at this time to ask customers to foot the bill for  
3 those improvements, especially in light of the fact  
4 that the PSC just approved a rate increase in 2010 and  
5 a surcharge in 2011. On behalf of the citizens I  
6 represent and the Missouri Senate and those others who  
7 are not represented by their own senators or  
8 representatives, I am asking members of the Missouri  
9 Public Service Commission to reject this proposed rate  
10 increase requested by Missouri American Water. Thank  
11 you very much for your time.

12 JUDGE JONES: Thank you. Any questions of  
13 the Commissioners?

14 CHAIRMAN GUNN: Thank you, Senator, very  
15 much. I just have a couple questions. For the  
16 record, how many residents are in the district?

17 SENATOR CHAPPELLE-NADAL: I have 176,000  
18 residents in my State Senate seat.

19 CHAIRMAN GUNN: And then have you -- this is  
20 a little bit outside your testimony -- have you had  
21 any complaints about reliability or taste or odor from  
22 the customers of Missouri American Water?

23 SENATOR CHAPPELLE-NADAL: Actually, I have  
24 had different complaints from my constituents. I  
25 mean, we always deal with the cost of utilities and it



1 is a huge, huge burden. I have a community that is  
2 aging. I will tell you just some quick stats. When I  
3 look at who is voting in my election there are about,  
4 I want to say 12,000 households. More than that in  
5 terms of people but out of the 12,000 households, over  
6 11,000 of them are over the age of 41 and that was  
7 something that was quite shocking to me. And then  
8 when you look at those who are 55 and older, it's a  
9 large number and so I've realized that my constituents  
10 are being burdened not only by utility companies, but  
11 also by local tax increases and bonds and it is very  
12 difficult for the average citizen in my district to  
13 survive and those are the calls I get. And so, you  
14 know, I'm also someone who is now responsible for my  
15 mother's bills and you all know how much we get paid  
16 at a -- as a public servant at the State House and  
17 State Senate and it is very difficult. So I am  
18 speaking on behalf of my aging citizens, which is  
19 growing every single day and I'm also speaking on  
20 behalf of my own family that is struggling.

21 CHAIRMAN GUNN: Thank you. I don't have  
22 anything further.

23 COMMISSIONER KENNEY: Senator, thank you for  
24 taking the time to come and testify. You mentioned  
25 Local 335, do you have any concerns about what will

1 occur in terms of quality and service and reliability,  
2 if union workers are replaced with non-union workers?

3 SENATOR CHAPPELLE-NADAL: Absolutely. First  
4 of all, let me say that there has been a movement to  
5 replace union workers around the country. All we have  
6 to do is look at what has happened in Wisconsin and  
7 other states and so what my concern has been when I  
8 look at union workers and the skill, the work that  
9 they have to undergo, the training they have to go  
10 through just to be reliable, to be accountable and you  
11 replace that talent with people who do not have the  
12 same kind of background, it puts everything at stake.  
13 And so I want to say that when we were building our  
14 infrastructure throughout this country at different  
15 times in our history, we always had people who were  
16 very cognoscente of the fact that we needed to have  
17 service that was going to provide us good, good, good  
18 outcomes and what we are trying to deliver to our  
19 constituents. And so I just want to make sure that we  
20 support our union workers, whether they work for  
21 American Water or whether they are teachers or  
22 whatever but, you know, there is a skill that these  
23 individuals have. They go to school for this, they do  
24 training for this, this is their life and they put a  
25 lot of their pride and their respect in the work that

1 they do and at the end of the day or at the end of a  
2 project, they want to look back and say I did this and  
3 they take their children with them and say look at  
4 what I did, look at what your dad did, look at what  
5 your mom did and this is the kind of work that I want  
6 to instill, the kind of work ethic I want to instill  
7 in you. So I am concerned about the Local 335 not  
8 being able to be represented in the company if that is  
9 the case, the movement that American Water wants to  
10 take.

11 COMMISSIONER KENNEY: I don't have any other  
12 questions. Thank you for your time and your service  
13 to the State.

14 JUDGE JONES: You may be seated. Thank you,  
15 Senator. I was kindly reminded that I need to take  
16 entries of appearances from the attorneys that are  
17 representing parties here. I'll ask that you just  
18 state your name and who you represent. It is not  
19 necessary to give your address, that is a matter of  
20 record already. So we can start with the Office of  
21 Public Counsel.

22 MS. BAKER: Thank you. Christina Baker  
23 appearing on behalf of the Office of Public Counsel  
24 and the ratepayers.

25 JUDGE JONES: Thank you. And for Staff of

1 the Commission?

2 MS. LEWIS: Rachel Lewis appearing for Staff  
3 of the Missouri Public Service Commission.

4 JUDGE JONES: And Missouri American Water?

5 MR. REICHART: Thank you, Judge. Appearing  
6 on behalf of Missouri American Company, John J.  
7 Reichart.

8 JUDGE JONES: Is there anyone else  
9 representing a party here today? Seeing none, we will  
10 move on. Next we have -- I believe is it Diane  
11 Shanks?

12 MS. DIANE SHANKER: Shanker.

13 JUDGE JONES: Shanker.

14 MS. DIANE SHANKER: Yes.

15 JUDGE JONES: Thank you.

16 MS. DIANE SHANKER: This is the first time  
17 that I've done this.

18 JUDGE JONES: Would you raise your right  
19 hand? Do you solemnly affirm that the testimony you  
20 are about to give is the truth?

21 MS. DIANE SHANKER: Yes.

22 JUDGE JONES: Thank you, you may proceed.

23 MS. DIANE SHANKER: Okay. Ladies and  
24 gentlemen and attorneys, this is the first time I have  
25 done this so bear with me. There is a couple of

1 things I wanted to bring up and I won't go into this  
2 one too much but I spoke to three people today on a  
3 bill that has ISRS 100 cubic feet and nine times out  
4 of ten there is a charge and sometimes there isn't.  
5 The first person I spoke to today said it was for  
6 consumption. Well, I have a few bills where I pay the  
7 same amount and it is not on there. Asked to speak to  
8 a supervisor, who is a trainer and she was very nice,  
9 her name was Theresa Walters in Florida. She said it  
10 was also for consumption. I said, well, then my \$66  
11 bill, I guess I really didn't use any water. So then  
12 I spoke to somebody here, what's the ISRS 100 cubic  
13 feet? She also said it was for consumption. So I  
14 will leave that with you guys. I am supposed to get a  
15 letter. Theresa Walters in Florida says this sounds  
16 like a problem in our billing department. She is  
17 going to investigate and send me a letter.

18 But then I wanted to get to some other  
19 things that the everyday person doesn't seem to really  
20 know what is going on and I'm part of that. Channel 2  
21 on December the 16th -- I missed the gentlemen's name  
22 that the reporter was talking to but he asked about  
23 the \$1 million raise that was given to some employees.  
24 He really didn't have much to answer or say about it  
25 because I guess it's true.

1           Here is something else I wanted to bring up  
2   to people who don't get a lot of different newspapers,  
3   you sometimes find information in the newspapers that  
4   are not as popular. So if you will bear with me, I'd  
5   like to read this to you. In what has to be one of  
6   the most egregious cases of law breaking, a non-union  
7   company hired by Missouri American Water to replace a  
8   water main in North County was found guilty by the  
9   National Labor Relations Board of fabrication of  
10  evidence against union supporters, blatant and  
11  unconscionable actions and that the company's manager  
12  had no regard for the truth. The firm, American  
13  Directional Boring, was forced to settle the case that  
14  involved IBEW Local 2 trying to organize the company  
15  by paying 13 union supporters that it had fired some  
16  \$262,500. The case dragged on for seven years and  
17  despite the company's appeal to the Eighth Circuit  
18  Court of Appeals, it was found guilty of all charges  
19  leveled by Local 2. ADB had been hired by Missouri  
20  American Water to, for the first time, install a new  
21  water main on Wellman Court in Maryland Heights. In  
22  so doing, they're taking work away from the normal  
23  five-man construction crew. Until now the company's  
24  own construction crews have drilled new water main  
25  lines. Utility Workers Local 335, the union

1 representing the water company's outside work crew,  
2 has its back against a wall in protecting this  
3 outrageous effort by American Water because the  
4 company unilaterally implemented a massive take-away  
5 contract that allowed them to subcontract union work  
6 at will.

7           Then let's go to this, American Water is  
8 seeking a rate increase of 19 to 76 percent next year,  
9 even though the company earned 268 million in 2010  
10 profit. The water ratepayer's are hosed by Missouri  
11 American Water Company in an experiment using a  
12 non-union trenching company to do the work of the  
13 water company's own construction crew. Ratepayers are  
14 in effect paying double for the work being done on  
15 Wellman Court, where non-union, ADB, is installing a  
16 new water main because Utility Workers Local 335 crews  
17 are available but not being used.

18           This says Local 335 president Tom Schneider.  
19 Schneider said when he asked a company operation  
20 manager if ADB was being used because of a shortage of  
21 the company's own crew, he was told that the company  
22 had plenty of crews to do the job, they just wanted to  
23 try ADB on an open trench installment. Schneider  
24 added as the company said during negotiating regarding  
25 outside contracting, it's not about the money. And

1 the person reporting this said that is ratepayers'  
2 money going down the drain.

3 And then at last "Big Executive Paydays."  
4 American Water granted more than 12.5 million in total  
5 pay during 2010 to only seven top executives,  
6 including a 3.5 million to former CEO, Don Correll,  
7 who resigned in August 2010 and then 1.4 million to  
8 the new CEO, Jeffrey Sterba, who worked for the  
9 company less than five years -- five months, excuse  
10 me. Wouldn't want him getting paid so little for that  
11 long. Anyway, thank you very much.

12 JUDGE JONES: Any questions?

13 CHAIRMAN GUNN: First of all, a suggestion.  
14 I don't know if you talked to that gentlemen in the  
15 back, he will put his hand up, he's Jim Busch of our  
16 staff and he can answer that ISRS, we call it ISRS  
17 question. He can explain to you how it works if you  
18 have time to stop by.

