

1 PUBLIC SERVICE COMMISSION

2 STATE OF MISSOURI

3
4 TRANSCRIPT OF PROCEEDINGS

5 Public Hearing

6
7 August 28, 2006

8 Sedalia, Missouri

9 Volume 1

10
11 CONSOLIDATED RECORD

12
13 CASE NUMBER WR-2007-0200

14
15 In the matter of the tariff filing of Aqua
16 Missouri, Inc., to implement rate increase
17 for water service provided to customers in
18 its Missouri service areas.

19
20 CASE NUMBER WR-2007-0021

21
22 In the matter of the tariff filing of Auqua
23 RU, Inc., d/b/a Aqua Missouri, Inc., to
24 implement a rate increase for water service
25 provided to customers in its Missouri service

areas.

CASE NUMBER SR-2007-0023

In the matter of the tariff filing of Auqua
Missouri, Inc., to implement a rate increase
for sewer service provided to customers in
its Missouri service areas.

NANCY DIPPELL, Presiding
Deputy Chief
Regulatory Law Judge

CONNIE MURRAY

ROBERT M. CLAYTON III
Commissioners

A P P E A R A N C E S

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For the Office Of MR. LEWIS MILLS
Public Counsel: Office of Public
Counsel
PO Box 2230
Jefferson City, MO 65102

For the Staff MR. KEITH R. KRUGER
of the PSC: Missouri Public Service
Commission
PO Box 360
Jefferson City, MO 65101

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

2 (Hearing commenced at 6:00 p.m.)

3

4 JUDGE DIPPELL: Let's go ahead
5 and go on the record.

6 The Missouri Public Service Commission
7 has set this time for a local hearing in case
8 number WR-2007-0020, WR-2007-0021 and
9 SR-2007-0023 in which Aqua Missouri seeks to
10 implement a general rate increase.

11 The Missouri Public Service Commission
12 regulates the rates charged by investor owned
13 utility companies in Missouri to insure that
14 those rates are just and reasonable. The
15 Commission also regulates the quality of
16 service and the safety of operations in
17 investor owned utility.

18 The Commission is made up of five
19 commissioners, two of whom are here today,
20 and the commissioners are appointed by the
21 governor to fixed terms and confirmed by the
22 senate. The commissioners employ a staff of
23 engineers, accountants, attorneys, financial
24 analysts and other specialists, including Mr.
25 Joe Hanson and Kevin Kelly who you met is

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1 also on our staff.

2 My name is Nancy Dippell, I'm a
3 regulatory law judge for the Missouri Public
4 Service Commission, and I will preside over
5 the hearing. With me today are Commissioner
6 Murray and Commissioner Clayton. And we have
7 a court reporter who's transcribing this
8 hearing so that the other commissioners who
9 couldn't be here this evening will be able to
10 review the comments and they will be taken
11 into the official record of the case.

12 Also present today is Mr. Keith Kruger,
13 I believe you may have already met him from
14 the commission staff and he's an attorney
15 with our office. And Mr. Lewis Mills, who's
16 an attorney for the Office of Public Counsel.
17 The public counsel actually.

18 We have some company representatives who
19 you may have already met, but I will ask if
20 you will introduce yourself to me.

21 MS. HALE-RUSH: I'm Tena
22 Hale-Rush, regional manager for Aqua
23 Missouri. With me I brought Tanya Rollins,
24 Jim Barb the facility supervisor for this
25 area and the facilities supervisor for

1 central Missouri.

2 JUDGE DIPPELL: Thank you.

3 In addition I'd like to thank State Fair
4 Community College for providing us with this
5 facility and would just state that the
6 comments and statements here tonight are in
7 no way associated with the college and are
8 not necessarily the opinions of the college.
9 They have just been gracious enough to let us
10 use their facility.

11 This is an official hearing of the
12 Public Service Commission, therefore, the
13 statements and testimony of witnesses will be
14 taken by the court reporter under oath or
15 affirmation. So I will ask you to either
16 swear or affirm that the statements you're
17 going to give are the truth.

18 In addition to this public comment
19 hearing we're going to have another public
20 comment hearing on Wednesday evening having
21 to do with Aqua Missouri, we're going to have
22 that in some of their other service areas.
23 That one will actually be broadcast on our
24 internet we hope. You don't need to attend
25 that hearing and comment again, I just wanted

1 to let you know in case you were interested.
2 We'll have locations in Jefferson City and
3 Reed Spring and Point Lookout which are both
4 near Branson.

