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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
TRANSCRIPT OF PROCEEDINGS
Public Hearing
July 23, 2018
Pineville, Missouri
Volume 2
In the Matter of the Application) File No.
of Rate Increase Request for) WR-2018-0170
Liberty Utilities (Missouri Water))
LLC d/b/a Liberty Utilities)

JOHN T. CLARK, Presiding,
REGULATORY LAW JUDGE
WILLIAM P. KENNEY,
COMMISSIONER.

(Starting time of the proceedings: 12:33 p.m.)

REPORTED BY: KAREN VEST, Registered Professional
Reporter, Certified Realtime Reporter, and Certified
Court Reporter within and for the State of Missouri

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P R O C E E D I N G S

IT IS HEREBY STIPULATED AND AGREED that these proceedings may be taken in shorthand by Karen Vest, RPR, CRR, a Registered Professional Reporter, Certified Court Reporter, and Certified Realtime Reporter in the state of Missouri, and afterwards transcribed into typewriting.

(Whereupon, proceedings began at 12:33 p.m. on Monday, July 23, 2018, with appearances as noted.)

JUDGE CLARK: Good afternoon. We'll go on record now.

The date is July 23rd, 2018, and the current time is 12:35 p.m. The Missouri Public Service Commission has set aside this time for a local public hearing in File Number WR-2018-0170, which is captioned as In the Matter of the Application For a Rate Increase for Liberty Utilities (Missouri Water) LLC, doing business as Liberty Utilities.

My name is John Clark. I'm the regulatory law judge that will preside over this hearing. And with me today is Commissioner Bill

1 Kenney.

2 Commissioner, would you like to make
3 the opening remarks?

4 COMMISSIONER KENNEY: Yes. First off,
5 I would like to thank you for coming out today. I
6 hope that the Office of the Public Counsel and the
7 Missouri Public Service Commission and staff and the
8 company were informative for you.

9 I am one of five commissioners. We
10 always like to have a commissioner at the local
11 public hearings.

12 Each of them will have an opportunity
13 to read a transcript from any of you who testify
14 today and will be brought up to speed for anything
15 you might have to say.

16 This is just one part of the process.
17 We have a hearing in August in order to decide which
18 direction the company and the staff and -- and you
19 folks of what's going to take place.

20 So we just appreciate you showing up
21 today. Thank you.

22 JUDGE CLARK: I'm going to begin by
23 asking counsel for the various parties to enter
24 their appearance for the record, which will also
25 serve as their introduction for the public.

1 Is there anyone here from Liberty
2 Utilities?

3 MR. BOUDREAU: Yes, please. Paul
4 Boudreau with the law firm of Brydon Swearingen &
5 England, 312 Capitol Avenue, Post Office Box 456, on
6 behalf of the company.

7 JUDGE CLARK: Okay. Thank you,
8 Mr. Boudreau. From the Commission staff?

9 MR. WESTEN: Yes, thank you, judge. My
10 name is Jacob Westen. I am Deputy Counsel for water
11 and sewer with the Commission staff counsel office.
12 And my contact information has been provided to the
13 court reporter already. Thank you.

14 JUDGE CLARK: The Office of the Public
15 Counsel?

16 MR. WILLIAMS: Thank you, Judge. My
17 name is Hampton Williams with the Office of the
18 Public Counsel, located at 200 Madison Street,
19 Suite 650, Jefferson City, Missouri, 65102. Thank
20 you.

21 JUDGE CLARK: And I don't see any, but
22 are there any intervenors represented here today?
23 Okay.

24 The Commission has already scheduled an
25 evidentiary hearing for August to take evidence

1 regarding Liberty Utilities' application for a rate
2 increase.

3 But it has also scheduled local public
4 hearings in some of the counties affected to give
5 members of the public a chance to comment about
6 Liberty Utilities' application, and that's the
7 purpose of today's hearing.

8 For those who would like to provide
9 testimony today, and it appears I have three people
10 signed up so far, I'm going to call the names listed
11 on the sign-up sheet in the order they appear. If I
12 butcher your name, please let me know.

13 When I call your name, please come on
14 down to the front here. I'll place you under oath,
15 and I will ask you to state and spell your name.
16 And then you can offer your comments to the
17 Commission.