19 MS. DIANE SHANKER: After talking to three,  
20 it would be nice if somebody could tell me --

21 CHAIRMAN GUNN: He's not with the company.  
22 He's with us and he will be able to walk you through  
23 and explain to you how it happens.

24 MS. DIANE SHANKER: Can I ask a question --  
25 oh, I can't ask a question.



1 CHAIRMAN GUNN: Let me ask you just a quick  
2 question. You read from three things, can you tell us  
3 the source and the date of what you read on there so  
4 we can --

5 MS. DIANE SHANKER: Sure. 12/16/2011 is  
6 when the reporter from Channel 2 talked about the  
7 extra \$1 million.

8 CHAIRMAN GUNN: And that was Channel 2, NBC  
9 -- or Fox News story?

10 MS. DIANE SHANKER: Channel 2, yeah. And  
11 then not everyone gets these, St. Louis Southern  
12 Illinois Labor Tribune, which many times -- I remember  
13 when Dave Sinclair took all his ads of 265,000 out of  
14 the Post-Dispatch because they were sending work and  
15 outsourcing. They had it in this paper about five  
16 months before the Post ever reported it.

17 CHAIRMAN GUNN: What was the date of that  
18 ma'am?

19 MS. DIANE SHANKER: The date on this is  
20 Thursday, December 1 through 7 of 2011.

21 CHAIRMAN GUNN: Okay. Did you have another  
22 source?

23 MS. DIANE SHANKER: Oh, the other things  
24 were just my bills where nobody -- everybody kept  
25 saying it was consumption.

1 CHAIRMAN GUNN: Okay, great. Thank you. I  
2 don't have anything further. Thank you, ma'am.

3 MS. DIANE SHANKER: Thank you.

4 JUDGE JONES: Okay. Let's keep moving on.  
5 Next we have John Ackerman. Can you please raise your  
6 right hand? Do you solemnly affirm that the testimony  
7 you are about to give is the truth?

8 MR. JOHN ACKERMAN: Yes, I do.

9 JUDGE JONES: Thank you, sir, you may  
10 proceed.

11 MR. JOHN ACKERMAN: My name is John  
12 Ackerman. I am a retired engineer. I've worked for  
13 County Water Company for a long time before it was  
14 bought out by Missouri American. It appears because--  
15 I want to comment mainly on the consolidated rate  
16 structure that is proposed by the company. It appears  
17 like the company is on a buying spree and will buy up  
18 almost anything at any price in order to expand their  
19 company. Get more customers, get more revenue. And  
20 that's obviously from the fact that our rates in St.  
21 Louis are so much less than some of these other  
22 companies are buying, they're obviously in lesser  
23 shape, if you will, maybe need more improvements or  
24 whatever that is causing their rates to be higher. I  
25 don't think it is right that we should, in St. Louis

1 County, subsidize this expansionist philosophy,  
2 especially when they are going after companies that  
3 need all this extra money. I understand the  
4 Commission and more particularly I should say your  
5 staff, pushes these companies like this to take on  
6 these, quote, troubled water systems, in order to help  
7 out the people in those areas who don't have enough  
8 financial wherewith, whatever, to put in the proper  
9 treatment plant they need. And I am not against that.  
10 That's not a bad philosophy but the problem I have  
11 with it is that with this uniform rate structure,  
12 those costs now they're taking on by doing this, are  
13 flowing back to customers like myself and the  
14 residents of St. Louis County that don't receive any  
15 benefit from it. The two people that receive benefit  
16 from this philosophy of let's buy anything at any  
17 price are the customers in those facilities that are  
18 being bought up because they get better quality water,  
19 more water than ever and the shareholders. The  
20 shareholders are now able to invest, increase their  
21 rate base, make 9, 10, 12, percent, whatever they can  
22 get, instead of 1 percent like everybody else makes in  
23 the bank. So they're pushing, pushing, pushing to buy  
24 this stuff to get their rate base up and now they want  
25 me and my constituents of St. Louis County to pay for

1 it all. So I say nuts to it. I don't think that's  
2 the right way to go. There has got be some checks and  
3 balances on the company to keep them from doing this,  
4 from buying anything at any price and passing these  
5 costs off to us. And it was there before because if  
6 the rates would go up in those individual  
7 municipalities they would say nix on you, I am not  
8 going to sell to you because my rates are going to go  
9 up. Now it's who cares, let's sell to them, we will  
10 take whatever we can get and the people in St. Louis  
11 County will pay for it. So I guess I don't like the  
12 socialistic-type, spread the cost and I don't like the  
13 idea that it is an incentive for Missouri American  
14 Water Company to just go out and buy any of this stuff  
15 since they don't have to pay for it. Their ratepayers  
16 benefit, the customers in those systems benefit and we  
17 don't benefit at all here in St. Louis County. That  
18 is the end of my statement.

19 JUDGE JONES: Any questions?

20 CHAIRMAN GUNN: I just have a quick  
21 question. Have you had a chance to take the -- the  
22 Staff made a slightly different recommendation, kind  
23 of a hybrid, so it creates districts rather than -- so  
24 it's not district specific, it's not single tariff,  
25 it's kind of -- it's a hybrid effect. Have you had a

1 chance to take a look at it?

2 MR. JOHN ACKERMAN: No, I didn't even know  
3 it existed until I walked in today and heard about it.  
4 It sounds like it's a little bit of an improvement. I  
5 don't know, you know, any time you keep it smaller,  
6 I'm in favor of it. I am against the big statewide  
7 thing. I would have to look at the numbers but the  
8 way it was presented didn't sound as bad as the  
9 uniform rate structure that the company was proposing.

10 CHAIRMAN GUNN: Thank you, sir, I don't have  
11 anything else. Appreciate you coming today.

12 COMMISSIONER KENNEY: I don't have any  
13 questions, Mr. Ackerman, thank you.

14 MR. JOHN ACKERMAN: Thank you.

15 JUDGE JONES: Thank you, Mr. Ackerman.

16 Testimony from John Coffman?

17 MR. JOHN COFFMAN: Good afternoon.

18 JUDGE JONES: Can you please raise your  
19 right hand? Do you solemnly affirm that the testimony  
20 you are about to give is the truth?

21 MR. JOHN COFFMANN: I do. My name is John  
22 Coffman. I am the general counsel for the Consumers  
23 Council of Missouri. It's a statewide consumer  
24 organization that educates and provides information on  
25 behalf of issues involving utility rates, finance and

1 healthcare costs. Consumers Council did not intervene  
2 as a party in this case, although sometimes we do but  
3 there are three issues that they would like me to just  
4 briefly give an opinion on with regard to this case.  
5 One of the them is, of course, the uniform rate plan  
6 which the Consumers Council is opposed to. You may  
7 know the Consumers Council of Missouri is a statewide  
8 organization but based here in St. Louis and has the  
9 bulk of its members in the St. Louis area. But -- and  
10 it is my understanding that the company's proposal, at  
11 least \$2 more, would be added to the bill that would  
12 not be related to investment and costs related to this  
13 area but to other districts. That is not the main  
14 reason for the objection to uniform rates. In my  
15 opinion, as a consumer advocate, it tends to be a rate  
16 plan for water companies that tends to lead to  
17 overinvestment, it tends to lead to higher cost, less  
18 scrutiny and from an overall company basis, I believe  
19 that the customers do wind up paying more. You might  
20 know that the argument is made, well, you know, this  
21 district might have more cost one case and then the  
22 next case it might be over here and at the end  
23 everyone will balance out. But I think in the end  
24 what we have seen, just in my experience, is that the  
25 costs tend to be higher, a little more than otherwise

1 would have been if the scrutiny was more focused on  
2 each district paying its own cost. And so it's  
3 somewhat being akin to going out to lunch where  
4 everyone just decides to split the bill and folks  
5 might tend to order up a little bit more, so that's  
6 what we are concerned about on that.

7           There are reasons why uniform rates don't  
8 really work, I think from a good policy perspective  
9 with water companies such as this, in comparison to  
10 say Ameren Missouri which is a large electric area,  
11 which is a large interconnected system for the most  
12 part, here we have several different communities with  
13 Missouri American throughout the state, different  
14 distribution systems, different technology for  
15 treating the water, some are river-treated water  
16 requiring, you know, maybe more chemicals, other areas  
17 have well systems. So it's different technology,  
18 different distribution systems. I can see the  
19 argument for there being some policy or some program  
20 of attempting to encourage the acquisition of small  
21 trouble systems. We do have a lot of those in the  
22 state. We've taken -- you know, some of them have  
23 been acquired and improved and I think it would make  
24 sense to have target programs to subsidize these  
25 little systems that were built poorly and the rates

1 are really enormous. But we don't believe that  
2 uniform rates is the right approach.

3 I think there is another concern about this  
4 program from a St. Louis perspective. St. Louis  
5 County area is the only area that is allowed to have  
6 this ISRA surcharge, the infrastructure system  
7 replacement surcharge. So once the rates are approved  
8 on a uniform basis, it is only St. Louis County that  
9 is then subject to potential surcharging increases in  
10 between rate cases compared to the other districts.  
11 So I just wanted to mention that. While I'm talking  
12 about rate design, the Consumers Council supports a  
13 lower customer charge when you're dividing up the  
14 rates between the minimum charge, the customer charge  
15 and the volumetric or commodity charge. We believe  
16 that the customer charge should be kept as low as  
17 possible in order to protect those small users and  
18 also to encourage conservation. I think that, again,  
19 those folks that use the most water should be the ones  
20 paying for it. That principle again, should be  
21 something that guides your reasoning.