5 The purpose of this hearing is to
6 receive comments from you regarding the rate
7 increase and the company will not present
8 witnesses or answer questions while we're on
9 the record. The commissioners are also not
10 here to answer questions, this is just your
11 opportunity to give us your comments and
12 opinions.

13 I will call the name of each witness who
14 signed up to speak and I will call you in the
15 order you signed up unless there's some need
16 to change that order. When your name is
17 called please come forward and stand at the
18 microphone if you're able, please spell your
19 name so the court reporter can put it in the
20 record correctly, and I will ask you a few
21 preliminary questions such as your address
22 and what type of service you receive then you
23 can make your comments.

24 There may be some questions after your
25 comments by the commissioners or myself.

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1 There may be some questions from Mr. Mills or
2 Mr. Kruger so I will ask you if you will
3 remain at the podium after you speak until I
4 excuse you.

5 We'll end promptly at nine. I'm sure we
6 can get through everybody that wants to speak
7 before then so that shouldn't be a problem.

8 Also ask you not to make comments,
9 cheers or applause while someone else is
10 speaking. We want everybody to feel free to
11 give their comments, and we don't want
12 anybody to be intimidated if their opinion is
13 differing from others.

14 So I will ask the attorneys to make
15 entries of appearance and then we'll begin.
16 Mr. Kruger.

17 MR. KRUGER: My name's Keith R.
18 Kruger I'm the attorney for the staff of the
19 Public Service Commission. My address is PO
20 Box 360, Jefferson City, Missouri 65101.

21 MR. MILLS: Lewis Mills appearing
22 on behalf of the Office of the Public Counsel
23 and the public. My address is PO Box 2230,
24 Jefferson City, Missouri 65102.

25 JUDGE DIPPELL: There's no

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1 attorney for Aqua Missouri.

2 All right then, I will call the first
3 witness. If someone else decides they'd like
4 to testify after these witnesses have
5 testified I will ask and you can just
6 indicate to me at that time and we'll call
7 you up.

8 Del Eshelman. I'm probably
9 mispronouncing it.

10 COMMISSIONER CLAYTON: Come on
11 down.

12 JUDGE DIPPELL: If you can try
13 to speak into the microphone and I will try
14 to speak so everybody can hear me.

15 Could you state your name and spell it
16 for the court reporter.

17 MR. ESHELMAN: Pardon me.

18 JUDGE DIPPELL: Could you state
19 your name and spell it for the court
20 reporter.

21 MR. ESHELMAN: First name is Del,
22 D-e-l, last name is Eshelman,
23 E-s-h-e-l-m-a-n.

24 JUDGE DIPPELL: Could I get you
25 to raise your right hand.

1 DEL ESHELMAN

2 called as a witness herein, being first duly
3 sworn by the Judge, testified on his oath as
4 follows:

5
6 JUDGE DIPPELL: Thank you. Could
7 you give us your address and state what
8 company or what kind of service you have
9 water or sewer.

10 MR. ESHELMAN: 2791 Meadowood
11 Drive Sedalia, Missouri 65301, and we have
12 water and sewer.

13 JUDGE DIPPELL: Go ahead and
14 give is your comments.

15 MR. ESHELMAN: The people that
16 live in Maplewood here are a variety of
17 people there's some making up to 20 bucks an
18 hour some are on welfare and it's middle
19 class to low income people. And a big jump
20 in rates that I saw on that white sheet would
21 be pretty tough for some of those people to
22 handle. A small rate possibly over a period
23 of time would be a lot easier for the people
24 to handle than one big jump all at one time.
25 That's about all.

1 JUDGE DIPPELL: All right.

2 Commissioner Clayton, did you want to ask Mr.

3 Eshelman -- I'm sorry, Commission Murray.

4 COMMISSIONER MURRAY: Mr.

5 Eshelman, do you have any complaints about

6 the service that you have been receiving?

7 MR. ESHELMAN: No, I don't have
8 any complaints on the service. The service
9 has been good. We have had problems with
10 pipe breakage but a lot of that I think was
11 caused by the original builders out there and
12 it's replacing old equipment, but we get --
13 service is good.