18 There's no specific time limit, but
19 please try and keep your remarks to around five
20 minutes so that everybody who signs up has an
21 opportunity to testify.

22 If during the course of this you -- you
23 did not sign up and you decided that you would like
24 to make a comment to the Commission, after I've
25 called all the names on the list I'll ask if

1 anybody else would like to comment and you're free
2 to do so.

3 Also please remain in front after your
4 remarks until you've been excused by the Commission.
5 We may have some questions for you.

6 If the attorneys have any questions
7 that they would like to ask, I'm going to ask them
8 after the person has spoke just to kind of interrupt
9 me at that time and let me know.

10 The Commission will not be able to
11 answer any of your questions today. There was a
12 question-and-answer portion earlier.

13 And the reason for that is that they
14 have to remain impartial until after the evidence
15 has been presented at the August evidentiary
16 hearing.

17 If you have questions, please speak to
18 the representatives of the company and Commission
19 staff or the Office of the Public Counsel after the
20 public hearing or any other parties that happen to
21 be here.

22 My final request is to please be polite
23 and courteous to everyone speaking here today and
24 treat them as you would like to be treated.

25 So with that in mind, I will ask the

1 first person who signed up, John -- is it Lafley?

2 THE WITNESS: Lafley.

3 JUDGE CLARK: Lafley. All right. If
4 you would come up here, Mr. Lafley.

5 (A witness is called to the stand
6 and is placed under oath by Judge
7 Clark.)

8 JUDGE CLARK: Will you please state and
9 spell your name for the record.

10 THE WITNESS: My name is John Lafley,
11 L-A-F-L-E-Y.

12 JUDGE CLARK: And what would you like
13 to tell the Commission today?

14 * * * * *

15 JOHN LAFLEY,
16 of lawful age, having been called as a witness and
17 being first duly sworn, was examined and testified
18 as follows:

19 THE WITNESS: I live at

20 .

21 JUDGE CLARK: And can we redact that?
22 I'm going to ask that you not give any personal
23 information about where you live.

24 THE WITNESS: Oh, okay.

25 JUDGE CLARK: You can -- you can tell

1 us the county but don't give a particular address,
2 please.

3 THE WITNESS: Okay. Anyway, I -- I was
4 mayor for five years. I have been on the council
5 for five and a half years.

6 Before Liberty Utilities bought the
7 company, we had an extensive review of the water
8 company because the city of Noel was looking to buy
9 the company.

10 We couldn't come to terms with the
11 seller at the time. And in that time it said that
12 the -- one-third of the piping should be replaced at
13 that time. And that was back in 2007, 2008, right
14 in there.

15 So far I have not seen any replacement
16 piping done. I know they've done extensive work on
17 the -- on the wells. But the system is -- is old,
18 and they have to keep repairing what's breaking.

19 And I -- I think the increase is too
20 much. That's my opinion. That's all I've got to
21 say.

22 JUDGE CLARK: Okay. Thank you for your
23 comments.

24 COMMISSIONER KENNEY: Thank you, Mr.
25 Lafley.

1 THE WITNESS: Okay.

2 (End of witness testimony.)

3 JUDGE CLARK: Billy Howard?

4 THE WITNESS: How are you gentlemen
5 doing today?

6 JUDGE CLARK: Good. How are you, Mr.
7 Howard?

8 THE WITNESS: Just fine.

9 (A witness is called to the stand
10 and is placed under oath by Judge
11 Clark.)

12 JUDGE CLARK: Thank you. Would you
13 please state and spell your name.

14 THE WITNESS: Billy, B-I-L-L-Y, Howard,
15 H-O-W-A-R-D.

16 JUDGE CLARK: Mr. Howard, what would
17 you like to tell the Commission?

18 * * * * *

19 BILLY HOWARD,
20 of lawful age, having been called as a witness and
21 being first duly sworn, was examined and testified
22 as follows:

23 THE WITNESS: When I first got the
24 letter talking about this enormous rate increase, I
25 had quite a few questions.

1 So I -- Ms. Schwartz, I called her, and
2 she told me that I would have to contact Empire
3 because they were in charge.

4 So I called Empire, and they told me to
5 contact her if I had any questions. The letter also
6 said to contact her if I had any questions.

