

1 STATE OF MISSOURI  
2 PUBLIC SERVICE COMMISSION  
3 TRANSCRIPT OF PROCEEDINGS  
4  
5 PUBLIC HEARING  
6 AUGUST 11, 2014  
7  
8 CITY OF CALIFORNIA CITY HALL  
500 SOUTH OAK STREET  
9 PUBLIC MEETING ROOM  
CALIFORNIA, MISSOURI 65018

10

11 VOLUME 1

12

13 In the Matter of a Requested )  
Rate Increase for Annual Sewer )  
14 Operating Revenues by Hickory Hills ) SR-2014-0166  
Water & Sewer )

15

In the Matter of a Requested Rate )  
16 Increase for Annual Water )  
Operating Revenues by Hickory Hills ) WR-2014-0167  
17 Water & Sewer )

18

DANIEL R.E. JORDAN, PRESIDING  
19 SENIOR REGULATORY LAW JUDGE  
WILLIAM KENNEY  
20 COMMISSIONER

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25 REPORTED BY: SARAH POKORSKI, CCR 745

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1 P R O C E E D I N G S

2 JUDGE JORDAN: We are on the record. The  
3 Commission is calling the action in Files Number  
4 SR-2014-0166 and WR-2014-0167. This is in the matter  
5 of a requested rate increase for annual sewer and  
6 water operating revenues by Hickory Hills Water &  
7 Sewer. And this is the local public hearing on the  
8 rate increases proposed in this action. We're here to  
9 record witness' testimony on the proposed rate  
10 increases. We are recording this proceeding. My name  
11 is Daniel Jordan. I'm the regulatory law judge  
12 assigned to this action. My job this evening is to  
13 conduct an orderly proceeding. Eventually, I will  
14 prepare a decision for the Commissioners to vote on.  
15 And of course as you've heard, I'm sure, the  
16 Commissioners will make the final decision in this  
17 action. To my left is Commissioner Kenney from  
18 Jefferson City. Mr. Kenney, any opening remarks?

19 COMMISSIONER KENNEY: Yes. Thank you.  
20 Hello, folks. My name is Bill Kenney. I've been on  
21 the Commission since January of 2013. And I realize  
22 this precedes me by a number of years. I know that  
23 Hickory Hills has been in receivership since 2007, and  
24 this has been an ongoing problem. And I'm sure the  
25 resolution before you is not a -- an acceptable

1 solution, because of a more than doubling of your  
 2 rates. Our staff has worked diligently over the years  
 3 to try to come up with some solutions. Many of you  
 4 know that, working with the City, working with the  
 5 State. I will tell you that we have a court reporter,  
 6 and that all -- the other four Commissioners will be  
 7 able to review any testimony that's spoken tonight  
 8 with their advisers. And I would appreciate, anybody  
 9 who wishes to testify, please stand up and do testify.  
 10 But there are no conclusions. And our -- and our  
 11 Staff and the Commissioners realize that this is a  
 12 very -- a problem. It's very problematic. And there  
 13 are several small water and sewer districts around the  
 14 State that have similar problems. And it's an issue  
 15 that many of us would like to see a solution to, and  
 16 we don't have the answers right now. But there are no  
 17 conclusions until the Commission makes a final  
 18 determination. So that being said, appreciate any  
 19 testimony that you have tonight. Thank you.

20 JUDGE JORDAN: Thank you, Commissioner. I  
 21 will now take entries of appearance. We will begin  
 22 with the applicant, Hickory Hills Water & Sewer.

23 MR. COVER: Yes, sir?

24 JUDGE JORDAN: I'm taking entries of  
 25 appearance.

1 MR. COVER: Sure. Gary Cover. C-O-V-E-R.  
2 I'm the court-appoint receiver for Hickory Hills Water  
3 & Sewer.

4 JUDGE JORDAN: Thank you. For Staff?

5 MR. THOMPSON: Thank you, Judge. Kevin  
6 Thompson for the Staff of the Missouri Public Service  
7 Commission.

8 JUDGE JORDAN: Thank you. For the Office  
9 of Public Counsel?

10 MR. OPITZ: Tim Opitz for the Office of  
11 Public Counsel.

12 JUDGE JORDAN: Thank you. And for  
13 Intervenor, Department of Natural Resources.

14 MR. BLACKWELL: Tim Blackwell from the  
15 Attorney General's office.

16 JUDGE JORDAN: Thank you. The purpose of  
17 this proceeding is to hear testimony. And it will  
18 become part of the official record. That means the  
19 information on which the Commission will base its  
20 decision. Court reporter will record testimony under  
21 oath or affirmation, if you prefer, so that all  
22 Commissioners can consider it in deciding this case.  
23 If you want to testify, please do the following:  
24 If -- there is a sign-up list. If there's any names  
25 on the sign-up list, I will read from the sign-up list

1 and call people up to testify. When I do that, please  
 2 come up to the stand, use the microphone. I will  
 3 administer an oath. If religious convictions prohibit  
 4 you from taking an oath, I will administer an  
 5 affirmation. I may ask you a few questions to get you  
 6 started. Name, interest in the proceeding, things  
 7 like that. Do speak clearly for the court reporter's  
 8 sake and everyone else's. Be concise. And if someone  
 9 has already said what you want to say, you can just  
 10 tell us that. You don't have to repeat everything  
 11 they've already said. You can just tell us that you  
 12 agree with that. If there was a remark that you made  
 13 during the question and answer session, and you want  
 14 the Commission to consider it, please say it during  
 15 this part of the -- of the proceedings while we're  
 16 taking testimony. When you're done saying what you  
 17 have to say, there may be questions from any of the  
 18 parties, from me, from the Commission, just to clarify  
 19 what you're telling us. So stay until you're excused.  
 20 And do remember that in addition to testimony here,  
 21 you can also contact Staff, you can contact the Office  
 22 of Public Counsel should you think of something later,  
 23 and so can your neighbors. So any questions about the  
 24 procedure before I begin taking testimony? I'm not  
 25 seeing any, so I will ask if there is any -- any names