22 And thirdly, we would urge you to scrutinize  
23 the allowed return on equity. We know that this  
24 Commission and in fact, most commissions have been  
25 approving returns on equity or allowing utilities to



1 earn returns in excess of 10 percent, double digit  
2 returns. And we think that since the recession  
3 occurred that really isn't appropriate and I think  
4 that an overemphasis upon looking at the returns  
5 across other water companies or other commissions  
6 tends to lead to a circular-type basis that doesn't  
7 really recognize what the just and reasonable result  
8 is when the ratepayers, on average, are not earning  
9 double digit returns on their investments. And so we  
10 would urge that when you consider the reasonableness  
11 of the rate increase, that you really scrutinize that  
12 and we would hope to see something less than a double  
13 digit opportunity to earn profit for this utility. I  
14 understand that the Staff is recommending 9.9 percent  
15 but that is often the biggest cost impact in these  
16 cases that you do have to decide. So I don't envy  
17 your position but I would just offer those comments on  
18 behalf of our agency.

19 JUDGE JONES: Questions?

20 CHAIRMAN GUNN: Any comment on the hybrid  
21 kind of district, where you group similarly situated  
22 water companies rather than going to one?

23 MR. JOHN COFFMAN: That does seem better  
24 than an overall just averaging everyone's rates. As I  
25 understand it, the groupings do recognize some

1 regional operational realities in the company and  
2 there is some, more or less technological similarity,  
3 that is, district one is more river-treated water,  
4 whereas the other districts are more well water to  
5 some degree. We would prefer the Office of Public  
6 Counsel approach each district roughly paying its own  
7 way but I think the Staff's proposal is certainly  
8 better than the water company's proposal.

9 CHAIRMAN GUNN: Thank you.

10 COMMISSIONER KENNEY: Mr. Coffman, thank you  
11 for your testimony. Does Consumers Council intend to  
12 become a party in this case at any time?

13 MR. JOHN COFFMANN: No, it does not.

14 COMMISSIONER KENNEY: With respect to the  
15 ROE, do you have an opinion or does Consumers Council  
16 have an opinion, on the extent to which or the amount  
17 by which the risk of the company is produced by having  
18 an ISRA and how you monetize or quantify that reduced  
19 risk?

20 MR. JOHN COFFMAN: No, I don't but I think  
21 this is something you could and should take into  
22 account. I think the law permits you to recognize  
23 that when a utility has other means to recover rates,  
24 extra surcharges, that it can recognize the lessened  
25 risk by lowering the ROE. Other states have done that

1 but I couldn't tell you what -- how much that would be  
2 in this case.

3 COMMISSIONER KENNEY: And then one last --

4 MR. JOHN COFFMAN: It does, I think -- I  
5 apologize -- I think it does point out a difficulty  
6 here in that you would have -- you would be  
7 determining a return on equity company-wide but the  
8 rate, the ISRA is something that is just, at the  
9 current time, foisted upon the St. Louis County area.

10 COMMISSIONER KENNEY: This is a good segway  
11 into this next question. You talked about the ISRA  
12 under a single tariff filing plan, were you suggesting  
13 that if there were infrastructure system replacements  
14 made in some other part of the service territory, that  
15 those could be passed on through the ISRA that's only  
16 applicable to county ratepayers?

17 MR. JOHN COFFMAN: No, sir but it would only  
18 -- the way I understand, maybe I don't fully  
19 understand the proposal, the ISRA under the law is  
20 only currently applicable in the St. Louis County  
21 area. So if the rates are averaged and everyone,  
22 every district is paying one big pool of costs,  
23 including costs from other districts, the ISRA could  
24 only be applied then to St. Louis County. So those  
25 costs would then not be picked up by other districts

1 until we had another rate case but in between the rate  
2 cases those surcharges would just be added on top of  
3 the uniform rates just to this area.

4 COMMISSIONER KENNEY: Thank you for your  
5 time and participation.

6 JUDGE JONES: Thank you. You may be seated.  
7 Stephen Mamanella? Did I pronounce your last name  
8 correctly?

9 MR. STEPHEN MAMANELLA: Mamanella, I take  
10 anything.

11 JUDGE JONES: And could you please raise  
12 your right hand? Do you solemnly affirm that the  
13 testimony you are about to give is the truth?

14 MR. STEPHEN MAMANELLA: Yes, sir.

15 JUDGE JONES: Could you please spell your  
16 last name for the court reporter?

17 MR. STEPHEN MAMANELLA: Sure. My name is  
18 Stephen Mamanella, the last name is spelled  
19 M-A-M-A-N-E-L-L-A. I am a resident of Cottleville,  
20 Missouri in St. Charles County. I am grateful for the  
21 opportunity to comment on Missouri American Water's  
22 customer service quality and billing practices. My  
23 comments today relate directly to my family's  
24 experience with a customer service and billing issue  
25 that we had in late 2010 through early 2011. I have

1 never testified like this before, so I ask your  
2 indulgence as I describe my family's experience. I  
3 wanted to share my story with you in detail because  
4 I'd like you to take my family's experience into  
5 account as you consider whether Missouri American has  
6 merited the rate increase it is proposing. I think  
7 the easiest way to share my family's experience with  
8 you is to read excerpts from a letter I sent to the  
9 president of Missouri American Water, Mr. Frank  
10 Kartmann in February of 2011. I have a copy of this  
11 letter if you'd like it. I will make this as short as  
12 possible.

13 I wrote, dear, Mr. Kartmann, my wife and I  
14 have been attempting to work with Missouri American  
15 Water on a billing issue since October of last year.  
16 I am writing you this letter today in the hope that  
17 you might intervene to make this situation right. In  
18 advance of a mediation session currently being  
19 coordinated on our behalf by the Better Business  
20 Bureau serving eastern Missouri and southern Illinois.  
21 For your background I am including copies of my  
22 October 2010 and January 2011 water bills. As you  
23 will see, our problems began in October. On the same  
24 month that Missouri American changed our water meter,  
25 our water usage spiked from an average of about 5,000

1 gallons per month to what Missouri American believes  
2 was 167,000 gallons during the month in which our  
3 meter was replaced. What was normally a 20 to \$30  
4 water bill suddenly amounted to a bill for \$545.53.  
5 After I had a lengthy telephone conversation with the  
6 customer service agent, who told me there was no way  
7 to escalate my issue and that I simply needed to pay  
8 my bill, a technician came to our home and told my  
9 wife that the problem was caused by a math error. He  
10 said that Missouri American would be contacting us  
11 soon with a corrected bill. A few days later after we  
12 had not heard from Missouri American, we phoned and  
13 were instructed that what the technician had told us  
14 was incorrect and that we owed the full amount that  
15 was listed on our bill. Shortly thereafter we  
16 received a letter that attributed the water usage to  
17 the fact that it appeared we had a new lawn on our  
18 property. Because Missouri American customer service  
19 agents remained obstinate that I used the water that  
20 the meter allegedly indicated, I spoke with officials  
21 from the Missouri Public Service Commission, the  
22 Better Business Bureau and KTVI-TV's Contact 2 Call  
23 For Action. Contact 2's operator 17 attempted to  
24 speak with someone from Missouri American about my  
25 situation but apparently had great difficulty getting

1 a response. In her frustration operator 17 gave me  
2 the contact information for Missouri American's Ann  
3 Detmer. Ms. Detmer did not return my telephone call.  
4 Despite the pending mediation, despite the fact that  
5 we paid \$50 toward the bill in question on  
6 December 1st as a gesture of good faith and despite  
7 the fact that we paid each subsequent monthly water  
8 bill after that in full, we received a notice that  
9 Missouri American would be shutting off our water on  
10 February 3rd. Following guidance from the Better  
11 Business Bureau and our attorney, we paid our October  
12 bill under protest. Shortly after we paid our bill my  
13 wife received a telephone call from Missouri  
14 American's Chelsie Harmon. Ms. Harmon told my wife  
15 that Missouri American had a partnership with the  
16 University of Missouri Extension to assist people with  
17 their water usage. We were encouraged to phone  
18 Mr. Scott Killpack, a University of Missouri agronomy  
19 natural resources specialist. A couple of days later  
20 I spoke at length with Mr. Killpack. During my  
21 telephone call with Mr. Killpack, an expert who  
22 Missouri American suggested I contact, he told me he  
23 found it, quote, improbable that our household used  
24 the 167,000 gallons of water for which we were billed.  
25 He suggested another cause was more likely, perhaps a

1 faulty water meter or a math error. I am sharing a  
2 copy of my January 21 -- January 21 bill so you can  
3 see that since the October bill, my family's November,  
4 December and January water usage returned to the  
5 pre-October levels. This has convinced us that we do  
6 not have some sort of underground leak that  
7 contributed to the alleged October usage spike.  
8 Mr. Kartmann, in light of the information I am sharing  
9 with you today, I ask you to please agree with my wife  
10 and me that it is simply to coincidental that in the  
11 very same month our water meter was replaced, our  
12 water usage spiked by a factor of 35. I ask you to  
13 direct your billing department to credit us back the  
14 amount we paid unnecessarily to settle our October  
15 bill. I appreciate your time and your consideration  
16 of this request. If you or a member of your staff  
17 would like to discuss my concerns please contact me.  
18 Now, I did not receive a response to this letter from  
19 Mr. Kartmann, nor from anyone else at Missouri  
20 American but subsequent to sending the letter, I  
21 reached out to KMOV-TV Channel 4 in St. Louis. News 4  
22 found my situation interesting and proceeded to do a  
23 story on it. I have a copy of this story for you as  
24 well if you'd like it. When Channel 4 reached out to  
25 Missouri American the spokesman for the company, who



1 had not responded to my inquiry, noted on camera that  
2 Missouri American had, in fact, made an error, that  
3 they had installed a meter in our home that had  
4 previous usage on it. Missouri American told the  
5 Channel 4 reporter that we would receive a refund on  
6 the high bill that we had earlier paid under protest  
7 to avoid a water shutoff. Shortly after the News 4  
8 story aired, Mr. Dave Murphy, Missouri American's east  
9 central operations manager visited our home, gave us a  
10 reimbursement check and spoke with us about our issue.  
11 He apologized on behalf of Missouri American, which my  
12 wife and I appreciated but he also told us something  
13 that really bothered me. I had asked Mr. Murphy when,  
14 hypothetically, a common sense threshold would have  
15 been crossed? At which point would Mr. Murphy had  
16 said to himself, well, we did just change their meter  
17 in the same month of the unusually high bill and  
18 absent an obvious leak, they couldn't possibly have  
19 used this much water. Clearly it wasn't the 167,000  
20 gallons in my family's case. Was the threshold  
21 250,000 gallons, half a million gallons, a million  
22 gallons? Mr. Murphy responded there simply was no  
23 common sense threshold for Missouri American. There  
24 was no number I could give him that he would consider  
25 ridiculously too high. That answer really bothered

1 me. I should note as well that I offered to  
2 Mr. Murphy to share my customer service experience  
3 with leaders or customer service employees at Missouri  
4 American to help them understand how poorly I was  
5 treated throughout the entire episode from my very  
6 first customer service call during which I was told  
7 that the matter could not be escalated. I really  
8 wanted them to use my example to help them improve  
9 their customer service practices within their company.  
10 Clearly Missouri American wasn't interested. I am  
11 still willing to do this.