7 So after running around that tree one
8 time, I just talked to the people in the
9 neighborhood. There are 13 households on Easy
10 Street just outside of Noel, and the utility
11 company, we asked them to take over our water lines,
12 meters, and stuff that we had installed.

13 And they agreed to do so only if we
14 updated everything. So we spent quite a sum of
15 money replacing meters and updating stuff and even
16 put a new flush valve at the end of the water line
17 on Easy Street for the water company, so they took
18 it over.

19 Now they want us to pay 166 percent
20 increase on something that we updated ourselves.
21 And the gentleman on the end said he had a concern
22 for everybody, you know, in the community.

23 Well, there hadn't been much thought
24 given to us because we're expected to do what
25 everybody else did. Do you see what I mean? That's

1 my point.

2 Anyway, another point I would like to
3 make is they replaced a cast line at Mill Creek.
4 Mill Creek is the city limits, and it feeds water to
5 our 13 households.

6 And it was exposed from a flood, but it
7 could have been covered back over as well. When
8 they replaced that, they replaced it with a PVC line
9 and encased it in concrete, and there was no effort
10 made to pump the water around this area.

11 I've got pictures. They turned Mill
12 Creek -- it looked like milk running into the Elk
13 River, you know. And you know what that does to
14 water. It takes all the oxygen out, kills the fish,
15 and all that kind of stuff. And it's illegal. You
16 know, you can't do that.

17 So my -- my point is I have a little
18 problem with what they're talking about with this
19 rate increase when they do stuff like that.

20 JUDGE CLARK: Mr. Howard, would you
21 like to submit those pictures and have those
22 submitted onto the -- to the record --

23 THE WITNESS: Sure.

24 JUDGE CLARK: -- for the local public
25 hearing? Can I get these marked? And those will

1 become part of your record or testimony.

2 (Upon request of the Regulatory
3 Law Judge, Exhibit 1, Photographs,
4 was marked for identification by
5 the court reporter.)

6 THE WITNESS: Okay. That's -- that's
7 pretty much all I have to say.

8 JUDGE CLARK: Now when you said you had
9 these 13 -- you and 13 of your neighbors --

10 THE WITNESS: 13 households on the
11 street.

12 JUDGE CLARK: And I want to clarify.
13 You said Empire.

14 THE WITNESS: Yeah. Empire Electric,
15 the Canadian outfit bought Empire and the Noel
16 utility.

17 Well, I was told that Empire was in
18 charge of all this stuff, and then Empire told me to
19 contact her like the letter said. So you know, just
20 kind of didn't get any questions answered or
21 anything.

22 JUDGE CLARK: And when you -- when you
23 made all the changes to your local system in order
24 to have it taken over by, I guess, Liberty, what --
25 you kind of indicated what a few of those changes

1 were.

2 Do you remember what the total changes
3 were that you made?

4 THE WITNESS: Oh, there were several.

5 JUDGE CLARK: And what the cost was per
6 home?

7 THE WITNESS: Well, I know we have
8 about 1400 dollars in our waterfront. I believe
9 that was the amount.

10 I was reading the meters at the time,
11 and Bill Johnston, my old neighbor, he was just
12 getting too old to do it, so I kind of took it
13 over.

14 And I know that they spent about
15 everything in the water fund, you know, raising cans
16 and replacing meters, and then the clean-out valve
17 on the end was paid for.

18 COMMISSIONER KENNEY: Are you saying
19 there was a water fund for your 13 homes?

20 THE WITNESS: Yes. The way it worked
21 with the water company in Noel, they had a meter on
22 the other side of Mill Creek. And the water company
23 read that meter and then sent the person in charge
24 of our little area down there a bill.

25 Well, we would read each meter figuring

1 out what people's bills were and bill them, and they
2 would send the money to Bill and Helen.

3 And they would have already paid the
4 water bill. You know, it takes a little time to
5 read the meter and do that stuff. But when they got
6 the big bill for everybody, they would just send a
7 check and then we would read the meters and divide
8 it up.

9 COMMISSIONER KENNEY: Okay. Have your
10 questions been answered today by the company or by
11 the staff?

12 THE WITNESS: Well, they probably
13 aren't going to be the kind of answers I would like
14 to have.

15 Because in the first place, I can't
16 even understand 166 percent increase. I had a
17 business too. I understand raising the prices on
18 things when necessary. You know, you have to to
19 stay in business. I understand that. But 166
20 percent?