14 COMMISSIONER MURRAY: Thank you
15 for coming this evening.

16 JUDGE DIPPELL: Commissioner
17 Clayton.

18 COMMISSIONER CLAYTON: Hold on
19 right there, Mr. Eshelman.

20 MR. ESHELMAN: I'm right here.

21 UNKNOWN VOICES: Now, we can hear
22 you.

23 COMMISSIONER CLAYTON: You can
24 hear me? Leave it to the politicians I'll
25 tell you what.

1 Mr. Eshelman, thank you very much for
2 coming today, I appreciate you coming out. I
3 want to say first of all this my second
4 public hearing in the last couple of days.
5 We were just recently in Kansas City and we
6 had all of one person show up in the City of
7 Kansas City and here we have a smaller
8 community and people taking an interest in
9 coming out, we appreciate that. A lot of
10 work goes into setting up these hearings from
11 the staff and all the parties. So I
12 appreciate you coming out and offering some
13 comments.

14 What I wanted to do was elaborate a
15 little bit on the service you do receive. I
16 think you started off in your comments saying
17 you receive both water and sewer service from
18 Aqua Missouri?

19 MR. ESHELMAN: Yes.

20
21 BY COMMISSIONER CLAYTON:

22 Q And I guess I wanted to go into a little more
23 detail on the quality of service.

24 Commissioner Murray asked you if you had any
25 problems or any complaints, I want to ask you

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1 more generally, are you satisfied with the
2 type of water service they're giving you, the
3 type of sewer service? Have you had any
4 significant difficulties that we should be
5 aware of?

6 A None that I know of.

7 Q Okay. Are you satisfied with the service that
8 you're receiving in the bill that you receive
9 each month? Do you receive a monthly bill?

10 A Yes, sir.

11 Q Are you satisfied with the way the bill
12 comes, the information that's on it? Have
13 you ever had any problems?

14 A No problems.

15 Q Okay. How about in dealing with the customer
16 service department of the company, have you
17 ever had any dealings with the company either
18 talking to any linemen or any of their staff
19 that either in their billing office or have
20 you had any dealings with any of the Aqua
21 Missouri staff?

22 A Yes, I've called the office in Jeff City once
23 or twice I don't remember what it was over
24 now. Been sometime back. And I deal with Jim
25 out here who handles the service in

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1 Maplewood and Brooking Park area. Been good.

2 Q Okay. So they're good to deal with --

3 A They handle whatever problems we have,
4 sometimes takes a little time to get it done
5 but they do a pretty good job.

6 Q Okay. When you started off your comments you
7 also mentioned that you were concerned about
8 the size of the increase. I'm wondering if
9 that increase was based on the request by the
10 company or whether it was based on, I believe
11 the staff position was also published, wasn't
12 it?

13 A I was using that white sheet that came out
14 first when we come in. We have a number of
15 people in Maplewood that are on welfare and
16 I'm sure they have a hard time with any type
17 of increase, and that I think should be taken
18 into consideration. And there's quite a
19 number of retired people living in Maplewood.

20 Q Is that a town or a subdivision?

21 A It is a subdivision in Pettis County.

22 Q Pettis County. Okay, great. Well, I don't
23 think I have any other questions, thank you
24 very much for coming in.

25 A Thank you.

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1 JUDGE DIPPELL: Thank you, Mr.

2 Eshelman. Let me see if the counsel have
3 some questions for you. Mr. Mills?

4

5 BY MR. MILLS:

6 Q Just real briefly just so the record is
7 clear, when you refer to the white sheet in
8 that answer about the rate increase, what
9 white sheet were you referring to?

10 A The one that came in the mail.

11 Q The notice that came from Aqua Missouri?

12 A It came from -- I don't know where it came
13 from.

14

15 UNKNOWN VOICE: Not this one that
16 came the other day, the one that came back in
17 July.

18 MR. ESHELMAN: Yeah.

19 UNKNOWN VOICE: I don't have
20 mine.

21

22 Q (BY MR. MILLS CONTINUING:) You were talking
23 about the original increase rather than the
24 one you --

25 A It's something about 57 percent increase in

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1 water and 40 some percent increase in sewer.