12 Another reason that Mr. Murphy's no common  
13 sense threshold response bothers me is that in my  
14 experience, the consumer protections that I expected  
15 from the Missouri Public Service Commission really  
16 were of little value to me in my particular case. I  
17 spent a great deal of time on the phone with Beverly  
18 Faulkner of the PSC and she was very kind and patient  
19 with me as we discussed my family's situation but it  
20 became obvious to me that in order for the PSC to  
21 protect me and my family, I had to be able to prove a  
22 negative or prove the impossible. I had to either  
23 prove that I didn't use the water in question or  
24 prove, without any expertise in the subject, that a  
25 meter that I couldn't access was somehow faulty. In

1 deed not only could I not access my water meter  
2 because it is underground in my front yard under a  
3 secure manhole cover, I never even knew that the meter  
4 was changed until I received my super high bill. By  
5 this point my old replaced meter was long gone and my  
6 new meter was locked underneath my front yard. Had it  
7 not been for Channel 4 shining a light on my situation  
8 in the manner that got Missouri American's attention,  
9 I would have been unjustly and inaccurately billed  
10 with no real protection or recourse. I ask the PSC to  
11 consider whether your consumer protections for water  
12 customers may need to be updated in light of the  
13 evolution of technology and business practices on the  
14 part of water utilities. Even a policy that would  
15 mandate the homeowner's presence during the  
16 replacement of a meter and to sign off by the  
17 homeowner that the meter indeeds reads zero at the  
18 time of installation might be a good first start.

19 In closing, thank you for the opportunity  
20 for me to share my story with you. I do have copies  
21 of bills and correspondence as well as the Channel 4  
22 new story if you'd like it. I would be happy to  
23 address any questions you may have for me at your  
24 convenience. Thank you.

25 CHAIRMAN GUNN: First of all, we would like

1 copies of all those. We'd appreciate that very much.  
2 Thank you for coming down because we attempt to try to  
3 have our customer service as good as possible and it  
4 is a little troubling to me to say your experience  
5 with the Public Service Commission was not as good as  
6 it could have been. Did anyone from the Public  
7 Service Commission attempt to contact the company on  
8 your behalf?

9 MR. STEPHEN MAMANELLA: Oh, yes.

10 CHAIRMAN GUNN: Okay. So they did, they  
11 attempted to it but the standard that you're talking  
12 about, you felt like there was no way you could ever  
13 win?

14 MR. STEPHEN MAMANELLA: I should stress that  
15 my conversation with Beverly Faulkner was very  
16 positive. It's just that I felt that the PSC's hands  
17 were tied because of the burden of proof that was  
18 falling on the consumer to be able to prove something  
19 that there was no way I could prove. And perhaps in  
20 the old days when water meters were in someone's  
21 basement a consumer could be far more informed to have  
22 the meter read in front of them to see what numbers it  
23 might say. In my case, I couldn't access these things  
24 myself and I was really reliant on the company telling  
25 me, well, we came and we looked at that three times

1 but I wasn't there. The only time my wife was present  
2 when an agent of the company was there we were told  
3 something that we wound up later being told wasn't  
4 accurate.

5 CHAIRMAN GUNN: And that was when the  
6 technician told you that it appeared to be a math  
7 error?

8 MR. STEPHEN MAMANELLA: That's right on  
9 their very first visit that's what they said and then  
10 when we called back and followed up they said, no,  
11 that's not true, that's not true, it's correct. And  
12 the meter was functioning properly, it just had this  
13 previous usage on it.

14 CHAIRMAN GUNN: Other than the in-home  
15 visit, did you ever, from all of your contacts with  
16 the company, either through on your own or through the  
17 Better Business Bureau and the PSC, did you ever  
18 receive a response to anything other than the in-home  
19 visit?

20 MR. STEPHEN MAMANELLA: There were times we  
21 proactively called their customer service line and  
22 talked with individuals. We did receive calls when  
23 they were threatening to turn off our water and those  
24 people had a very specific goal to get the payment but  
25 no, I don't think, in response to your question,

1 nothing that would engage in any sort of a  
2 conversation about our issue.

3 CHAIRMAN GUNN: And no response to your  
4 letter?

5 MR. STEPHEN MAMANELLA: No, sir.

6 CHAIRMAN GUNN: Okay. I thank you very much  
7 for coming. And we can mark and take copies of your  
8 letter as exhibits. Any copies you want to leave us  
9 we can take and we can put them in the record.

10 MR. STEPHEN MAMANELLA: Who should I give  
11 those to?

12 CHAIRMAN GUNN: The Judge will take care of  
13 it as soon as -- the other Commissioners might have  
14 questions but the Judge will take care of it in just a  
15 second.

16 MR. STEPHEN MAMANELLA: Yes, sir.

17 COMMISSIONER KENNEY: Mr. Mamarella, thanks  
18 for coming, it's an important story. I just wanted to  
19 clarify a couple of things. The month in which you  
20 used, allegedly used, the 167,000 gallons of water,  
21 that was October?

22 MR. STEPHEN MAMANELLA: Yes, sir. It was  
23 October of 2011 (sic), the bill was dated November  
24 8th.

25 COMMISSIONER KENNEY: And you paid that bill

1 in full to avoid shutoff?

2 MR. STEPHEN MAMANELLA: We paid it in full  
3 in February, yes, sir.

4 COMMISSIONER KENNEY: Okay. And were you  
5 reimbursed the entirety of that bill once Channel 4  
6 got involved?

7 MR. STEPHEN MAMANELLA: Yes, sir.

8 COMMISSIONER KENNEY: Okay. The meter was  
9 changed and you said you didn't know about it until  
10 after it had been changed and you received the October  
11 bill, correct?

12 MR. STEPHEN MAMANELLA: That's right. The  
13 bill itself noted a meter change on the bill.

14 COMMISSIONER KENNEY: Okay. And that's how  
15 you were alerted to the fact the meter had been  
16 changed?

17 MR. STEPHEN MAMANELLA: That is correct,  
18 yes.

19 COMMISSIONER KENNEY: And then in November,  
20 December and January, those bills went back to your  
21 pre-meter change usage of about 5,000 gallons per  
22 month?

23 MR. STEPHEN MAMANELLA: Yes, sir.

24 COMMISSIONER KENNEY: Did anybody at  
25 Missouri American, did that trigger any recognition of

1 an error on anybody's part at that point?

2 MR. STEPHEN MAMANELLA: No, sir.

3 COMMISSIONER KENNEY: And one final  
4 question, did anybody ever indicate whether your old  
5 meter had been saved and the usage documented?

6 MR. STEPHEN MAMANELLA: I am trying to  
7 recall because the understanding of the new meter, the  
8 new meter is the one that was at fault but I don't  
9 recall any conversation about the old meter being  
10 saved.

11 COMMISSIONER KENNEY: All right. Thank you  
12 for your time and thanks again for taking the time to  
13 come down here and make yourself available.

14 JUDGE JONES: Do you have copies of those  
15 document?

16 MR. STEPHEN MAMANELLA: I do, yes.

17 JUDGE JONES: How many different documents  
18 do you have?

19 MR. STEPHEN MAMANELLA: I have copies of the  
20 -- in answer to your question, probably about six  
21 different copies.

22 JUDGE JONES: You can go ahead and approach  
23 here and we will handle that. These are copies?

24 MR. STEPHEN MAMANELLA: Yes, they are.

25 CHAIRMAN GUNN: I just want to ask you one



1 more question.

2 MR. STEPHEN MAMANELLA: Yes, sir.

3 CHAIRMAN GUNN: Was there any indication on  
4 the bill that your payment was -- or that the bill was  
5 being disputed?

6 MR. STEPHEN MAMANELLA: No, sir.

7 CHAIRMAN GUNN: Did you get assurances on  
8 the phone that once you disputed the bill that you  
9 would not get a disconnect notice?

10 MR. STEPHEN MAMANELLA: No, sir. The way  
11 that worked, we paid a portion of the bill on  
12 December 1st, \$50, in good faith and it just simply  
13 reduced the balance by that much but it was  
14 subsequently billed every month. We thought perhaps  
15 paying in good faith we might buy the time to get  
16 through the BBB's process but they didn't see it that  
17 way, so then we ended up having to pay the full  
18 amount.

19 CHAIRMAN GUNN: So the company, even though  
20 you were making a good faith effort, the company  
21 didn't accept that as a kind of a good faith effort,  
22 they were merely taking a look at the bill and saying  
23 you're behind, you're behind, we're getting ready to  
24 shutoff?

25 MR. STEPHEN MAMANELLA: That's right. I

1 think they understand that we didn't agree with them  
2 and perhaps they gave a little bit of time but not a  
3 lot of time because by the time February came around  
4 that is when we received the shutoff notice.

5 CHAIRMAN GUNN: So you didn't pay the bill  
6 in November and that was from October and then by  
7 February you got a disconnect notice?

8 MR. STEPHEN MAMANELLA: Yes, sir.

9 CHAIRMAN GUNN: Thank you, appreciate you  
10 being here.

11 JUDGE JONES: I have marked as exhibits,  
12 Local Public Hearing Exhibits 1A through, I believe,  
13 1L, are there any objections from any of the parties?  
14 Hearing none, Local Public Hearing Exhibits 1A through  
15 1L are admitted to the record. Okay. Next up we got  
16 Al Ratermann. Could you raise your right hand,  
17 please? Do you solemnly affirm the testimony you are  
18 about to give is the truth?