1 on the sign-up list. No names on the sign-up list,  
2 but we're all here to take testimony, so if anyone has  
3 anything to say that they would like the Commission to  
4 hear, please come forward and be sworn or affirmed.  
5 We'll start by -- we'll administer the oath. Do you  
6 solemnly swear that the testimony you're about to give  
7 will be the truth, the whole truth and nothing but the  
8 truth?

9 MS. ROWLES: I do.

10 JUDGE JORDAN: Thank you. Please state  
11 your name and spell it for our court reporter.

12 MS. ROWLES: My name is Gleneth Rowles.  
13 R-O-W-L-E-S. My husband is Bill. We live at 62489  
14 Vaughan Drive, California, Missouri.

15 JUDGE JORDAN: Thank you. And are you a  
16 customer of this -- of this utility?

17 MS. ROWLES: Yes, sir.

18 JUDGE JORDAN: All right. And why don't  
19 you go ahead and just tell us what you want the  
20 Commission to know.

21 MS. ROWLES: We've lived there  
22 approximately -- this time -- since '02. The thing  
23 that I think might work -- there were a couple of  
24 meetings with the City Council, the Public Service  
25 Commission, DNR, several months ago. And we were so

1 close to getting a commitment from the City. The  
2 money was there from DNR. Just almost everything was  
3 agreed to. And there was some technicality with  
4 either the drawings from Bartlett & West, the  
5 engineers, or some small technicality that people  
6 became angry, and the books were closed, and everybody  
7 walked off. But it was within a hair's throw of  
8 happening. And I think if the Public Service  
9 Commission, DNR, some of the state officials would  
10 contact the City again and quietly tell them our  
11 dilemma -- and we're all neighbors. We all know each  
12 other. I think with some real diligence, it could be  
13 worked out again. At least we need to try, I think,  
14 before the homes are closed or -- or whatever could  
15 possibly happen, or people are going to have to move  
16 because they can't afford the rates. This is a real  
17 hardship on people in our neighborhood. And our  
18 hearts go out for these people -- even to ourselves,  
19 as far as that goes. We're either young, working  
20 people or we're retired older people. And I guess  
21 that's kind of the conclusion of my remarks.

22 COMMISSIONER KENNEY: Ma'am, excuse me.  
23 Approximately how long ago was that last meeting that  
24 you were discussing?

25 MS. ROWLES: It was in the last probably



1 year, I would say.

2 COMMISSIONER KENNEY: Okay. Thank you.

3 JUDGE JORDAN: Any other questions for this  
4 witness from Staff? From the utility? From OPC?

5 MR. OPITZ: No, Your Honor.

6 JUDGE JORDAN: DNR? I have no question for  
7 you.

8 MS. ROWLES: Thank you.

9 JUDGE JORDAN: Thank you for your  
10 testimony. Who else would like to speak this evening?  
11 Yes, ma'am. Please step forward. Please raise your  
12 right hand. Do you solemnly swear that the testimony  
13 you're about to give will be the truth, the whole  
14 truth and nothing but the truth?

15 MS. DRUMMOND: I do.

16 JUDGE JORDAN: Thank you. Please state  
17 your name.

18 MS. DRUMMOND: Okay. Kim Drummond. And I  
19 live -- I've lived out in Hickory -- well, they call  
20 it Temple Terrace with my family -- about 13 years.  
21 And I just wanted to go on record as saying that our  
22 group has, in -- in good faith, you know, tried to  
23 come up with some solutions to this problem. I know  
24 that I'm very concerned about the pollution. My  
25 husband's a -- works for Conservation Department. And

1 we don't take that lightly. But we don't feel like we  
2 have the wherewithal to do very much about the  
3 situation, that it was -- you know, it seems like the  
4 onus is on us for someone else's negligence. And, you  
5 know, it just is what it is. I do understand that.  
6 But I guess I just wanted to say that I don't think  
7 our neighborhood can afford this. I think we -- we  
8 did a study once, maybe in conjunction with -- with  
9 the City when we paid -- each homeowner paid like \$200  
10 for a feasibility study, and we were looking at some  
11 other options. And we just don't have the incomes, I  
12 think, to -- to be able to -- to afford a rate  
13 increase. I would, I guess, classify us as a, you  
14 know, working-class neighborhood. And -- and our  
15 homes, I don't know the value, but ours, you know,  
16 maybe \$100,000. And I know personally, I'm -- we're  
17 working under one income right now, and me working  
18 part-time. And it's -- it's -- I just want to go on  
19 the record as saying, you know, we're concerned, and  
20 we'd like to see a solution and actively be working  
21 toward one that, you know, can -- can fix this. And I  
22 just want to say that we hope that it will be taken  
23 into consideration, the impact it'll have on these  
24 families, some of whom I don't think, you know, can  
25 sustain it.