2 Q And when did you receive that notice?

3 A When?

4 Q Yes.

5 A I don't have any idea, a couple weeks, two or
6 three weeks ago.

7

8 JUDGE DIPPELL: Mr. Kruger, did
9 you have any questions?

10 MR. KRUGER: No questions.

11 JUDGE DIPPELL: You may be
12 excused, Mr. Eshelman, thank you.

13 Elaine Gordon.

14 Could you state your name and spell it
15 for the court reporter.

16 MS. GORDON: My name's Elayne
17 Gordon, that's E-l-a-y-n-e G-o-r-d-o-n.

18 JUDGE DIPPELL: Could you please
19 raise your right hand.

20

21 ELAYNE GORDON

22 called as a witness herein, being first duly
23 sworn by the Judge, testified on her oath as
24 follows:

25

1 JUDGE DIPPELL: Could you give
2 us your address and state whether you have
3 water or sewer or both.

4 MS. GORDON: 2803 Monsess Drive,
5 and I have residential water and sewer.

6 JUDGE DIPPELL: Go ahead with
7 your comments.

8 MS. GORDON: I feel like it is a
9 significant increase in water and sewer are
10 not warranted for our area. And mostly I
11 feel that way because other repeated breaks
12 that we are seeing in the same areas over and
13 over again. We heard from Jim Barb who seems
14 to be our area technician who does an
15 excellent job and listens to our complaints,
16 that the quality of the materials he's using
17 are below what he thinks is acceptable.

18 Service is often interrupted without
19 warning. Once while I was trying to rinse
20 shampoo out of my hair. It was off for about
21 an hour so there I was left hanging.

22 This summer several hundred dollars of
23 our landscaping went down the tubes because
24 we were asked by Aqua Missouri to refrain
25 from using water in our yard where ever

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1 possible. And we were -- it was suggested if
2 we did not follow their request that we would
3 lose our water service. I'm certain that
4 several of the people in our area, our money
5 is limited, but because it is so we try to be
6 sparing with our landscaping and I lost 90
7 percent of mine.

8 We have had several fires in our area
9 and we're at the mercy of our local fire
10 department because we have no water plugs. I
11 know that at least three houses within a four
12 block radius of mine have been severely
13 damaged because we have no ability to get
14 water to our homes in case of fire other than
15 our own water that's outside our homes.

16 As a matter of fact I think it was just
17 about a month ago that a home within sight of
18 mine, I would say probably is more than half
19 burnt beyond repair because they had to wait
20 for water to arrive in these tankers.

21 There's been a cut in the road on
22 Monsess Drive, and I believe that's been
23 since January of this year. The cut goes
24 across the entire road and is probably about
25 two foot wide. The gravel is put in and then

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1 flushed out again by our tires. I see no
2 attempt to repair that at this time.

3 There is -- there have been incidents of
4 poor water quality. We got a letter I think
5 it was May of 2001 about an incident where
6 the bacteria, I think it was bacteria, was
7 above what was acceptable. And at times the
8 strong chlorine smell from the tap is so
9 strong I could be filling my sink for dishes
10 in the kitchen and I could smell it from the
11 living room. It's two separate rooms. It is
12 not an open air situation, but I can smell
13 the bleach or chlorine.

14 So I don't agree the quality of water is
15 what it should be. I don't agree that the
16 services is what it should be. I think that
17 this is an excessive increase is what has
18 been said by Mr. Eshelman.

19 A 16 percent increase is a lot. If you
20 would look at your grocery bill and spend
21 \$100 a week that's \$160. For the people that
22 live in our area -- we have a poor economy in
23 this county right now. We have lost a lot of
24 businesses and we have a lot of retirees.
25 This would be a major hardship to them.

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1 That's the end of my comments.

2 JUDGE DIPPELL: Thank you Miss
3 Gordon. Let me see if there's any questions
4 for you. Commissioner Murray.

5

6 BY COMMISSIONER MURRAY:

7 Good evening. You mentioned that the quality
8 of the materials being used, I believe you
9 said Jim Barb?

10 A Jim Barb is our local technician. He does a
11 lot of the repairs. I talked to him my cell
12 on couple different occasions, he does an
13 excellent job trying to keep the system
14 going, but he has mentioned to me at
15 different times that the quality of what he's
16 trying to repair is not good.

17 Q Do you know if that is because of a lack of
18 funding?

19 A I don't know the reason for that except for
20 just to echo what Mr. Eshelman said in that
21 the materials have been in place for a long
22 time but what I've also understand from Mr.
23 Barb is that the materials he's given to
24 repair with are also of poor quality.