19 MR. AL RATERMANN: I do.

20 JUDGE JONES: And could you spell your name  
21 for the court reporter, please?

22 MR. AL RATERMANN: Yes. It is Al Ratermann,  
23 R-A-T-E-R-M-A-N-N.

24 MR. REICHART: Your Honor, if I may, on  
25 behalf of the company I would like to raise an

1 objection and voice a concern. Mr. Ratermann is a  
2 member of a party that has intervened in the case and  
3 is represented by counsel. Mr. Ratermann, himself,  
4 has previously filed testimony as part of the existing  
5 procedural schedule in the underlining case and I  
6 would object to him providing testimony again, outside  
7 the procedural schedule that has already been  
8 established.

9 JUDGE JONES: Is your attorney here today?  
10 Is there an attorney representing you?

11 MR. AL RATERMANN: No, he is not present but  
12 I am also a customer and an employee of the company  
13 besides being a union officer.

14 JUDGE JONES: And from a legal stand point,  
15 the objection is way premature. From a practical  
16 stand point, he can testify as a customer. Have you  
17 filed testimony in the case?

18 MR. AL RATERMANN: I have direct testimony,  
19 yes, sir.

20 JUDGE JONES: In your capacity as a union  
21 officer?

22 MR. AL RATERMANN: Yes, as a union officer  
23 and past president.

24 JUDGE JONES: In what capacity are you  
25 testifying today?

1 MR. AL RATERMANN: Testifying not only as a  
2 union officer, I can't run away from that title but  
3 also as a customer and a 20-year employee of the  
4 company also.

5 JUDGE JONES: I'll allow your testimony.

6 MR. AL RATERMANN: Thank you.

7 MS. LEWIS: Your Honor, the Staff would kind  
8 of piggyback on that objection in that we would  
9 reserve the right to cross-examine Mr. Ratermann at  
10 the hearing on anything he testifies to today.

11 JUDGE JONES: You certainly have that right.  
12 You can also cross-examine him today on anything he  
13 testifies to if you prefer. You may proceed,  
14 Mr. Ratermann.

15 MR. AL RATERMANN: Thank you, sir.  
16 Gentlemen of the Public Service Commission, as you  
17 understand, Utility Workers Local 335 are interveners  
18 in this current rate case before you today. I have  
19 identified myself previously. To reiterate, I am a  
20 customer, long-term customer and long-term 20-year  
21 plus employee of Missouri American Water. I, on a  
22 daily basis, am directly involved in the installation  
23 of new water mains as my job title. I actually lead a  
24 crew as a distribution -- excuse me -- lead worker in  
25 the field in St. Louis County. I have also worked in

1 St. Charles County and Jefferson County under the same  
2 capacity of installing new water mains for Missouri  
3 American Water and prior to them, St. Louis County  
4 Water Company Ownership. I have extreme knowledge and  
5 experience of how this water main is supposed to be  
6 installed properly based on all the training I have  
7 received from the company over the years and what is  
8 also commonly referred to as on-the-job training  
9 specifically. Utility Workers 335 believes that every  
10 company has a right to make a fair profit, after all  
11 that's the American way. But when a company such as  
12 Missouri American Water and its corporate parent,  
13 American Water, becomes greedy and wants to fatten  
14 their pockets at the expense of the people who pay  
15 their bills, that is just plain wrong.

16 First, I want to dispel the notion that the  
17 company is asking for only a 24 percent rate increase.  
18 That figure is commonly used in press releases and  
19 constantly repeated in the media. While that might be  
20 an average of the various rate increases, it is not an  
21 accurate statement of what real people will be paying  
22 according to the rate increases filed request by this  
23 company. The truth is the rate increases for water  
24 and sewer will vary dramatically by district from 19  
25 percent all the way up to 76 percent. For example,

1 the quarterly rate in the St. Louis Metro Area will  
2 jump 17 percent from \$95.64 to \$113.74. The single  
3 family sewer rate for the Maplewood district will go  
4 from \$14.56 to \$60, an incredible jump of 76 percent.  
5 And these are only a couple of examples of the  
6 disparities of what the company is saying and what  
7 they're actually asking you to approve. All this  
8 while two critical factors are in play.

9           Number one, our economy is in the toilet and  
10 average people are hurting. No jobs for millions of  
11 people in this country -- excuse me -- including  
12 hundreds of thousands right here in our metro area.  
13 If they have a job, they are often working reduced  
14 hours which will result in lower take-home pay,  
15 benefits, et cetera, et cetera.

16           Number two, American Water is a highly  
17 profitable company. I'll assume you know that they  
18 had profits of over \$268 million in 2010 and this year  
19 promises to be another banner year for them. They  
20 were profitable enough in 2010 to soak the ratepayers  
21 and were able to pay their top seven officers at  
22 American Water \$12 1/2 million in executive  
23 compensation bonuses. It's not like they're hurting.  
24 The past four years, between 2007 and 2010, you, the  
25 Commission, have allowed for rate increases totaling

1 47 percent. You have allowed almost a 15 percent  
2 increase in 2010, a 20 percent increase in 2008 and a  
3 12 percent increase in 2007. My question is how much  
4 is enough? While they reap record profits, they have  
5 also violated the basic principles of human decency by  
6 gutting the contracts and the very people who have  
7 made their profits possible, a very loyal,  
8 hardworking, dedicated workforce. When it is pouring  
9 down rain and one of our mains breaks you don't see  
10 company president, Frank Kartmann, working in the cold  
11 and the rain, the sleet or the snow to get the water  
12 flowing again. You see our members, tax payers and  
13 ratepayers too, out there doing their job, not  
14 complaining, just working hard to get things fixed.  
15 And the reward we got from American Water, gutted our  
16 contract and unilaterally imposed conditions and  
17 changes, job descriptions, making it easier for the  
18 company to fire someone, restricting job bidding,  
19 increasing health and welfare payments by 52 percent  
20 for family protection, increasing our out-of-pocket  
21 medical expenses we have to pay by \$6,000 and reducing  
22 future retirement benefits. And those are just some  
23 of the highlights or in our case, lowlights, of how  
24 this company has dumped on its work force.

25 The most recent effort is jobbing out our

1 work to a non-union company for trenching in Maryland  
2 Heights that has a proven record of union busting.  
3 While our outside construction crews were idled doing  
4 busy work around the company, American Water used  
5 ratepayers money to duplicate our work by hiring this  
6 outside company. Is that fair? Is that right? Why  
7 should tax payers have to support this kind of waste?  
8 By hiring this firm with very limited experience in  
9 doing our work, clearly defines this antiunion  
10 attitude of Missouri American Water. I might digress  
11 for a minute from my prepared remarks to say that as a  
12 member of the barring committee, when we were in  
13 negotiations with the company last fall over our  
14 expired contract, it was clearly said at the table by  
15 Greg Weeks, vice president of Missouri American Water,  
16 when we had a lot of involved discussion about their  
17 wanting to subcontract out our work and from our angle  
18 we were trying to get the company to justify why after  
19 65 years of Local 335 doing this work specifically,  
20 providing the highest quality, safe, reliable product  
21 that we produced for the company, we wanted to  
22 understand from them what exactly this was all about,  
23 to explain to us in detail why they now felt they  
24 needed to contract our work out. Mr. Weeks said it  
25 wasn't about the money, it was about the company



1 wanting the flexibility, whatever that word means, to  
2 run the company the way they wanted to run it. And  
3 basically my interpretation of that is to hell with  
4 the workers that have the experience and knowledge of  
5 doing this kind of work. The company, in the previous  
6 negotiations that I have been involved with over the  
7 years, has said nothing but accolades to the union  
8 about the quality of work we have done for them. All  
9 kinds of accolades on us, what a great job we are  
10 doing, how we, you know, perform for them. So it is  
11 very ironic that they wait until they get to the  
12 bargaining table and then all of sudden we're not good  
13 enough to do the work that we have successfully done  
14 for the last 65 years. And flexibility, despite what  
15 they say, is a ridiculous position because this union  
16 has always worked with this company to make them what  
17 they want to be. Just the mere fact that they have  
18 never had a year where they haven't had profit and  
19 every year it seems to me their profit margin  
20 increases, I think we have a little skin in the game,  
21 if you would. This would not be a successful company  
22 if it was not for the union workers and really all  
23 employees of the company. I mean, we have got to get  
24 recognized in that mere fact. So I think it's ironic  
25 that they wait until contract time to raise that

1 issue.

2 I am not sure if you're aware but Missouri  
3 American Water has made an offer to purchase the City  
4 of Arnold's waste water system to the tune of a  
5 \$12 million offer. Our Local again, has come out in  
6 opposition. Our national union and our local union  
7 are opposed to this because we feel this could  
8 potentially have a negative effect on the ratepayers  
9 in St. Louis County. There has been some discussion  
10 about the uniform rate structure and I personally feel  
11 that the revenues that would potentially come in from  
12 the City of Arnold would nowhere near compensate the  
13 amount of investment that would be required to bring  
14 that, what I would call dilapidated, even though I am  
15 not an expert, what I have been told is it is a system  
16 that is very much in need of repair, dilapidated and I  
17 guess the company has their right to offer whatever  
18 they want. That seems like a significant offer to me,  
19 \$12 million, when I believe there is only  
20 approximately 8500 customers and I think their income  
21 is only somewhere around \$4 million a year or so. I  
22 guess my question thinking out loud is, are the water  
23 customers in St. Louis County going to have to help  
24 their capital improvement for the City of Arnold's  
25 sewer district if that purchase does take place and is

1 completed as the company so desires? I find it quite  
2 amazing that a former engineer and vice president,  
3 Mr. Ackermann, didn't identify himself as a former of  
4 St. Louis County Water but he clearly was. He was  
5 also an engineer by trade. I kind of find it very  
6 ironic he is here today speaking in opposition to the  
7 company's rate request. That is pretty unusual, says  
8 something to me. One of the things I raised in my  
9 direct testimony was the value --

10 JUDGE JONES: Mr. Ratermann, at that point I  
11 am going to sustain the objection because your  
12 testimony is redundant now. Try to stick to things  
13 that aren't included in your direct testimony.