21 COMMISSIONER KENNEY: Do you recall the
22 last increase that the customers received?

23 THE WITNESS: I do not. I haven't been
24 there, but -- I'm trying to remember. 2010, I
25 think, is when we were there.

1 COMMISSIONER KENNEY: Thank you, sir.

2 JUDGE CLARK: Thank you for your
3 comments.

4 THE WITNESS: Thank you.

5 (End of witness testimony.)

6 JUDGE CLARK: Brent Beauford. Did I
7 say your name right?

8 THE WITNESS: No, sir.

9 JUDGE CLARK: Beauford?

10 THE WITNESS: Beauford.

11 JUDGE CLARK: I apologize. Mr.
12 Beauford, would you raise your right hand to be
13 sworn?

14 (A witness is called to the stand
15 and is placed under oath by Judge
16 Clark.)

17 JUDGE CLARK: Would you state and spell
18 your name for the record.

19 THE WITNESS: Brent, B-R-E-N-T,
20 Beauford, B-E-A-U-F-O-R-D.

21 JUDGE CLARK: And Mr. Beauford, what
22 would you like to tell the Commission today?

23 * * * * *

24 BRENT BEAUFORD,
25 of lawful age, having been called as a witness and

1 being first duly sworn, was examined and testified
2 as follows:

3 THE WITNESS: I've been a Noelite since
4 1988. I've watched the changes of all the different
5 groups coming in to work with Tyson's. We have
6 people who live in Noel that work at Tyson's and the
7 Simmons industry.

8 We've probably got close to four to
9 five different ethnic groups, people that live in
10 Noel, rent or own houses, that don't understand all
11 these kind of affairs of what's going on right now.

12 I have some concern because there are
13 people that's going to kind of have a shock in their
14 water bill if this goes through. It's going to
15 affect them economically. As the mayor said, we
16 have people on retired incomes.

17 And it seems like this kind of increase
18 is exorbitant all at once. And I would hope that
19 there would be a consideration of the people of Noel
20 that would be more gradual than something this big
21 all at once, 31 percent increase or maybe more
22 considering.

23 We have -- we do business in Noel. One
24 of our businesses primarily we use lots of water.
25 And then we have rental properties for some of these

1 people paid -- their rent with utilities paid.

2 So it kind of gives -- we as a landlord
3 have to adjust for it somewhere. It's going to
4 trickle down. Who's going to pay for these
5 increases that ultimately is going to affect the
6 people?

7 And I don't know how everyone else
8 feels, but in business one of the worst things I
9 like to do is to raise increases for the customers,
10 because everyone, you know, struggles to make their
11 ends meet.

12 And so I would hope that the Commission
13 would look at this rationally and also that there's
14 a true justification for this. I've heard a
15 million dollars spent; at this point I don't know
16 what for.

17 But I think it's been made aware that
18 improvements need to be made before rate hikes to
19 pay for that improvement, to see that something has
20 been done.

21 And it's been years going on. It
22 appears that this is a maintenance increase. Maybe
23 a shared increase. Maybe just routine maintenance
24 and equipment. And so there again, it seems like an
25 awful large request for increase for maintenance and

1 salaries and things like that.

2 So I hope it clarifies some of those
3 things later in the questions, but as the Commission
4 goes through this, I hope they take, you know, a
5 little bit of a fine tooth comb and make sure it's
6 truly justified, because this is the only company we
7 have to get water.

8 And you know how utility services work,
9 you can't pick your electric company or your water
10 company or your gas company. We have what we have,
11 and so they -- it should not and don't have the
12 freedom to operate as other businesses.

13 I could raise my rates in my business
14 whatever I wanted, and it would probably just run
15 people somewhere else, you know.

16 But in this case we don't have a
17 choice. So I know that's why we have the Public
18 Service Commission. I know that's why this happens,
19 you know.

20 I just hope that there's really a
21 conscientious look at it, and so that's what I would
22 say.

23 JUDGE CLARK: Thank you so much for
24 your comment.

25 COMMISSIONER KENNEY: Thank you, Mr.

1 Beauford.

2 JUDGE CLARK: Thank you for your
3 comment.

4 Those are the three people I have who
5 signed up and wanted to give their comments to the
6 Commission. Is there anybody else here today who,
7 having heard others speak, would like to make
8 comment to the Commission at this time?