1 JUDGE JORDAN: Thank you. Questions from  
2 the parties?

3 MR. BLACKWELL: No.

4 MR. THOMPSON: No, Judge. Thank you.

5 JUDGE JORDAN: Commissioner, any questions?

6 COMMISSIONER KENNEY: No. Thank you.

7 JUDGE JORDAN: I have no questions. Thank  
8 you for your testimony. Who else would like to  
9 testify this evening? Anyone else? All right. I'm  
10 not seeing anyone further coming up to testify. Is  
11 this a witness coming forward?

12 MR. HUMPHREY: Yes.

13 JUDGE JORDAN: Very good. Please raise  
14 your right hand. Do you solemnly swear that the  
15 testimony you're about to give will be the truth, the  
16 whole truth and nothing but the truth?

17 MR. HUMPHREY: I do.

18 JUDGE JORDAN: Thank you. Please state  
19 your name for the court reporter.

20 MR. HUMPHREY: Ronald Humphrey.  
21 H-U-M-P-H-R-E-Y.

22 JUDGE JORDAN: Mr. Humphrey, are you a  
23 customer of the utility also?

24 MR. HUMPHREY: Yes.

25 JUDGE JORDAN: Well, go ahead and tell the

1 Commission what you'd like it to know.

2 MR. HUMPHREY: I think while the rate  
3 increase is being considered, it ought to be taken  
4 into consideration what our neighbors in the county  
5 around the city of California pay for their utilities.  
6 It's not like we live a long ways from them. This is  
7 a local situation, so I think our -- our rates should  
8 be similar, is what I'm saying.

9 JUDGE JORDAN: Okay. Anything else you'd  
10 like to tell the Commission?

11 MR. HUMPHREY: No.

12 JUDGE JORDAN: Okay.

13 MR. HUMPHREY: I don't know if I'm wording  
14 that correctly, but do you follow --

15 COMMISSIONER KENNEY: Yes, we do.

16 MR. HUMPHREY: -- what I'm -- what I'm  
17 getting at?

18 COMMISSIONER KENNEY: Perfectly understand.  
19 Yes.

20 MR. HUMPHREY: Okay.

21 JUDGE JORDAN: Questions for this witness  
22 from the parties?

23 MR. COVER: No, sir.

24 JUDGE JORDAN: Sir, do you have any  
25 questions?

1 COMMISSIONER KENNEY: No questions.

2 JUDGE JORDAN: I have none. Thank you.

3 Anyone else to testify this evening?

4 MR. THOMPSON: Judge, we may have --

5 evidently, an individual left an exhibit, didn't want

6 to testify himself, didn't want to remain. It

7 consists of photographs. I'm having a staff member

8 look them over to determine whether or not they appear

9 to be accurate representations of what they purport to

10 depict. The individual did want it in the record.

11 Thank you, Judge, for your forbearance.

12 DIRECT EXAMINATION

13 QUESTIONS BY MR. THOMPSON:

14 **Q. Please state your name.**

15 A. My name is Aaron Archer. I'm with the Public

16 Service Commission, Water & Sewer Unit.

17 JUDGE JORDAN: I'll administer the oath to

18 you, and then we'll discuss this exhibit. Do you

19 solemnly swear that the testimony you're about to give

20 will be the truth, the whole truth and nothing but the

21 truth?

22 MR. ARCHER: Yes, Your Honor.

23 JUDGE JORDAN: Did you get the name?

24 THE REPORTER: Yes.

25 JUDGE JORDAN: All right. Very good.

1 Q. (BY MR. THOMPSON.) I've placed a couple of  
2 items there in front of you, Mr. Archer. One of them  
3 is a booklet, the other is a cassette, perhaps. If  
4 you could take a look at that booklet. Do you  
5 recognize that?

6 A. Yes, sir.

7 Q. How did you --

8 A. These are pictures of staff of the Water &  
9 Sewer Department working on the well house, working on  
10 the well, chlorination system on 720.

11 Q. At Hickory Hills?

12 A. At Hickory Hills.

13 Q. And the pictures that you see appear to be  
14 accurate representations?

15 A. They are accurate.

16 Q. Okay. And you were present on that occasion?

17 A. I was present for all the pictures. In fact,  
18 I'm in most of the pictures.

19 Q. Okay. And do you have any idea what is in  
20 the little cassette?

21 A. I assume it is well house photos, 7/20/2014.

22 Q. That's the caption.

23 A. I assume it's the same thing in digital  
24 format.

25 Q. Now, is it your understanding that an

1 individual took these and dropped them off and  
2 requested that they be placed in the record?

3 A. It is my understanding.

4 MR. THOMPSON: Okay. Judge, I'd like to  
5 offer these. Either of you want to take a look at  
6 the --

7 JUDGE JORDAN: I'm not hearing an  
8 objection.

9 MR. COVER: No. No objection.

10 MR. BLACKWELL: No objection.

11 JUDGE JORDAN: And we've had these marked.  
12 Is that correct?

13 MR. THOMPSON: I don't think they've been  
14 marked.

15 JUDGE JORDAN: Oh, okay. Let's have the  
16 reporter mark those.

17 MR. THOMPSON: Yes, Judge.

18 THE REPORTER: Exhibit 1?

19 MR. THOMPSON: 1 and 2.

20 (EXHIBITS 1 AND 2 MARKED FOR THE RECORD.)

21 MR. THOMPSON: They've been marked, I  
22 think, as Exhibits 1 and 2. Staff would move their  
23 admission.

24 JUDGE JORDAN: Thank you. And I'm not  
25 hearing any objections, so those exhibits will be

1 entered into the record.

