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BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

Procedural Conference

October 3, 2017

Jefferson City, Missouri

Volume 3

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

KIM S. BURTON, Presiding
SENIOR REGULATORY LAW JUDGE

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P R O C E E D I N G S

1
2 JUDGE BURTON: I'm showing it's a little after
3 10:00 so let's go ahead and go on the record In the
4 Matter of Missouri-American Water Company's Request for
5 Authority to Implement General Rate Increase for Water
6 and Sewer Services Provided in Missouri Service Areas.
7 This is File No. WR-2017-0285, et al.

8 My name is Kim Burton, and I am a Regulatory
9 Law Judge with the Missouri Public Service Commission.
10 Today is October 3, 2017, and it is currently about
11 10:02 a.m.

12 I set this procedural conference just to make
13 sure we have a little fire under the feet to get
14 something on the schedule more than anything as far as
15 dates before the calendar gets too booked up. This was
16 a completely optional procedural schedule. The parties
17 were not ordered to appear, but at this time I will go
18 ahead and take entries of appearance and we will begin
19 with Missouri-American Water Company.

20 MR. COOPER: Thank you, Judge. Dean Cooper
21 from Brydon, Swearngen & England, PC, appearing on
22 behalf of Missouri-American Water Company, and the court
23 reporter has the address.

24 JUDGE BURTON: Okay. Thank you.

25 MR. LUFT: Judge, Tim Luft for

1 Missouri-American Water as well.

2 JUDGE BURTON: Thank you, Mr. Luft. I'll note
3 for the record that you are appearing telephonically.

4 MR. LUFT: Thank you.

5 JUDGE BURTON: Staff of the Missouri Public
6 Service Commission.

7 MR. THOMPSON: Thank you, Judge. Kevin
8 Thompson for the Staff of the Missouri Public Service
9 Commission, P.O. Box 360, Jefferson City, Missouri,
10 65102. I'm pinch hitting for Mr. Westin today.

11 JUDGE BURTON: I'm sure that your efforts are
12 appreciated. Office of the Public Counsel.

13 MR. OPITZ: Thank you, Judge. Tim Opitz for
14 the Office of the Public Counsel. My address is P.O.
15 Box 2230, Jefferson City, Missouri, 65102.

16 JUDGE BURTON: Instead of just going down the
17 list, I'm going to sort of eyeball everyone and we'll go
18 through. City of St. Joseph, Missouri.

19 MR. STEINMEIER: Thank you, Your Honor.
20 Please let the record reflect the appearance of William
21 D. Steinmeier, William D. Steinmeier, P.C. on behalf of
22 the City of St. Joseph.

23 JUDGE BURTON: Okay. Thank you. Do we have
24 anyone for the City of Joplin?

25 MS. BELL: Yes, Judge. Stephanie Bell with

1 Blitz, Bardgett & Deutsch. The court reporter has my
2 information on behalf of the City of Joplin. Thank you.

3 JUDGE BURTON: Thank you, Ms. Bell. City of
4 Warrensburg.

5 MR. CURTIS: Leland Curtis for Carl Lumley,
6 Curtis, Heinz, Garrett & O'Keefe, 130 South Bemiston,
7 St. Louis, Missouri, 63105, appearing on behalf of the
8 City of Warrensburg.

9 JUDGE BURTON: Thank you. City of Jefferson
10 City, Missouri.

11 MR. COMLEY: Judge Burton, the City of
12 Jefferson is represented by Mark W. Comley of Newman,
13 Comley & Ruth. Our business address has been given to
14 the court reporter.

15 JUDGE BURTON: Thank you, Mr. Comley. City of
16 Riverside, Missouri.

17 MR. BEDNAR: Joe Bednar, Spencer, Fane, Britt
18 & Browne. I guess we're Spencer Fane now. 304 East
19 High Street, Jefferson City, Missouri, 65101.

20 JUDGE BURTON: Are there any other party
21 representatives that I might have missed? Hearing none,
22 let's go ahead and begin.

23 I know the last time we had a procedural
24 conference we had discussed potentially having some
25 dates in January. We discussed the difficulties with

1 December. I just wanted to check first and see if the
2 parties have had a chance to review the schedule and
3 discuss locations that they would want. By "locations,"
4 I mean cities, not physical city hall, et cetera.

5 MR. OPITZ: Judge, late yesterday afternoon I
6 circulated a list of dates and locations largely based
7 on the locations in the last rate case to the parties.
8 I have a few copies here today that I can distribute to
9 everyone who would like one or as many as I can, but
10 those would be late January, early February, those
11 dates.