14 MR. AL RATERMANN: Oh, okay. I'm sorry.  
15 Well, then let me talk about the staffing level of the  
16 company. Approximately over the last four years the  
17 company has not hired new employees to replace the  
18 ones that have retired or for whatever reason left the  
19 company. I'd say approximately 40 union members' jobs  
20 have gone vacant, unfilled, even though the workload  
21 has not, you know, it has maintained its normalcy. It  
22 hasn't changed at all. The company just recently and  
23 I think in my opinion, I believe there is strategy  
24 tied to this rate case because they just recently  
25 hired some people but like I said, for the last four

1 years we have seen it decline in employees and I think  
2 that has had a direct effect on our ability to provide  
3 high quality customer service that the customers have  
4 become accustomed to. Also, one other thing that I  
5 became aware of through this contracting out as  
6 through the grievance procedure as we have grieved,  
7 decisions by the company and our investigative  
8 information request, we have found out that the  
9 contracts that the company has signed with, for  
10 example, ADB, GNS Construction, Niemeyer Construction,  
11 Hallemann Construction, these are no bid contracts.  
12 The company decides, I guess. They haven't really  
13 been able to clearly explain it to me in the grievance  
14 procedure but I find it not in the best interest of  
15 the consumer when these contracts are awarded no bid.  
16 And also, I believe that I have been told by company  
17 representatives that there is also an opportunity for  
18 if there is a cost overrun the contractor can come  
19 back and be reimbursed by the company for time and  
20 materials. An actual supervisor told me that. So, I  
21 mean, it is almost in my opinion, from what I have  
22 been told, an open-ended contract where, I mean, it  
23 could take ten days longer than normal and they're not  
24 going to suffer any effects because the company is  
25 willing to pay the extra expense.

1 Another concern that our Local has with  
2 contracting out our work and I think the PSC should be  
3 very in tuned to this, is security issues. We have a  
4 bunch of elevated water tanks around the county. As  
5 you know we have four treatment facilities in St.  
6 Louis County, two on Missouri, two on the Meramec  
7 River and as employees of the company we are required  
8 to undergo strenuous background checks when we're  
9 first hired. They do all kind of checks on our  
10 credit, our work history, our driving licenses, et  
11 cetera, et cetera, which I am not saying is bad thing.  
12 And on an annual basis they review all our annual  
13 drivers' licenses of employees. When we asked them at  
14 the industrial relations meeting what kind of attempts  
15 they are making to require the contractors they're  
16 hiring to uphold the same standards they're forcing on  
17 us, basically told us it was really none of our  
18 business and that that was an issue between them and  
19 the contractor. So it leads me to assume that there  
20 really are no security precaution measures mandated on  
21 who the company contracts out with and I think that is  
22 an alarming thing. Our customers have also told us,  
23 our employees, our members, that when we show up on a  
24 water main break, I guess, you know, a lot of our  
25 customers fortunately call in to the customer service

1 center in Alton and report a main break, they see  
2 water running down the front of their house, whatever  
3 the circumstance is and at that time on the phone with  
4 the customer service representative sometimes they are  
5 misinformed and told that they will actually have to  
6 pay a shutoff fee to turn the main off, for us to go  
7 and fix the water main break which totally is not  
8 true. I mean, we don't do that. That's our mains --  
9 the company's mains I should say and there is no fee  
10 assessed for us to go in and turn the valves off to  
11 fix a water main break but apparently that is what  
12 has, you know, been relayed to some customers. Some  
13 customers have also been told by the service --  
14 customer service representatives in Alton, to just go  
15 ahead and call a plumber and let them handle it and  
16 again, that is not correct. I mean, that is the water  
17 company's mains and they're responsible for repairing  
18 them and maintaining them. We have over 4,000 miles  
19 of main in St. Louis County, thousands of valves,  
20 thousands of fire hydrants and we think that it is  
21 imperative that we be allowed to continue on to do  
22 what we have always done. Our Local thinks it is  
23 outrageous that the Staff is considering a 9.7 percent  
24 rate of return equity for the company. We think that  
25 is totally unfair to the consumers. Mr. Kartmann's

1 salary alone in 19 -- excuse me -- in 2010 was  
2 \$189,000. That Missouri --- that information is  
3 provided from the Security and Exchange Commission and  
4 he also received I believe \$60,000 in additional  
5 compensation that year. And, again, we are not  
6 opposed to the officers of the company being paid but  
7 when you put that in perspective, one of the things  
8 the company imposed upon us in our union contract this  
9 past July, was a 2 percent across the board wage  
10 increase for a four-year contract but what they don't  
11 want to talk about is that, yeah, 2 percent a year but  
12 maybe next year I may not have a job here or any of  
13 the members I represent may not have a job because  
14 they're going to outsource our work and give it to a  
15 contractor, so a lot of good a 2 percent raise is when  
16 you don't have a job to back it up.

17 Also, I want to state on the record our  
18 Local is opposed to the uniform rate increase by the  
19 company. We think that the decades have proven that  
20 district specific works and we would like to see that  
21 continue on. I thank you for the time to speak with  
22 you today. Thanks.

23 CHAIRMAN GUNN: I am going to save most of  
24 my questions for the hearing but I just have two  
25 procedural questions, if you wouldn't mind. What was

1 the date that the CBA expired?

2 MR. AL RATERMANN: The former contract  
3 expired October 31st of 2010.

4 CHAIRMAN GUNN: And then the company imposed  
5 a contract in July?

6 MR. AL RATERMANN: July 11th of 2011.

7 CHAIRMAN GUNN: That's all I have, thank  
8 you, sir.

9 COMMISSIONER KENNEY: Mr. Ratermann, thanks  
10 for taking the time to come down here and submit your  
11 testimony. I have a question about the collective  
12 bargaining agreement that you referenced, the  
13 grievance process -- well, let me ask it this way, do  
14 I understand that your collective bargaining agreement  
15 sets forth a grievance procedure?

16 MR. AL RATERMANN: Yes, it does.

17 COMMISSIONER KENNEY: And are you currently  
18 in a formal grievance mediation or procedure?

19 MR. AL RATERMANN: We are in the process.  
20 There are steps to a grievance procedure and yes, sir,  
21 we are in the steps of that grievance procedure.

22 COMMISSIONER KENNEY: What is the timeline  
23 by which that process will be progressively concluded,  
24 if you know?

25 MR. AL RATERMANN: Well, it's kind of



1 open-ended because we have four -- well, excuse me,  
2 now with the new contract we have three steps of the  
3 new contract, which is a meeting between the grievant,  
4 a supervisor and then a formal meeting between a  
5 manager, the grievant and the union and then if there  
6 is no resolution then it goes to, you know, possibly  
7 an arbitration, which, you know, the union would have  
8 to carry the ball and request arbitration. So we have  
9 a backlog of grievances, basically it would take  
10 several years for us to get to the process of having a  
11 grievance of this nature before it would be resolved  
12 somehow in an arbitration proceeding.

13 COMMISSIONER KENNEY: And the subject of  
14 this grievance that you're referencing, is it the use  
15 of outside contractors?

16 MR. AL RATERMANN: Yes, sir.

17 COMMISSIONER KENNEY: Okay. That is all the  
18 questions I have. Thanks for your time.

19 JUDGE JONES: You may be seated.

20 COMMISSIONER KENNEY: You know what, I'm  
21 sorry, I do have another question. I apologize. This  
22 is a similar question that I asked Senator  
23 Chappelle-Nadal, what are your concerns in terms of  
24 the quality of service and reliability and the impacts  
25 of using non-union workers? And the reason I am

1 asking that question specifically, do you know the  
2 level of training and expertise the outside  
3 contractors have as compared to the training that the  
4 union members receive with respect to the jobs that  
5 they are using outside contractors for?

6 MR. AL RATERMANN: Well, I can give you a  
7 speculative answer.

8 COMMISSIONER KENNEY: That's fine.

9 MR. AL RATERMANN: I don't know for hard  
10 fact because I don't work alongside the contractors  
11 that the company has hired. I mean, they have used  
12 them over the years for different reasons like mainly  
13 concrete and asphalt repair. Very rarely have they  
14 used contractors for the installation or the repair of  
15 main breaks. I mean, I don't want to go on in great  
16 detail but by the amount of training the company has  
17 provided with me specifically, as a lead person who is  
18 out there in the field on a daily basis directing the  
19 work of four other coworkers, an equipment operator, a  
20 truck driver, laborers, myself, I have a lot of skill  
21 and experience that the company is training me to do.  
22 How to read the various plan sheets, the plans for  
23 where the main goes, so we don't lay on the wrong side  
24 of the street, so we don't get into the other  
25 utilities that are also buried. I mean, it is really

1 a nightmare in St. Louis County when you have to go up  
2 against not only the water mains but Laclede Gas,  
3 AT&T, fiber optic cables. I mean, every utility now  
4 is putting their stuff in the ground which further  
5 augments and creates a nightmare scenario for what we  
6 do. But I will say we are still the best at what we  
7 do and we have very good results in being efficient  
8 and getting the work done. I am aware that  
9 contractors have caused various problems for the  
10 company over time by not being efficient enough. I  
11 believe this latest example, that was quoted here  
12 today about the job on Wellman Court, was cost  
13 overruns for ADB. Now, I know the company is going to  
14 say, well, that's not the problem because we  
15 contracted with them but my question is, did you pay  
16 them cost, time and materials if there were cost  
17 overruns? I mean, they're not going to answer that  
18 question to me because obviously they don't want me to  
19 know the answer but that might be a question you might  
20 want to ask them. If there were cost overruns  
21 associated with that job or any jobs that they have  
22 contracted out our work. Again, the skill, the  
23 experience, the 65 years, the long history that we  
24 have had of doing this work does nothing to me but  
25 support and substantiate that we are the best at what

1 we do and there is no reason in the world for the  
2 company to now tell us that we're not the best and  
3 good enough to do this work anymore. Thanks.