2 MR. THOMPSON: Thank you, Judge.

3 JUDGE JORDAN: Any more testimony from this  
4 witness?

5 MR. THOMPSON: No, Judge.

6 JUDGE JORDAN: No questions for this  
7 witness from the parties?

8 COMMISSIONER KENNEY: No questions.

9 JUDGE JORDAN: None from me. Thank you.  
10 You're dismissed. Anyone else to testify this  
11 evening? Not seeing anyone, so I will, on behalf of  
12 the Public Service Commission, thank you very much for  
13 your attention, for your testimony, and for your  
14 attendance at this meeting. And with that, we will  
15 adjourn this local public hearing, and we will go off  
16 the record.

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1 I N D E X

2	Witness Name	Page
3	Gleneth Rowles	7
4	Kim Drummond	9
5	Ronald Humphrey	11
6	Aaron Archer	13

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1	E X H I B I T S		
2		MARKED	REC'D
3	Exhibit 1	15	15
4	Exhibit 2	15	15
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1 CERTIFICATE OF REPORTER

2 STATE OF MISSOURI )

3 ) ss.

4 COUNTY OF FRANKLIN )

5

6 I, Sarah J. Pokorski, Certified Court

7 Reporter within and for the State of Missouri, do

8 hereby certify that the testimony appearing in the

9 foregoing transcript was taken by me to the best of my

10 ability and thereafter reduced to typewriting under my

11 direction; that I am neither counsel for, related to,

12 nor employed by any of the parties to the action in

13 which this testimony was taken, and further that I am

14 not a relative or employee of any attorney or counsel

15 employed by the parties thereto, nor financially or

16 otherwise interested in the outcome of the action.