12 JUDGE BURTON: I've also talked to the
13 assistants for the Commissioners to look at their
14 schedules and their availabilities at least through
15 January. I'll double check on February as well because
16 I know we have some hearings on the schedule. We also
17 have the MARC conference and some holidays as well. I
18 don't know if you factored that into your proposed
19 schedule.

20 MR. OPITZ: I did look at the Commission's
21 calendar on the web page to try and make sure that there
22 was no hearings there. I didn't know if there was a
23 more official one. And I did take into account
24 Presidents' Day which would be later on and then Martin
25 Luther King Day which is on the 15th, I believe.

1 JUDGE BURTON: Can you provide me with a copy
2 of that?

3 MR. OPITZ: Certainly.

4 JUDGE BURTON: Also, I know last time we
5 talked I had asked Mr. Williams with the Office of
6 Public Counsel if he thought he would need hearings in
7 locations like Brunswick and Mexico where in the last
8 hearing we only had two or three participants. He said
9 that OPC would be reviewing that and getting back to us.
10 So I don't know if this was something that was discussed
11 or considered by the Office of Public Counsel and the
12 parties and determined that it was needed.

13 MR. OPITZ: Counsel for Missouri-American
14 Water brought it to my attention again this morning.
15 You know, my position is I'd like to have hearings there
16 unless I can find a different location. I think my rule
17 of thumb is I'd like for every customer to be able to
18 have a public hearing within an hour drive of where
19 they're at. I don't know -- I know that Mexico has --
20 It sounded like there was a large turnout last case, but
21 I think the whole city, if I recall, is served by
22 Missouri-American. So that's one I think that makes
23 sense to keep. And I'm less familiar with Brunswick.
24 But I don't know that there's anything -- any public
25 hearings that are within an hour of there.

1 MR. COOPER: Brunswick I guess just for
2 consideration I think I'm told it has about 411
3 customers there. It's probably not quite within an hour
4 of Mexico but maybe 79 miles or so.

5 MR. LUFT: Judge, this is Tim Luft. I
6 attended that one back on February 4, 2015, and
7 Commissioners Stoll, Coleman and Rupp were there. We
8 had one person show up. There was no testimony. That
9 one person just happened to be walking down the main
10 street and walked into the American Legion. The other
11 person who was there was the person who had to open and
12 close the Legion Hall for us. It was a lot of resources
13 for really nothing.

14 MR. THOMPSON: Judge, Staff proposes that we
15 not do a local public hearing at Brunswick.

16 JUDGE BURTON: Mr. Opitz, do you have a
17 response to that?

18 MR. OPITZ: I'm going to plan to request one
19 there as well at this point unless I can find a
20 different location. I will take into consideration that
21 it is approximately an hour from Mexico. I guess I
22 don't have an answer right now, but I'm not inclined to
23 cancel --

24 JUDGE BURTON: To commit right now. I'll let
25 you get on Google Maps later and figure out if that's

1 feasible and let us know and we'll take that into
2 consideration and I'll provide it to the Commission for
3 their approval.

4 MR. LUFT: It's about 79 miles away from
5 Mexico.

6 JUDGE BURTON: Are we talking highway roads or
7 small country roads?

8 MR. LUFT: No, I didn't look closely at that.
9 I just did the basic Google and just saw the mileage.

10 MR. STEINMEIER: A small country.

11 JUDGE BURTON: A small country road,
12 Mr. Steinmeier?

13 MR. STEINMEIEER: I've also presided over a
14 local public hearing in Brunswick that was extremely
15 well attended, but that was awhile ago and they were
16 having some serious water quality issues that may have
17 been -- hopefully have been resolved.

18 JUDGE BURTON: Well, Mr. Opitz, please review
19 and let the Commission know if your position is changed
20 from the request to have one in Brunswick.

21 MR. OPITZ: Your Honor, do you have a
22 preference as to how I let you know via filing?

23 JUDGE BURTON: I'm completely fine if it's in
24 an informal e-mail response as long as everyone that's a
25 party counsel is included.

1 MR. OPITZ: Okay. Thank you, Judge.

2 JUDGE BURTON: Other than that, I don't think
3 we have any other issues. We're just looking to keep at
4 the same cities and locations as last time, and everyone
5 is fine with the dates going through February 9 and
6 beginning around January 25?

7 MR. COOPER: Generally, yes. One thing that
8 Missouri-American wanted to raise and that's in regard
9 to I guess the last two that are on Mr. Opitz' list, the
10 St. Louis County locations. We have some I guess
11 institutional memory that there was a little bit of
12 pushback because both those sites, and I'm not a St.
13 Louis County geography sort of guy, but I'm told that
14 those are both more in the northern part of the county
15 and there was some pushback that maybe one in the
16 northern part of the county and one at least maybe in
17 the central part of the county would have been
18 appreciated. So that's an issue we were going to raise
19 with the parties today.