4 COMMISSIONER KENNEY: Thank you.

5 JUDGE JONES: Before you sit down, Mr.  
6 Ratermann, are there any parties that want to  
7 cross-examine? I will remind you you're not waiving  
8 your right to cross-examine during the hearing.

9 MR. REICHART: We would just like to reserve  
10 our right, Your Honor.

11 MS. LEWIS: Same for Staff.

12 JUDGE JONES: You may be seated. Next we  
13 have, I believe it is Larry Feuerstein.

14 MR. LARRY FEUERSTEIN: Feuerstein.

15 JUDGE JONES: Do you solemnly affirm the  
16 testimony you are about to give is the truth?

17 MR. LARRY FEUERSTEIN: I do.

18 JUDGE JONES: And can you spell your name  
19 for the court reporter?

20 MR. LARRY FEUERSTEIN: Sure. It is F, as in  
21 Frank, E-U-E-R-S-T-E-I-N. I am a resident of  
22 Wildwood, Missouri.

23 JUDGE JONES: You may proceed.

24 MR. LARRY FEUERSTEIN: First, I would like  
25 to comment that the very idea of a 16 or 24 percent

1 increase for St. Louis County residents seems to be  
2 grossly out-of-sync with the economic realities of the  
3 marketplace currently and the general economic  
4 conditions in general and in particular the ability  
5 for consumers to pay those increased rates on top of  
6 the Ameren rate increase and the Laclede increase and  
7 the other one and the other one. It seems to me, on  
8 more of a macro scale, that the whole operating model  
9 of the PSC has to be reevaluated given these economic  
10 times, which don't appear to be getting any better.  
11 The idea of everything being based on a cost plus  
12 mentality instead of going in, diving in like the one  
13 auditor lady said, that hadn't been done in this case,  
14 go in and look for offsets, go in and look for  
15 reductions, do a zero based review of the company's  
16 overhead. In other words, find ways that cost can go  
17 down instead of always going up. That just cost plus,  
18 give them something on top of their cost, that  
19 operating model doesn't play anymore, guys. People  
20 can't afford all these utility rate increases,  
21 something has got to give. I realize that would  
22 probably take legislative activity and would be a more  
23 complicated thing but somebody has got to come forward  
24 and deal with it. It's the economic reality of today.  
25 And the other comment -- and when you take a 16

1 percent or a 24 percent, you know, compared to, I  
2 guess we agreed to round it 3 percent general rate of  
3 inflation, certainly companies have accosted for labor  
4 inflation and things they have to deal with but take  
5 that 3 percent general inflation rate and put it next  
6 to 16 or 24, not even close. Okay. So there's got to  
7 be a greater level of scrutiny about things that can  
8 go down as opposed to just go up in these utilities'  
9 costs. I think that is something that needs to be  
10 looked at further for the future.

11 The other comment I would make is with  
12 regard to the uniform rate structure of any type,  
13 whether it's the whole state or two counties or  
14 whatever. It seems to me that that is in opposition  
15 to the most basic principle of cost accounting. That  
16 being that you, as specifically as possible, attribute  
17 the cost of providing a given activity to where it is  
18 produced. You don't peanut butter spread cost across  
19 a large entity when you have the ability to directly  
20 define it, that is cost accounting 101. I think it  
21 would be very inappropriate for the PSC to depart from  
22 generally accepted accounting principles in how they  
23 allow this cost thing to be done. You need to have  
24 the cost of a particular service area or activity  
25 match the revenue for that particular activity, as

1 long as you can you have the ability to specifically  
2 define, which in this case people have said has been  
3 done for years. So those would be my comments.

4 COMMISSIONER KENNEY: Thank you, sir.

5 CHAIRMAN GUNN: No questions, thanks.

6 COMMISSIONER STOLL: No questions.

7 JUDGE JONES: Next is, I want to say Frazier  
8 Helen because that is how it is written but I am  
9 guessing it is probably Helen Frazier. Is there a  
10 Frazier or a Helen in here? Okay. Seeing none, next  
11 we have Tom Schneider. Can you use raise your right  
12 hand? Do you solemnly affirm that the testimony you  
13 are about to give is the truth?

14 MR. TOM SCHNEIDER: Yes.

15 JUDGE JONES: You may proceed.

16 MR. TOM SCHNEIDER: Thank you. Ladies and  
17 gentlemen of the Public Service Commission, my name is  
18 Tom Schneider. I am the president of the Utility  
19 Workers Union of America, Local 335. Our union  
20 represents 14 plus members of Missouri American Water  
21 Company. The union contract represents three things  
22 to a member. Wages, benefits and working conditions.  
23 We are hard working employees, we take pride in our  
24 job and quality of the work we do. American Water is  
25 asking for rate increases in some cases that can

1 exceed 76 percent. I am here on behalf of American  
2 Water employees to say they don't need this raise.  
3 During this most recent recession many companies  
4 including American Water, made record profits. Yet  
5 instead of being fair to the employees who help make  
6 those profits possible, they jumped on the economic  
7 bandwagon and used the recession to unfairly dismantle  
8 years of gains by the union. We are not anti-company.  
9 Our union wants the company to make a profit. It is  
10 the only way we can bargain for a better life for our  
11 members. We have made major concessions. As an  
12 example, in the 2006 contract, we agreed to eliminate  
13 pensions for all employees employed after 2001. This  
14 alone saved the company millions of dollars. But what  
15 did American Water do in last year's contract talks?  
16 The company made proposals to take away almost  
17 everything they agreed to in a trade off for  
18 eliminating our pensions. In 2010 contract talks the  
19 company demanded so many givebacks that it would have  
20 taken our contracts back decades. American Water  
21 imposed a contract that eliminates employee's rights  
22 that we have worked hard to protect. The company is  
23 very profitable, made more than \$268 million in  
24 profits last year while asking us for concessions.  
25 They gave almost \$8 million in bonuses in 2009 and \$12



1 million, 12 1/2 million in 2010 to the same seven  
2 executives. The company will tell you their  
3 unilaterally imposed contract employees get an 8.5  
4 percent raise over four years. That sounds good on  
5 the surface but what they don't tell you is that the  
6 first year alone they raised our health insurance  
7 premium by 52 percent. Health costs, premium  
8 increases wipe out all the raise before an employee  
9 even reaches the new stop loss that is put in place.  
10 American Water is pillaging its employees and the  
11 ratepayers. American Water has been so profitable  
12 quarter over quarter and year over year that they had  
13 to readjust their forecast for 2011 upwards because  
14 they were exceeding their expectations. Employees  
15 simply want to earn wages and benefits that allow them  
16 to support their families. Someday your children or  
17 grandchildren could apply here to work here because  
18 the wages and benefits the union has negotiated. They  
19 should be sound enough to allow them to earn a  
20 reasonable living.

21 We ask the Public Service Commission not to  
22 allow American Water these exorbitant rate increases,  
23 given what they have recently taken away from their  
24 employees, given the fact that profits are exceeding  
25 expectations, given the fact that there is enough

1 money for huge executive bonuses, we think the rate  
2 increase should be rejected entirely.

3 JUDGE JONES: Any questions?

4 CHAIRMAN GUNN: Thank you, sir.

5 JUDGE JONES: Thank you, you may be seated,  
6 sir. James Dent, I believe it is.

7 MR. JAMES DENT: Good afternoon, my name is  
8 James Dent.

9 JUDGE JONES: Can you raise your right hand?  
10 Do you solemnly affirm that the testimony you are  
11 about to give is the truth?

12 MR. JAMES DENT: Yes, sir.

13 JUDGE JONES: Thank you, you may proceed.

14 MR. JAMES DENT: I'm a little nervous. My  
15 name is James Dent. I'm a 25-year employee of  
16 American Water and I'm also a union officer and  
17 recording secretary and a customer. And this is my  
18 first rate increase hearing, so some of things I want  
19 to tell you guys about the whole process, just  
20 listening, it is kind of skewed that we don't get to  
21 ask you guys questions but you guys decide on the  
22 whole process, so legislatively speaking it doesn't  
23 support the customers. I did find out about the  
24 Office of Public Counsel represents the customers.  
25 And the Public Service Commission, it seems like you

1 guys just kind of, you know, back up the company which  
2 is -- so my one request is that you do change your  
3 policies to just look at, you know, like the one guy  
4 had the customer complaint which went way out-of-line,  
5 I don't know if you guys can do something about that  
6 or have you, so that was my one request. Also, me  
7 being a 25-year employee, I am going to lose a lot of  
8 my rights as a union employee and I am wondering if  
9 you guys get to decide on that or I don't know if we  
10 can go to public -- Office of Public Counsel or who  
11 gets to decide on that to support the people who do  
12 the work.

13           There was one other thing I wanted to bring  
14 up. The work we do in St. Louis County, us being one  
15 of the largest service areas I think as New York and  
16 Pennsylvania, we do carry the bulk of generating  
17 profit for American Water, so we kind of get stuck  
18 with the bill. I didn't get to find out about this  
19 hybrid system and the other system but I would just  
20 like to say I'd rather, like the gentlemen said, you  
21 guys go by zero cost, if that is available, if that is  
22 a possibility. It just seems like as a customer our  
23 water bills never go down. My mom is 79 years old and  
24 I pay her water bill and there's no opportunity or  
25 options to have my mom save money on her water bill

1 and that is not available. I don't know if you guys  
2 do anything about that or not but, you know, I went in  
3 since she moved in her apartment and put in new  
4 faucets and low-flow deals and still there should be a  
5 credit or something available for people, for seniors,  
6 low income, there is nothing there. And I think you  
7 guys do decide that along with the rate increase.  
8 That's it.