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18 Sarah Pokorski, CCR 745

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<p><b>A</b></p> <p><b>Aaron</b> 13:15 17:6</p> <p><b>ability</b> 19:10</p> <p><b>able</b> 4:7 10:12</p> <p><b>acceptable</b> 3:25</p> <p><b>accurate</b> 13:9</p> <p>14:14,15</p> <p><b>action</b> 3:3,8,12</p> <p>3:17 19:12,16</p> <p><b>actively</b> 10:20</p> <p><b>addition</b> 6:20</p> <p><b>adjourn</b> 16:15</p> <p><b>administer</b> 6:3,4</p> <p>7:5 13:17</p> <p><b>admission</b> 15:23</p> <p><b>advisers</b> 4:8</p> <p><b>affirmation</b> 5:21</p> <p>6:5</p> <p><b>affirmed</b> 7:4</p> <p><b>afford</b> 8:16 10:7</p> <p>10:12</p> <p><b>ago</b> 7:25 8:23</p> <p><b>agree</b> 6:12</p> <p><b>agreed</b> 8:3</p> <p><b>ahead</b> 7:19 11:25</p> <p><b>angry</b> 8:6</p> <p><b>annual</b> 1:13,16</p> <p>3:5</p> <p><b>answer</b> 6:13</p> <p><b>answers</b> 4:16</p> <p><b>anybody</b> 4:8</p> <p><b>appear</b> 13:8</p> <p>14:13</p> <p><b>appearance</b> 4:21</p> <p>4:25</p> <p><b>APPEARANC...</b></p> <p>2:1</p> <p><b>appearing</b> 19:8</p> <p><b>applicant</b> 4:22</p> <p><b>appreciate</b> 4:8,18</p> <p><b>approximately</b></p> <p>7:22 8:23</p> <p><b>Archer</b> 13:15,22</p> <p>14:2 17:6</p> <p><b>assigned</b> 3:12</p> <p><b>assume</b> 14:21,23</p> <p><b>attendance</b> 16:14</p>	<p><b>attention</b> 16:13</p> <p><b>attorney</b> 2:5 5:15</p> <p>19:14</p> <p><b>AUGUST</b> 1:6</p> <p><b>B</b></p> <p><b>B</b> 18:1</p> <p><b>Bartlett</b> 8:4</p> <p><b>base</b> 5:19</p> <p><b>behalf</b> 16:11</p> <p><b>best</b> 19:9</p> <p><b>Bill</b> 3:20 7:13</p> <p><b>Blackwell</b> 2:5</p> <p>5:14,14 11:3</p> <p>15:10</p> <p><b>booklet</b> 14:3,4</p> <p><b>books</b> 8:6</p> <p><b>Box</b> 2:3,6,8,11</p> <p><b>C</b></p> <p><b>C</b> 3:1</p> <p><b>California</b> 1:8,9</p> <p>7:14 12:5</p> <p><b>call</b> 6:1 9:19</p> <p><b>calling</b> 3:3</p> <p><b>caption</b> 14:22</p> <p><b>case</b> 5:22</p> <p><b>cassette</b> 14:3,20</p> <p><b>CCR</b> 1:25 19:18</p> <p><b>CERTIFICATE</b></p> <p>19:1</p> <p><b>Certified</b> 19:6</p> <p><b>certify</b> 19:8</p> <p><b>chlorination</b></p> <p>14:10</p> <p><b>city</b> 1:8,8 2:6,9</p> <p>2:11 3:18 4:4</p> <p>7:24 8:1,10</p> <p>10:9 12:5</p> <p><b>clarify</b> 6:18</p> <p><b>classify</b> 10:13</p> <p><b>clearly</b> 6:7</p> <p><b>Clinton</b> 2:3</p> <p><b>close</b> 8:1</p> <p><b>closed</b> 8:6,14</p> <p><b>come</b> 4:3 6:2 7:4</p> <p>9:23</p>	<p><b>coming</b> 11:10,11</p> <p><b>Commission</b> 1:2</p> <p>2:10 3:3,21</p> <p>4:17 5:7,19</p> <p>6:14,18 7:3,20</p> <p>7:25 8:9 12:1</p> <p>12:10 13:16</p> <p>16:12</p> <p><b>Commissioner</b></p> <p>1:20 3:17,19</p> <p>4:20 8:22 9:2</p> <p>11:5,6 12:15,18</p> <p>13:1 16:8</p> <p><b>Commissioners</b></p> <p>3:14,16 4:6,11</p> <p>5:22</p> <p><b>commitment</b> 8:1</p> <p><b>concerned</b> 9:24</p> <p>10:19</p> <p><b>concise</b> 6:8</p> <p><b>conclusion</b> 8:21</p> <p><b>conclusions</b> 4:10</p> <p>4:17</p> <p><b>conduct</b> 3:13</p> <p><b>conjunction</b> 10:8</p> <p><b>Conservation</b></p> <p>9:25</p> <p><b>consider</b> 5:22</p> <p>6:14</p> <p><b>consideration</b></p> <p>10:23 12:4</p> <p><b>considered</b> 12:3</p> <p><b>consists</b> 13:7</p> <p><b>contact</b> 6:21,21</p> <p>8:10</p> <p><b>convictions</b> 6:3</p> <p><b>correct</b> 15:12</p> <p><b>correctly</b> 12:14</p> <p><b>Council</b> 7:24</p> <p><b>counsel</b> 2:7 5:9</p> <p>5:11 6:22 19:11</p> <p>19:14</p> <p><b>county</b> 12:4 19:4</p> <p><b>couple</b> 7:23 14:1</p> <p><b>course</b> 3:15</p> <p><b>court</b> 4:5 5:20</p> <p>6:7 7:11 11:19</p>	<p>19:6</p> <p><b>court-appoint</b></p> <p>5:2</p> <p><b>Cover</b> 2:2 4:23</p> <p>5:1,1 12:23</p> <p>15:9</p> <p><b>customer</b> 7:16</p> <p>11:23</p> <p><b>C-O-V-E-R</b> 5:1</p> <p><b>D</b></p> <p><b>D</b> 3:1 17:1</p> <p><b>Daniel</b> 1:18 3:11</p> <p><b>deciding</b> 5:22</p> <p><b>decision</b> 3:14,16</p> <p>5:20</p> <p><b>Department</b> 2:4</p> <p>5:13 9:25 14:9</p> <p><b>depict</b> 13:10</p> <p><b>determination</b></p> <p>4:18</p> <p><b>determine</b> 13:8</p> <p><b>digital</b> 14:23</p> <p><b>dilemma</b> 8:11</p> <p><b>diligence</b> 8:12</p> <p><b>diligently</b> 4:2</p> <p><b>DIRECT</b> 13:12</p> <p><b>direction</b> 19:11</p> <p><b>discuss</b> 13:18</p> <p><b>discussing</b> 8:24</p> <p><b>dismissed</b> 16:10</p> <p><b>districts</b> 4:13</p> <p><b>DNR</b> 7:25 8:2,9</p> <p>9:6</p> <p><b>doubling</b> 4:1</p> <p><b>drawings</b> 8:4</p> <p><b>Drive</b> 7:14</p> <p><b>dropped</b> 15:1</p> <p><b>Drummond</b> 9:15</p> <p>9:18,18 17:4</p> <p><b>E</b></p> <p><b>E</b> 3:1,1 17:1 18:1</p> <p><b>either</b> 8:4,19</p> <p>15:5</p> <p><b>else's</b> 6:8 10:4</p> <p><b>employed</b> 19:12</p>	<p>19:15</p> <p><b>employee</b> 19:14</p> <p><b>engineers</b> 8:5</p> <p><b>entered</b> 16:1</p> <p><b>entries</b> 4:21,24</p> <p><b>evening</b> 3:12</p> <p>9:10 11:9 13:3</p> <p>16:11</p> <p><b>Eventually</b> 3:13</p> <p><b>everybody</b> 8:6</p> <p><b>evidently</b> 13:5</p> <p><b>EXAMINATI...</b></p> <p>13:12</p> <p><b>excuse</b> 8:22</p> <p><b>excused</b> 6:19</p> <p><b>exhibit</b> 13:5,18</p> <p>15:18 18:3,4</p> <p><b>exhibits</b> 15:20,22</p> <p>15:25</p> <p><b>F</b></p> <p><b>fact</b> 14:17</p> <p><b>faith</b> 9:22</p> <p><b>families</b> 10:24</p> <p><b>family</b> 9:20</p> <p><b>far</b> 8:19</p> <p><b>feasibility</b> 10:10</p> <p><b>feel</b> 10:1</p> <p><b>Files</b> 3:3</p> <p><b>final</b> 3:16 4:17</p> <p><b>financially</b> 19:15</p> <p><b>fix</b> 10:21</p> <p><b>folks</b> 3:20</p> <p><b>follow</b> 12:14</p> <p><b>following</b> 5:23</p> <p><b>forbearance</b></p> <p>13:11</p> <p><b>foregoing</b> 19:9</p> <p><b>format</b> 14:24</p> <p><b>forward</b> 7:4 9:11</p> <p>11:11</p> <p><b>four</b> 4:6</p> <p><b>FRANKLIN</b></p> <p>19:4</p> <p><b>front</b> 14:2</p> <p><b>further</b> 11:10</p> <p>19:13</p>
---	---	--	---	---

