

In the Matter of:  
**MISSOURI-AMERICAN WATER COMPANY'S REQUEST**

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**WR-2017-0285 VOL 19**

*March 21, 2018*

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BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

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PREHEARING CONFERENCE

March 21, 2018

Jefferson City, Missouri

Volume 19

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In the Matter of Missouri-American )  
Water Company's Request for )  
Authority to Implement General ) File No.  
Rate Increase for Water and Sewer ) WR-2017-0285  
Service Provided in Missouri )  
Service Areas. )

KIM S.BURTON, Presiding  
SENIOR REGULATORY LAW JUDGE

REPORTED BY:  
Beverly Jean Bentch, CCR No. 640  
TIGER COURT REPORTING, LLC

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P R O C E E D I N G S

(March 21, 2018)

JUDGE BURTON: Let's go ahead and go on the record in File No. WR-2017-0285, In the Matter of Missouri-American Water Company's Request for Authority to Implement General Rate Increase for Water and Sewer Service Provided in Missouri Service Areas. Today is March 20, 2018, and the time is approximately eleven o'clock in the morning.

The Commission has set this time for a prehearing conference, and at this time I would ask the parties to enter their appearance for the record. We will begin with Missouri-American Water Company.

MR. COOPER: Dean Cooper of the law firm of Brydon, Swearingen & England and Tim Luft of Missouri-American Water Company on behalf of Missouri-American Water Company.

JUDGE BURTON: Thank you. On behalf of the staff of the Missouri Public Service Commission.

MR. WESTEN: Jacob Westen for staff.

JUDGE BURTON: Thank you. Does the court reporter have your information?

MR. WESTEN: Yes. I've provided my information to the court reporter.

JUDGE BURTON: Office of the Public Counsel.

1 MR. SMITH: Ryan Smith with OPC. The court  
2 reporter has my info.

3 JUDGE BURTON: Are there any other parties  
4 present that I'm missing? I will note for the record  
5 that the Commission whenever it issued the order setting  
6 this prehearing conference did allow other parties to  
7 make a determination if they wanted to participate  
8 willingly. I guess no one else was willing.

9 The reason I wanted to talk at this meeting is  
10 just to see what the status is as far as the confusion  
11 or the discrepancy amount concerning the 2017 regulatory  
12 asset value for the lead service line replacement. I  
13 know that Office of Public Counsel had filed direct  
14 testimony and also had filed a response to the  
15 stipulation of fact related to true-up that was  
16 submitted jointly by Missouri-American and staff.

17 At this time I'm going to turn it over to you,  
18 Mr. Smith, to tell me what the status is.

19 MR. SMITH: Sure. The parties have had  
20 several discussions in trying to reach sort of a joint  
21 stipulation of fact. It does appear that some  
22 adjustments will be made if there is a subsequent  
23 stipulation of fact. And the specifics we're working  
24 out right now. There are some drafts that have gone  
25 around to the parties.

1 I believe we'll be able to obtain agreement  
2 about the facts, but perhaps the consequence of those  
3 facts I think OPC would feel comfortable arguing that in  
4 the briefs, if the parties agree to that. But I think  
5 that's sort of where we're at.

6 JUDGE BURTON: So you're saying that as far as  
7 OPC is concerned, at this point in time they don't  
8 believe or you don't believe that a true-up hearing will  
9 be necessary?

10 MR. SMITH: I don't think so provided that we  
11 can, you know, get this on file. And I would expect  
12 that to happen this week.

13 JUDGE BURTON: We have the rebuttal testimony  
14 due by this schedule for March 23. Would it help the  
15 parties if we push that date back to allow more  
16 opportunity to try to work on a potential agreement on  
17 that number so you don't have to worry about also having  
18 to file testimony as well in case it does fall through?

19 MR. SMITH: I mean I think it wouldn't hurt.

20 JUDGE BURTON: Do the parties need it? I'm  
21 just offering.

22 MR. WESTEN: I'd have to confer with the  
23 individuals who would be responsible for drafting the  
24 testimony, Judge. I imagine pushing it back wouldn't  
25 hurt, but I don't know to what extent --

1 JUDGE BURTON: It would help?

2 MR. WESTEN: -- it would help.

3 MR. LUFT: As long as it doesn't push anything  
4 else back I think we're good with it.

5 MR. SMITH: And about the rebuttal testimony,  
6 I think OPC if there is not a stipulation of fact would  
7 like sort of the opportunity to rebut the stipulation of  
8 fact as no testimony was actually filed by the company  
9 or staff in this matter. So I don't know if that would  
10 be proper.

11 JUDGE BURTON: I would just like to know if I  
12 need to -- sorry to interrupt. I just want to know if I  
13 need to prepare the Commissioners for the potential for  
14 a hearing. If this is something that can be dueled via  
15 pen and paper for a brief, then that would be fine. We  
16 can keep the current schedule and hopefully the parties  
17 can reach an agreement as to numbers. If not, they can  
18 submit the testimony and address the issue in briefs.  
19 I'm seeing some nodding, but I'm not hearing any  
20 nodding.

21 MR. LUFT: I think that works.

22 MR. COOPER: That works for the company, your  
23 Honor, yes.

24 MR. WESTEN: I think that would be appropriate  
25 and staff would be okay with that.

1 MR. SMITH: That would also work for OPC.

2 JUDGE BURTON: I did push back the initial  
3 briefs just because we did not have as many disputed  
4 facts. I know we also had the additional exhibits that  
5 the Commission had requested. So I wanted to give the  
6 parties an opportunity to file this. I've never seen an  
7 attorney who said darn, you've pushed back a deadline.

8 But that being said, currently the reply  
9 true-up briefs are still scheduled for April 9. Is that  
10 fine with the parties that are present?

11 MR. COOPER: Yes.

12 MR. WESTEN: Yes.

13 MR. SMITH: Yes.

14 JUDGE BURTON: Is there anything else that we  
15 need to address while we are on the record?

16 MR. COOPER: No.

17 MR. WESTEN: Staff has nothing.

18 MR. SMITH: No.

19 JUDGE BURTON: Thank you, everyone. That will  
20 conclude our prehearing conference. Thank you.

21 (Off the record.)

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CERTIFICATE OF REPORTER

I, Beverly Jean Bentch, RPR, CCR No. 640, Certified Court Reporter with the firm of Tiger Court Reporting, LLC, within the State of Missouri, do hereby certify that I was personally present at the proceedings had in the above-entitled cause at the time and place set forth in the caption sheet thereof; that I then and there took down in Stenotype the proceedings had; and that the foregoing is a full, true and correct transcript of such Stenotype notes so made at such time and place.

*Beverly Jean Bentch, RPR, CCR No. 640*

Beverly Jean Bentch, RPR, CCR No. 640

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