9 JUDGE JONES: Any questions?

10 CHAIRMAN GUNN: I don't have anything, thank  
11 you, sir.

12 JUDGE JONES: You may be seated.

13 COMMISSIONER KENNEY: Thanks, Mr. Dent.

14 JUDGE JONES: Is it D. Yvonne Ragsdale? Is  
15 there an Yvonne Ragsdale here? Okay. We have gone  
16 through the list. Is there anyone else that would  
17 like to give testimony here today? You may step up.  
18 Raise your right hand. Do you solemnly affirm that  
19 the testimony you're about to give is the truth?

20 MS. JUDY WEIGEL: Yes.

21 JUDGE JONES: And can you please state and  
22 spell your name?

23 MS. JUDY WEIGEL: My name is Judy Weigel,  
24 W-E-I-G-E-L. I just wanted to make two comments.  
25 One, I think it is misleading to have an example that

1 says somebody that has 22,500 gallons of water over  
2 the three months would be getting the 16 or 24 percent  
3 increase when so much of it is based on the flat fee.  
4 I use 5,250 gallons across the quarter. I mean, I  
5 have my bills for the last year. And to me, that 24  
6 percent that they're asking is going to be higher  
7 because so much of it is in the flat, the fixed fee  
8 part. I mean, I understand somebody will be paying  
9 more for their water when that is, you know, goes up  
10 on consumption but the flat fee part is -- it hurts  
11 the people more that use less.

12 And the other thing I would like to see, I  
13 noticed all of these things, all of the numbers there  
14 are based on 1,000 gallons of water. Our bills aren't  
15 done that way. They're based on cubic -- 100 cubic  
16 feet which is 750 gallons, so it's misleading. I  
17 looked at my bill and said, well, they're multiplying  
18 by 2.19 and all of a sudden that was going up to \$3.  
19 Well, it was misleading. I mean, the rate really  
20 would have been 3.19 but it doesn't show that way, so  
21 I just think it would be clearer.

22 JUDGE JONES: Any questions?

23 CHAIRMAN GUNN: No, thank you.

24 COMMISSIONER KENNEY: Thank you for your  
25 time.

1 JUDGE JONES: Is there testimony from anyone  
2 else? I see no hands, would you like to make any  
3 closing remarks?

4 CHAIRMAN GUNN: First, I want to thank  
5 everybody for coming out. This is essentially the  
6 middle of the process. We will have an evidentiary  
7 hearing that I believe starts February 21st, scheduled  
8 through March 6th. That can be viewed either live or  
9 by recording through our website which is www dot psc  
10 dot mo dot gov. It can also be viewed in person in  
11 Jefferson City. The hearings are open to the public  
12 in Jefferson City. If anybody has any folks that  
13 couldn't be here tonight or that couldn't make it, we  
14 do have a local public hearing tonight. The question  
15 and answer session starts at 5:30. It is at the  
16 University of St. Louis in the J.C. Penney Conference  
17 Center. We also are accepting comments through the  
18 450,000 or so comment cards that we sent out to the  
19 customers. People can call the Public Service  
20 Commission with comments or they can write letters or  
21 they can also do it through the website. So if you  
22 know folks that couldn't be here tonight, we are  
23 always looking for more public comment. I think we  
24 have gotten about 13,000 of those cards back so far  
25 and we expect more to come in. So thank you for

1 participating. We know it takes a lot to come out in  
2 the middle of the day but we appreciate it and these  
3 will be in the record. Even though there is only  
4 three of us, this is being transcribed and the other  
5 two Commissioners, although we may only have one  
6 Commissioner sitting on this because we are down a  
7 Commissioner basically, they will read the transcript.  
8 So your comments will get to the record. We  
9 appreciate you all coming.

10 COMMISSIONER KENNEY: Thank you.

11 COMMISSIONER STOLL: Thank you for being  
12 here. It was very informative.

13 JUDGE JONES: We are off the record.

14 (Exhibits 1A through 1L were marked for  
15 identification by the court reporter.)

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17 (Public Hearing concluded at 1:53 p.m.)

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CERTIFICATE OF REPORTER

I, Suzanne M. Zes, Certified Court Reporter,  
within and for the State of Missouri, do hereby  
certify that the witness whose testimony appears in  
the foregoing deposition was duly sworn by me; the  
testimony of said witness was taken by me to the best  
of my ability and thereafter reduced to typewriting  
under my direction; that I am neither counsel for,  
related to, nor employed by any of the parties to the  
action in which this deposition was taken, and further  
that I am not a relative or employee of any attorney  
or counsel employed by the parties thereto, nor  
financially or otherwise interested in the outcome of  
the action.

\_\_\_\_\_  
Certified Court Reporter

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<p><b>\$4</b> 50:21  <b>\$50</b> 31:5 41:12  <b>\$545.53</b> 30:4  <b>\$6</b> 6:20  <b>\$6,000</b> 47:21  <b>\$60</b> 46:4  <b>\$60,000</b> 55:4  <b>\$66</b> 13:10  <b>\$8</b> 64:25  <b>\$95.64</b> 46:2</p> <hr/> <p><b>1</b></p> <p><b>1</b> 17:20 19:22  <b>1A</b> 42:12,14  71:14 72:16  <b>1B</b> 72:17  <b>1C</b> 72:18  <b>1D</b> 72:19  <b>1E</b> 72:20  <b>1F</b> 72:21  <b>1G</b> 72:22  <b>1H</b> 72:23  <b>1I</b> 72:24  <b>1J</b> 72:25  <b>1K</b> 73:3  <b>1L</b> 42:13,15  71:14 73:4  <b>1st</b> 31:6 41:12  <b>1,000</b> 69:14  <b>1.4</b> 16:7  <b>1/2</b> 46:22 65:1  <b>1:53</b> 71:17  <b>10</b> 19:21 25:1  <b>100</b> 13:3,12  69:15  <b>101</b> 62:20  <b>11</b> 4:4  <b>11th</b> 56:6  <b>11,000</b> 9:6  <b>12</b> 19:21 47:3  65:1 72:4  <b>12,000</b> 9:4,5  <b>12.5</b> 16:4  <b>12/16/2011</b> 17:5  <b>13</b> 1:8 14:15  <b>13,000</b> 70:24  <b>14</b> 63:20  <b>14.8</b> 7:7  <b>15</b> 47:1</p>	<p><b>16</b> 60:25 61:25  62:6 69:2  <b>16th</b> 13:21  <b>167,000</b> 30:2  31:24 33:19  38:20  <b>17</b> 30:23 31:1  46:2  <b>176,000</b> 8:17  <b>18</b> 72:5  <b>19</b> 15:8 45:24  55:1</p> <hr/> <p><b>2</b></p> <p><b>2</b> 13:20 14:14,19  17:6,8,10  30:22 55:9,11  55:15  <b>2's</b> 30:23  <b>2.19</b> 69:18  <b>20</b> 30:3 47:2  <b>20-year</b> 44:3,20  <b>200</b> 2:14  <b>2001</b> 64:13  <b>2006</b> 64:12  <b>2007</b> 46:24 47:3  <b>2008</b> 47:2  <b>2009</b> 64:25  <b>2010</b> 7:8 8:4  15:9 16:5,7  28:25 29:22  46:18,20,24  47:2 55:1 56:3  64:18 65:1  <b>2011</b> 8:5 17:20  28:25 29:10,22  38:23 56:6  65:13  <b>2012</b> 1:4  <b>2014</b> 7:20  <b>21</b> 32:2,2 72:6  <b>21st</b> 70:7  <b>22,500</b> 69:1  <b>2230</b> 2:7  <b>24</b> 6:23 45:17  60:25 62:1,6  69:2,5  <b>25-year</b> 66:15  67:7</p>	<p><b>250,000</b> 33:21  <b>265,000</b> 17:13  <b>268</b> 15:9  <b>28</b> 72:7</p> <hr/> <p><b>3</b></p> <p><b>3</b> 62:2,5  <b>3rd</b> 31:10  <b>3.19</b> 69:20  <b>3.5</b> 16:6  <b>31st</b> 56:3  <b>314.996.2286</b>  2:4  <b>314.997.2451</b>  2:4  <b>335</b> 7:17 9:25  11:7 14:25  15:16,18 44:17  45:9 48:19  63:19  <b>35</b> 32:12  <b>360</b> 2:15  <b>370,000</b> 7:22</p> <hr/> <p><b>4</b></p> <p><b>4</b> 32:21,21,24  33:5,7 35:7,21  39:5  <b>4,000</b> 54:18  <b>40</b> 51:19  <b>41</b> 9:6  <b>42</b> 72:8,16,17,18  72:19,20,21,22  72:23,24,25  73:3,4  <b>450,000</b> 70:18  <b>47</b> 47:1  <b>49</b> 6:18</p> <hr/> <p><b>5</b></p> <p><b>5</b> 72:3  <b>5,000</b> 29:25  39:21  <b>5,250</b> 69:4  <b>5:30</b> 70:15  <b>52</b> 47:19 65:7  <b>55</b> 9:8  <b>573.526.6715</b>  2:17</p>	<p><b>573.751.5562</b>  2:9  <b>573.751.5565</b>  2:8  <b>573.751.9285</b>  2:18</p> <hr/> <p><b>6</b></p> <p><b>6th</b> 70:8  <b>60</b> 72:9  <b>63</b> 72:10  <b>63101</b> 2:25  <b>63141</b> 2:3  <b>65</b> 48:19 49:14  59:23  <b>65102</b> 2:8,16  <b>66</b> 72:11  <b>68</b> 72:12</p> <hr/> <p><b>7</b></p> <p><b>7</b> 17:20  <b>71</b> 72:16,17,18  72:19,20,21,22  72:23,24,25  73:3,4  <b>711</b> 2:24  <b>727</b> 2:3  <b>750</b> 69:16  <b>7500</b> 6:20  <b>76</b> 15:8 45:25  46:4 64:1  <b>79</b> 67:23</p> <hr/> <p><b>8</b></p> <p><b>8th</b> 38:24  <b>8.5</b> 65:3  <b>8500</b> 50:20</p> <hr/> <p><b>9</b></p> <p><b>9</b> 1:4 19:21  <b>9th</b> 2:14  <b>9.7</b> 54:23  <b>9.9</b> 25:14</p>
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