<p><b>G</b></p> <p><b>G</b> 3:1  <b>Gary</b> 2:2 5:1  <b>General</b> 2:5  <b>General's</b> 5:15  <b>getting</b> 8:1 12:17  <b>give</b> 7:6 9:13  11:15 13:19  <b>Gleneth</b> 7:12  17:3  <b>go</b> 7:19 8:18 9:21  10:18 11:25  16:15  <b>goes</b> 8:19  <b>going</b> 8:15  <b>good</b> 9:22 11:13  13:25  <b>group</b> 9:22  <b>guess</b> 8:20 10:6  10:13</p>	<p><b>Humphrey</b> 11:12  11:17,20,20,22  11:24 12:2,11  12:13,16,20  17:5  <b>husband</b> 7:13  <b>husband's</b> 9:25  <b>H-U-M-P-H-R...</b>  11:21</p>	<p>5:12,16 7:10,15  7:18 9:3,6,9,16  11:1,4,5,7,13  11:18,22,25  12:9,12,21,24  13:2,4,11,17,23  13:25 15:4,7,11  15:15,17,24  16:2,3,5,6,9</p>	<p>15:20,21 18:2  <b>matter</b> 1:13,15  3:4  <b>ma'am</b> 8:22 9:11  <b>means</b> 5:18  <b>meeting</b> 1:9 8:23  16:14  <b>meetings</b> 7:24  <b>member</b> 13:7  <b>microphone</b> 6:2  <b>Missouri</b> 1:1,9  2:3,6,9,11 5:6  7:14 19:2,7  <b>money</b> 8:2  <b>months</b> 7:25  <b>move</b> 8:15 15:22</p>	<p><b>official</b> 5:18  <b>officials</b> 8:9  <b>Oh</b> 15:15  <b>okay</b> 9:2,18 12:9  12:12,20 14:16  14:19 15:4,15  <b>older</b> 8:20  <b>once</b> 10:8  <b>ongoing</b> 3:24  <b>onus</b> 10:4  <b>OPC</b> 9:4  <b>opening</b> 3:18  <b>operating</b> 1:14  1:16 3:6  <b>Opitz</b> 2:8 5:10,10  9:5  <b>options</b> 10:11  <b>orderly</b> 3:13  <b>ought</b> 12:3  <b>outcome</b> 19:16</p>
<p><b>H</b></p> <p><b>H</b> 18:1  <b>hair's</b> 8:7  <b>HALL</b> 1:8  <b>hand</b> 9:12 11:14  <b>happen</b> 8:15  <b>happening</b> 8:8  <b>hardship</b> 8:17  <b>hear</b> 5:17 7:4  <b>heard</b> 3:15  <b>hearing</b> 1:5 3:7  15:7,25 16:15  <b>hearts</b> 8:18  <b>Hello</b> 3:20  <b>Hickory</b> 1:14,16  2:2 3:6,23 4:22  5:2 9:19 14:11  14:12  <b>Hills</b> 1:14,16 2:2  3:6,23 4:22 5:2  14:11,12  <b>homeowner</b> 10:9  <b>homes</b> 8:14 10:15  <b>Honor</b> 9:5 13:22  <b>hope</b> 10:22  <b>house</b> 14:9,21</p>	<p><b>I</b></p> <p><b>idea</b> 14:19  <b>impact</b> 10:23  <b>income</b> 10:17  <b>incomes</b> 10:11  <b>increase</b> 1:13,16  3:5 10:13 12:3  <b>increases</b> 3:8,10  <b>individual</b> 13:5  13:10 15:1  <b>information</b> 5:19  <b>interest</b> 6:6  <b>interested</b> 19:16  <b>Intervenor</b> 5:13  <b>issue</b> 4:14  <b>items</b> 14:2  <b>it'll</b> 10:23</p>	<p><b>K</b></p> <p><b>Kenney</b> 1:19  3:17,18,19,20  8:22 9:2 11:6  12:15,18 13:1  16:8  <b>Kevin</b> 2:10 5:5  <b>Kim</b> 9:18 17:4  <b>kind</b> 8:21  <b>know</b> 3:22 4:4  7:20 8:11 9:22  9:23 10:3,5,14  10:15,15,16,19  10:21,24 12:1  12:13</p>	<p><b>N</b></p> <p><b>N</b> 3:1 17:1  <b>name</b> 3:10,20 6:6  7:11,12 9:17  11:19 13:14,15  13:23 17:2  <b>names</b> 5:24 6:25  7:1  <b>Natural</b> 2:4 5:13  <b>need</b> 8:13  <b>negligence</b> 10:4  <b>neighborhood</b>  8:17 10:7,14  <b>neighbors</b> 6:23  8:11 12:4  <b>neither</b> 19:11  <b>number</b> 3:3,22</p>	<p><b>P</b></p> <p><b>P</b> 3:1  <b>Page</b> 17:2  <b>paid</b> 10:9,9  <b>part</b> 5:18 6:15  <b>parties</b> 6:18 11:2  12:22 16:7  19:12,15  <b>part-time</b> 10:18  <b>pay</b> 12:5  <b>people</b> 6:1 8:5,15  8:17,18,20,20  <b>Perfectly</b> 12:18  <b>personally</b> 10:16  <b>photographs</b>  13:7  <b>photos</b> 14:21  <b>pictures</b> 14:8,13  14:17,18  <b>placed</b> 14:1 15:2  <b>please</b> 4:9 5:23  6:1,14 7:4,10  9:11,11,16  11:13,18 13:14  <b>Pokorski</b> 1:25  19:6,18</p>
	<p><b>J</b></p> <p><b>J</b> 19:6  <b>January</b> 3:21  <b>Jefferson</b> 2:6,9  2:11 3:18  <b>job</b> 3:12  <b>Jordan</b> 1:18 3:2  3:11 4:20,24  5:4,8,12,16  7:10,15,18 9:3  9:6,9,16 11:1,5  11:7,13,18,22  11:25 12:9,12  12:21,24 13:2  13:17,23,25  15:7,11,15,24  16:3,6,9  <b>judge</b> 1:19 3:2,11  4:20,24 5:4,5,8</p>	<p><b>L</b></p> <p><b>law</b> 1:19 3:11  <b>left</b> 3:17 13:5  <b>Let's</b> 15:15  <b>lightly</b> 10:1  <b>list</b> 5:24,25,25  7:1,1  <b>little</b> 14:20  <b>live</b> 7:13 9:19  12:6  <b>lived</b> 7:21 9:19  <b>local</b> 3:7 12:7  16:15  <b>long</b> 8:23 12:6  <b>look</b> 13:8 14:4  15:5  <b>looking</b> 10:10</p>	<p><b>O</b></p> <p><b>O</b> 3:1  <b>OAK</b> 1:8  <b>oath</b> 5:21 6:3,4  7:5 13:17  <b>objection</b> 15:8,9  15:10  <b>objections</b> 15:25  <b>occasion</b> 14:16  <b>offer</b> 15:5  <b>office</b> 2:7 5:8,10  5:15 6:21</p>	
		<p><b>M</b></p> <p><b>mark</b> 15:16  <b>marked</b> 15:11,14</p>		