20 JUDGE BURTON: I will have Phyllis look into
21 potential options in the central or maybe perhaps
22 southern side that's still in the location that will
23 address that. I've got the numbers of it for
24 attendance. I know we had 50 last year for Arnold and
25 35 at UMSL and 35 at St. Louis-Florissant.

1 MR. THOMPSON: Judge, Arnold is south.

2 MR. OPITZ: If I'm remembering right, I think
3 there were a few people who came to the Florissant
4 Valley Community College and said that they wished that
5 there was someplace further west. Is that what you're
6 thinking of for St. Louis County?

7 MR. COOPER: Could be. I wasn't there. So
8 I'm relaying this.

9 MR. LUFT: Last time OPC recommended St.
10 Louis County Library Thornhill Branch which is pretty
11 centrally located. I don't know if that's still an
12 option.

13 JUDGE BURTON: Mr. Luft, could you repeat that
14 location?

15 MR. LUFT: It was St. Louis County Library
16 Thornhill Branch. That's either in Maryland Heights --
17 I think it's in Maryland Heights or unincorporated St.
18 Louis County near Page Road.

19 MR. OPITZ: If that's the one I'm thinking of,
20 we would be fine with that. I think it was under
21 construction last time and that's ultimately why one
22 wasn't scheduled there.

23 MR. STEINMEIER: Near Page and what?

24 JUDGE BURTON: I'm sorry, Mr. Steinmeier?

25 MR. STEINMEIER: Near Page and what street?

1 MR. LUFT: Let me see the -- one second,
2 please. It's at 12863 Willowyck Drive, St. Louis,
3 Missouri, 63146. It's close to Page and 270 roughly.

4 JUDGE BURTON: Okay. So we're considering
5 that as an alternative to the Florissant Valley
6 Community College option?

7 MR. LUFT: We thought that that might make
8 sense. There might be other options.

9 JUDGE BURTON: In that region. We can look
10 into that. Any other things?

11 MR. BEDNAR: Your Honor, right now the
12 proposed schedule has Riverside at noon. They've done
13 that in the past. In this particular case obviously
14 there's some issues particular to the Parkville Water
15 District which Riverside is a part of. We usually have
16 excellent attendance at those local public hearings and
17 just looking is there a possibility for accommodation
18 for an evening hearing as opposed to a lunch hour
19 hearing for a number of people who are working in the
20 area?

21 JUDGE BURTON: I'll try to see what we can do.

22 MR. BEDNAR: I appreciate.

23 JUDGE BURTON: I know it makes it difficult
24 for the party representatives and Staff and OPC to make
25 that, but I do understand those concerns, and I was at

1 that Riverside hearing and I recall the attendance and
2 the concerns. So I'll try to see what we can do.

3 MR. BEDNAR: Thank you, Judge.

4 JUDGE BURTON: Any other concerns?

5 MR. COOPER: Just on a more general note, it
6 seems like in the past the Commission has established
7 sort of the rules of the local public hearing on its
8 own; but I guess to the extent that the Commission is
9 open to suggestions in that regard, we noticed in the
10 Laclede rate case that's pending now that there were
11 some adjustments that we think would be beneficial, some
12 limitation on time for individual folks and also the
13 idea that the on the record is going to start
14 immediately after the question-and-answer period which I
15 think I'm told that last time we had some situations
16 where because they were lightly attended there was some
17 sitting around and waiting until a time that had been
18 specified in the order, some of those things. So I
19 guess we're generally in favor of the set of rules that
20 are in that Laclede order.

21 JUDGE BURTON: We've had some discussions with
22 the Judges and some of the Commissioners about this to
23 try to resolve some of those issues because it depends
24 on the type of hearing, but I think right now the
25 procedure that I have considered is I'll bring the

1 laptop and we'll set up a five-minute time limit so that
2 the people can see that and know when their time runs
3 out and we'll state that there will be the question and
4 answer session and we'll say that the taking of
5 testimony will begin immediately after that or no later
6 than an hour after. So as long as the parties are fine
7 with essentially limiting the Q&A session to an hour.