9 Yes, sir. Would you please raise your
10 right hand to be sworn.

11 (A witness is called to the stand
12 and is placed under oath by Judge
13 Clark.)

14 JUDGE CLARK: Would you please spell
15 and state your name for the record.

16 THE WITNESS: Lewis, L-E-W-I-S, Davis,
17 D-A-V-I-S.

18 JUDGE CLARK: Thank you.

19 * * * * *

20 LEWIS DAVIS,
21 of lawful age, having been called as a witness and
22 being first duly sworn, was examined and testified
23 as follows:

24 THE WITNESS: I'm the present mayor.
25 John was the former mayor, and I'm the present mayor

1 of Noel.

2 This increase, the utility company says
3 well, the average use is \$7.50 base rate. Jumping
4 that to where now the base rate is going to be about
5 \$24 according to them.

6 Like Mr. Beauford said, we got a lot of
7 minorities that don't understand how things work,
8 you know. We have senior citizens working on a
9 fixed income.

10 It is -- to me, this seems too much of
11 an increase to ask them all at one time. They
12 should have asked for smaller increases over the
13 years, and they wouldn't come to a large increase
14 like this.

15 And I believe that this large increase
16 does not help our community one bit. The old water
17 system used calcium in it, and these lines are
18 filled with calcium.

19 Anytime we have a break or something
20 where they shut the lines down, open the lines back
21 up, you get rust in your water. It's just a fact
22 that these lines should have been replaced years
23 ago.

24 And like we said, we tried to buy the
25 water company in '7 and '8, I believe it was, and

1 couldn't.

2 What they -- the company was wanting
3 for them and what the PSC said that we could pay for
4 them was different. We could not come to an
5 agreement on this. Subsequently, Liberty bought the
6 water company.

7 But I think it's just too large of an
8 increase at this time for the people. That's all I
9 have to say.

10 JUDGE CLARK: Thank you, Mr. Davis.

11 COMMISSIONER KENNEY: Thank you for
12 your comments.

13 (End of witness testimony.)

14 JUDGE CLARK: Yes, Mr. Howard?

15 THE WITNESS: I understand I'm still
16 under oath. Can I add one thing?

17 JUDGE CLARK: Please. Come on up.

18 THE WITNESS: This 166 percent rate
19 increase, once all this stuff's paid for, you know,
20 does this not become a windfall for this utility
21 company?

22 Just a question. I mean I know you
23 can't answer it, but.

24 JUDGE CLARK: Thank you.

25 THE WITNESS: You're welcome.

1 JUDGE CLARK: Is there anybody else who
2 would like to offer comments to the Commission at
3 this time?

4 Commissioner, would you like to make
5 any closing remarks?

6 COMMISSIONER KENNEY: No.

7 JUDGE CLARK: Okay. I would like to
8 thank the people who testified today for their
9 testimony.

10 It's important that the Commission
11 hears from you. I would like you to know that the
12 Commission, they take it very seriously and they
13 look at all of these comments.

14 If you decide later that you would like
15 to make a comment and you didn't get to make one
16 today or if you have additional comments or someone
17 you know would like to make a comment, you can make
18 written comments by contacting the Office of the
19 Public Counsel or by going to the PSC's web page.
20 There's a place there for you to make a public
21 comment as well.

22 All that being said, I would like to
23 thank you all for showing up today, and we are now
24 adjourned. We're off the record.

25 (Whereupon, the proceedings were

1 concluded at 12:54 p.m. on Monday,
2 July 23, 2018.)
3 (Exhibit 1 was left in the custody
4 of the court reporter and will
5 accompany the original transcript
6 upon completion.)

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CERTIFICATE OF REPORTER

I, Karen Vest, Registered Professional Reporter, Certified Realtime Reporter, and Certified Court Reporter within and for the State of Missouri, do hereby certify that I was personally present at the taking of the proceedings as set forth in the caption sheet hereof; that I then and there took down in stenotype the proceedings had at said time; and that the foregoing is a full, true, and accurate transcription of such stenotype notes so made at such time and place, all to the best of my skill and ability.



Karen Vest, RPR, CRR,
Missouri CCR No. 846

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