<p><b>pollution</b> 9:24  <b>possibly</b> 8:15  <b>precedes</b> 3:22  <b>prefer</b> 5:21  <b>prepare</b> 3:14  <b>present</b> 14:16,17  <b>PRESIDING</b>  1:18  <b>probably</b> 8:25  <b>problem</b> 3:24  4:12 9:23  <b>problematic</b> 4:12  <b>problems</b> 4:14  <b>procedure</b> 6:24  <b>proceeding</b> 3:10  3:13 5:17 6:6  <b>proceedings</b> 1:3  6:15  <b>prohibit</b> 6:3  <b>proposed</b> 3:8,9  <b>public</b> 1:2,5,9 2:7  2:10 3:7 5:6,9  5:11 6:22 7:24  8:8 13:15 16:12  16:15  <b>purport</b> 13:9  <b>purpose</b> 5:16  <b>P.O</b> 2:3,6,8,11</p> <hr/> <p><b>Q</b></p> <p><b>question</b> 6:13 9:6  <b>questions</b> 6:5,17  6:23 9:3 11:1,5  11:7 12:21,25  13:1,13 16:6,8  <b>quietly</b> 8:10</p> <hr/> <p><b>R</b></p> <p><b>R</b> 3:1  <b>raise</b> 9:11 11:13  <b>rate</b> 1:13,15 3:5,8  3:9 10:12 12:2  <b>rates</b> 4:2 8:16  12:7  <b>read</b> 5:25  <b>real</b> 8:12,16  <b>realize</b> 3:21 4:11</p>	<p><b>receiver</b> 5:2  <b>receivership</b> 3:23  <b>recognize</b> 14:5  <b>record</b> 3:2,9 5:18  5:20 9:21 10:19  13:10 15:2,20  16:1,16  <b>recording</b> 3:10  <b>REC'D</b> 18:2  <b>reduced</b> 19:10  <b>regulatory</b> 1:19  3:11  <b>related</b> 19:11  <b>relative</b> 19:14  <b>religious</b> 6:3  <b>remain</b> 13:6  <b>remark</b> 6:12  <b>remarks</b> 3:18  8:21  <b>remember</b> 6:20  <b>repeat</b> 6:10  <b>REPORTED</b>  1:25  <b>reporter</b> 4:5 5:20  7:11 11:19  13:24 15:16,18  19:1,7  <b>reporter's</b> 6:7  <b>representations</b>  13:9 14:14  <b>requested</b> 1:13  1:15 3:5 15:2  <b>resolution</b> 3:25  <b>Resources</b> 2:4  5:13  <b>retired</b> 8:20  <b>revenues</b> 1:14,16  3:6  <b>review</b> 4:7  <b>right</b> 4:16 7:18  9:12 10:17 11:9  11:14 13:25  <b>Ronald</b> 11:20  17:5  <b>ROOM</b> 1:9  <b>Rowles</b> 7:9,12,12  7:17,21 8:25</p>	<p>9:8 17:3  <b>R-O-W-L-E-S</b>  7:13  <b>R.E</b> 1:18</p> <hr/> <p><b>S</b></p> <p><b>S</b> 3:1 18:1  <b>sake</b> 6:8  <b>Sarah</b> 1:25 19:6  19:18  <b>saying</b> 6:16 9:21  10:19 12:8  <b>see</b> 4:15 10:20  14:13  <b>seeing</b> 6:25 11:10  16:11  <b>SENIOR</b> 1:19  <b>Service</b> 1:2 2:10  5:6 7:24 8:8  13:16 16:12  <b>session</b> 6:13  <b>sewer</b> 1:13,14,17  3:5,7 4:13,22  5:3 13:16 14:9  <b>sign-up</b> 5:24,25  5:25 7:1,1  <b>similar</b> 4:14 12:8  <b>sir</b> 4:23 7:17  12:23,24 14:6  <b>situation</b> 10:3  12:7  <b>small</b> 4:13 8:5  <b>solemnly</b> 7:6  9:12 11:14  13:19  <b>solution</b> 4:1,15  10:20  <b>solutions</b> 4:3  9:23  <b>SOUTH</b> 1:8  <b>speak</b> 6:7 9:10  <b>spell</b> 7:11  <b>spoken</b> 4:7  <b>SR-2014-0166</b>  1:14 3:4  <b>ss</b> 19:3  <b>staff</b> 2:10 4:2,11</p>	<p>5:4,6 6:21 9:4  13:7 14:8 15:22  <b>stand</b> 4:9 6:2  <b>start</b> 7:5  <b>started</b> 6:6  <b>state</b> 1:1 4:5,14  7:10 8:9 9:16  11:18 13:14  19:2,7  <b>stay</b> 6:19  <b>step</b> 9:11  <b>STREET</b> 1:8  <b>study</b> 10:8,10  <b>sure</b> 3:15,24 5:1  <b>sustain</b> 10:25  <b>swear</b> 7:6 9:12  11:14 13:19  <b>sworn</b> 7:4  <b>system</b> 14:10</p> <hr/> <p><b>T</b></p> <p><b>T</b> 18:1  <b>take</b> 4:21 7:2  10:1 14:4 15:5  <b>taken</b> 10:22 12:3  19:9,13  <b>technicality</b> 8:3,5  <b>tell</b> 4:5 6:10,11  7:19 8:10 11:25  12:10  <b>telling</b> 6:19  <b>Temple</b> 9:20  <b>Terrace</b> 9:20  <b>testify</b> 4:9,9 5:23  6:1 11:9,10  13:3,6 16:10  <b>testimony</b> 3:9 4:7  4:19 5:17,20  6:16,20,24 7:2  7:6 9:10,12  11:8,15 13:19  16:3,13 19:8,13  <b>thank</b> 3:19 4:19  4:20 5:4,5,8,12  5:16 7:10,15  9:2,8,9,16 11:1  11:4,6,7,18</p>	<p>13:2,11 15:24  16:2,9,12  <b>thereto</b> 19:15  <b>thing</b> 7:22 14:23  <b>things</b> 6:6  <b>think</b> 6:22 7:23  8:8,12,13 10:6  10:7,12,24 12:2  12:7 15:13,22  <b>Thompson</b> 2:10  5:5,6 11:4 13:4  13:13 14:1 15:4  15:13,17,19,21  16:2,5  <b>throw</b> 8:7  <b>Tim</b> 5:10,14  <b>time</b> 7:22  <b>Timothy</b> 2:5,8  <b>tonight</b> 4:7,19  <b>transcript</b> 1:3  19:9  <b>tried</b> 9:22  <b>truth</b> 7:7,7,8 9:13  9:14,14 11:15  11:16,16 13:20  13:20,21  <b>try</b> 4:3 8:13  <b>typewriting</b>  19:10</p> <hr/> <p><b>U</b></p> <p><b>understand</b> 10:5  12:18  <b>understanding</b>  14:25 15:3  <b>Unit</b> 13:16  <b>use</b> 6:2  <b>utilities</b> 12:5  <b>utility</b> 7:16 9:4  11:23</p> <hr/> <p><b>V</b></p> <p><b>value</b> 10:15  <b>Vaughan</b> 7:14  <b>VOLUME</b> 1:11  <b>vote</b> 3:14</p>
---	---	--	---	--