8 MR. OPITZ: Judge, I would be in support of
9 limiting the Q&A session even shorter.

10 JUDGE BURTON: Oh, really?

11 MR. OPITZ: Yes. I think I've seen some
12 recent cases where they've limited it to 30 minutes. I
13 know it's a big time commitment for people to get out
14 and go to these and I hear a lot that they don't want to
15 sit around for an hour and listen to question and
16 answers, they'd like to get out there and testify right
17 away. So to the extent that that's a consideration, I
18 would support a truncated Q&A period.

19 JUDGE BURTON: Any thoughts on that? Anyone
20 else? Mr. Thompson.

21 MR. THOMPSON: Staff is in favor of
22 truncation.

23 JUDGE BURTON: All right. Well, that's good
24 to know because we don't normally see that on the other
25 side when we're sitting in the little room. So I'll

1 limit it to 30 minutes or less. Okay.

2 MR. LUFT: I don't know if Dean mentioned this
3 but also limit you can testify once at one hearing. You
4 can't go from hearing to hearing and testify more than
5 once. It's rare but we had at least one person do that
6 last year.

7 JUDGE BURTON: That will be something I'll
8 discuss with the Commissioners. We have differing
9 opinions on that kind of restriction based on the type
10 of case, but I will bring that up.

11 MR. COOPER: We had noted that that's in the
12 Laclede order that made reference.

13 JUDGE BURTON: Anything else? Well, thank
14 you, everyone, for attending, and I'm very hopeful that
15 we'll have this on for agenda next week and get it
16 issued. The only thing I can see that might stop it is
17 if we're trying to resolve locations, but we definitely
18 want to get those booked as soon as possible. I'll try
19 to take everyone's considerations and concerns,
20 especially with the locations in the St. Louis area in
21 mind.

22 All right. If there's nothing further, let's
23 go ahead and go off the record. Thank you, everyone.

24 (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

Beverly Jean Bentch, RPR, CCR No. 640

1	afternoon 191:5	brought 192:14	commit 193:24
10:00 188:3	ahead 188:3,18 190:22	Browne 190:18	Company 188:19,22
10:02 188:11	American 193:10	Brunswick 192:7,23 193:1,15 194:14,20	Company's 188:4
130 190:6	appearance 188:18 189:20	Brydon 188:21	completely 188:16 194:23
15th 191:25	appearing 188:21 189:3 190:7	Burton 188:2,8,24 189:2,5,11,16,23 190:3,9,11,15,20 191:12 192:1,4 193:16,24 194:6,11, 18,23	conference 188:12 190:24 191:17
2	appreciated 189:12	business 190:13	consideration 193:2, 20 194:2
2015 193:6	approval 194:3	C	considered 192:11
2017 188:10	approximately 193:21	calendar 188:15 191:21	Cooper 188:20 193:1
2230 189:15	Areas 188:6	cancel 193:23	copies 191:8
3	assistants 191:13	Carl 190:5	copy 192:1
3 188:10	attended 193:6 194:15	case 191:7 192:20	counsel 189:12,14 192:6,11,13 194:25
304 190:18	attention 192:14	cetera 191:4	country 194:7,10,11
360 189:9	Authority 188:5	chance 191:2	court 188:22 190:1,14
4	availabilities 191:14	changed 194:19	Curtis 190:5,6
4 193:6	awhile 194:15	check 191:1,15	customer 192:17
411 193:2	B	circulated 191:6	customers 193:3
6	back 192:9 193:6	cities 191:4	D
63105 190:7	Bardgett 190:1	city 189:9,15,18,22,24 190:2,3,8,9,10,11,15, 19 191:4 192:21	dates 188:15 190:25 191:6,11
65101 190:19	based 191:6	close 193:12	Day 191:24,25
65102 189:10,15	basic 194:9	closely 194:8	Dean 188:20
7	Bednar 190:17	Coleman 193:7	December 191:1
79 193:4 194:4	begin 188:18 190:22	Comley 190:11,12, 13,15	determined 192:12
A	behalf 188:22 189:21 190:2,7	Commission 188:9 189:6,9 194:2,19	Deutsch 190:1
a.m. 188:11	Bell 189:25 190:3	Commission's 191:20	difficulties 190:25
account 191:23	Bemiston 190:6	Commissioners 191:13 193:7	discuss 191:3
address 188:23 189:14 190:13	Blitz 190:1		discussed 190:24,25 192:10
	booked 188:15		distribute 191:8
	Box 189:9,15		double 191:15
	Britt 190:17		drive 192:18

E	H	K	MARC 191:17
e-mail 194:24	hall 191:4 193:12	23,25 190:3,9,11,15, 20 191:5,12 192:1,4 193:5,14,16,24 194:6, 11,18,23	Mark 190:12
early 191:10	happened 193:9		Martin 191:24
East 190:18	hearing 190:21 192:8,18 193:15 194:14		Matter 188:4
efforts 189:11	hearings 191:16,22 192:6,15,25		Mexico 192:7,19 193:4,21 194:5
England 188:21	Heinz 190:6		mileage 194:9
entries 188:18	High 190:19		miles 193:4 194:4
et al 188:7	highway 194:6		missed 190:21
extremely 194:14	hitting 189:10		Missouri 188:6,9 189:5,8,9,15,18 190:7, 10,16,19
eyeball 189:17	holidays 191:17		Missouri-american 188:4,19,22 189:1 192:13,22
F	Honor 189:19 194:21	L	morning 192:14
factored 191:18	hour 192:18,25 193:3, 21	large 192:20	
familiar 192:23		largely 191:6	N
Fane 190:17,18	I	late 191:5,10	needed 192:12
feasible 194:1	Implement 188:5	Law 188:9	Newman 190:12
February 191:10,15 193:6	inclined 193:22	Legion 193:10,12	note 189:2
feet 188:13	included 194:25	Leland 190:5	O
figure 193:25	Increase 188:5	list 189:17 191:6	O'KEEFE 190:6
File 188:7	informal 194:24	local 193:15 194:14	October 188:10
filing 194:22	information 190:2	location 192:16 193:20	Office 189:12,14 192:5,11
find 192:16 193:19	issues 194:16	locations 191:3,6,7 192:7	official 191:23
fine 194:23	J	long 194:24	OPC 192:9
fire 188:13	January 190:25 191:10,15	lot 193:12	open 193:11
G	Jefferson 189:9,15 190:9,12,19	Louis 190:7	Opitz 189:13 191:5,20 192:3,13 193:16,18 194:18,21
Garrett 190:6	Joe 190:17	Luft 188:25 189:2,4 193:5 194:4,8	optional 188:16
General 188:5	Joplin 189:24 190:2	Lumley 190:5	ordered 188:17
Google 193:25 194:9	Joseph 189:18,22	Luther 191:25	
guess 190:18 193:1, 21	Judge 188:2,9,20,24, 25 189:2,5,7,11,13,16,	M	
		main 193:9	
		make 188:12 191:21	
		makes 192:22	
		Maps 193:25	

<hr/> <p style="text-align: center;">P</p> <hr/> <p>P.C. 189:21 P.O. 189:9,14 participants 192:8 parties 188:16 191:2,7 192:12 party 190:20 194:25 PC 188:21 person 193:8,9,11 physical 191:4 pinch 189:10 plan 193:18 point 193:19 position 192:15 194:19 potentially 190:24 preference 194:22 presided 194:13 Presidents' 191:24 procedural 188:12,16 190:23 proposed 191:18 proposes 193:14 provide 192:1 194:2 Provided 188:6 public 188:9 189:5,8,12,14 192:6,11,18,24 193:15 194:14</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>quality 194:16</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>rate 188:5 191:7 recall 192:21</p>	<p>record 188:3 189:3,20 reflect 189:20 Regulatory 188:8 reporter 188:23 190:1,14 representatives 190:21 represented 190:12 request 188:4 193:18 194:20 resolved 194:17 resources 193:12 response 193:17 194:24 review 191:2 194:18 reviewing 192:9 Riverside 190:16 road 194:11 roads 194:6,7 rule 192:16 Rupp 193:7 Ruth 190:13</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>schedule 188:14,16 191:2,16,19 schedules 191:14 sense 192:23 served 192:21 Service 188:6,9 189:6,8 Services 188:6 set 188:12 Sewer 188:6 show 193:8 showing 188:2</p>	<p>small 194:7,10,11 sort 189:17 sounded 192:20 South 190:6 Spencer 190:17,18 St 189:18,22 190:7 Staff 189:5,8 193:14 STEINMEIER 194:13 Steinmeier 189:19,21 194:10,12 Stephanie 189:25 Stoll 193:7 street 190:19 193:10 Swarengen 188:21</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>talked 191:12 192:5 talking 194:6 telephonically 189:3 testimony 193:8 Thompson 189:7,8 193:14 thought 192:6 thumb 192:17 Tim 188:25 189:13 193:5 time 188:17 190:23 192:4 today 188:10 189:10 191:8 told 193:2 turnout 192:20</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>walked 193:10</p>	<p>walking 193:9 wanted 191:1 Warrensburg 190:4,8 water 188:4,5,19,22 189:1 192:14 194:16 web 191:21 Westin 189:10 William 189:20,21 Williams 192:5 WR-2017-0285 188:7</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>yesterday 191:5</p>
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