<b>W</b>	<b>0</b>			
walked 8:7	02 7:22			
want 5:23 6:9,13	<b>1</b>			
7:19 10:18,22	1 1:11 15:18,19			
13:5,6,10 15:5	15:20,22 18:3			
wanted 9:21 10:6	11 1:6 17:5			
water 1:14,16,17	13 9:20 17:6			
3:6,6 4:13,22	15 18:3,3,4,4			
5:2 13:16 14:8	<b>2</b>			
ways 12:6	2 15:19,20,22			
West 8:4	18:4			
we'll 7:5,5 13:18	2007 3:23			
we're 3:8 6:15	2013 3:21			
7:2 8:11,19,20	2014 1:6			
10:16,19	2230 2:8			
we've 7:21 15:11	<b>3</b>			
wherewithal	360 2:11			
10:2	<b>5</b>			
WILLIAM 1:19	500 1:8			
wishes 4:9	506 2:3			
witness 3:9 9:4	<b>6</b>			
11:11 12:21	62489 7:13			
16:4,7 17:2	64735 2:3			
wording 12:13	65018 1:9			
work 7:23	65102 2:6,9,11			
worked 4:2 8:13	<b>7</b>			
working 4:4,4	7 17:3			
8:19 10:17,17	7/20/2014 14:21			
10:20 14:9,9	720 14:10			
working-class	745 1:25 19:18			
10:14	<b>8</b>			
works 9:25	899 2:6			
WR-2014-0167	<b>9</b>			
1:16 3:4	9 17:4			
<b>X</b>				
X 17:1 18:1				
<b>Y</b>				
year 9:1				
years 3:22 4:2				
9:20				
young 8:19				
<b>\$</b>				
\$100,000 10:16				
\$200 10:9				