25 Q And you don't know if that is because --

1 A I don't why.

2 Q -- he cannot get better quality?

3 A No, I don't know why. He just said the
4 materials he's given are poor quality.

5 Q When was -- which year did you lose your
6 landscaping?

7 A This past summer. I understand that that
8 was -- that we were only asked to curb our
9 water usage, we weren't told that we must
10 turn our water off but I tried to be
11 neighborly and make sure that everyone had
12 the water that they needed. And we were told
13 if we didn't do so we would lose our -- we
14 could lose service at different times.

15 Q There's been a problem with water pretty much
16 statewide this year I believe.

17 The cut in the road, which road is that?

18 A It's Monsess Drive about a block off of TT.

19 Q And have you talked to the company about
20 that?

21 A I have not. I did talk to our treasurer and
22 she was going to talk to Mr. Eshelman, but I
23 don't know how far that got.

24 Q You say that's been there since approximately
25 January of?

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1 A Of 2006.

2

3 COMMISSIONER MURRAY: All right.

4 Well, thank you very much for being here this
5 evening.

6 JUDGE DIPPELL: Miss Gordon, do
7 you live in the Maplewood subdivision also.

8 MS. GORDON: I do. Commissioner
9 Clayton.

10

11 BY COMMISSIONER CLAYTON:

12 Q Thank you, Judge. Miss Gordon I've got some
13 questions they may be a little repetitive,
14 but I've got a bunch of notes here and I want
15 to make sure I get through them. One of your
16 most recent statements said that you talked
17 to Mr. Eshelman about the cut in the road?

18 A I did not speak with Mr. Eshelman, I spoke
19 with our treasurer that's on the board.

20 Q When you -- who do you mean your treasurer?

21 A I should say secretary, our secretary Bernard
22 Newton next door, Bernard Newton is our
23 secretary.

24 Q What is the organization?

25 A Maplewood Homeowners Association.

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1 Q So there's a homeowners association?

2 A Yes.

3 Q Okay. I wasn't clear in that.

4 A I didn't mention it before.

5 Q Does the homeowners association have a role
6 with regard to water or sewer service that
7 you're aware of?

8 A I don't know that much about how much they
9 have, what kind of say they have in that, no.

10 Q Do they maintain the streets?

11 A Yes, they do.

12 Q And the cut that is in the street, do you
13 know for sure that relates to service by Aqua
14 Missouri?

15 A Yes. As a matter of fact there was a water
16 break not far from where this cut was made
17 and they apparently had to cut the street to
18 reach the pipe that was broken.

19 Q When was that water break?

20 A January, 2006. I believe it may have been
21 January 1st, 2006.

22 Q Are you all within the city limits of
23 Sedalia?

24 A No, sir.

25 Q You're outside the city limits?

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1 A Outside the city limits. We are a
2 subdivision on our own.

3 Q And the homeowners association, I think you
4 may have said this, maintains the roads?

5 A Yes, they do.

6 Q Okay. So they have a responsibility, it is
7 not a county issue then?

8 A You're right it is not a county issue. We
9 keep our own roads.

10 Q Okay. When you said -- you started off saying
11 that there were repeated break in the area.
12 If we go back say 12 months, how many breaks
13 would you say there have been in the Aqua
14 Missouri water territory that you're aware
15 of? I don't want you to talk about another
16 company or maybe Sedalia water or another
17 company, just this company how many breaks
18 are you aware of?

19 A I know of three within a block of my home.

20 Q Do you recall about what time those breaks
21 occurred?

22 A I do know there was this one January 6th that
23 we're discussing. There was one also, I
24 think it may have been the spring or summer
25 before, and in that same person's yard there

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1 was one earlier that year.

2 Q The spring of 2005?

3 A Yes.

4 Q Two in the spring of 2005. Two in the spring
5 of 2005, one in January of '06?

6 A I do know there was two in 2005, I could not
7 tell you what time of year they were.

8 Q You can tell me.

9 A I could not tell you.

10 Q I'm sorry.

11 A I could ask someone here.

12 Q I'm sure if anyone knows they'll chime in.
13 You can tell me anything you want, we're on
14 the record we've got a stenographer.

15 Jim Barb you mentioned, is that person
16 employed with Aqua Missouri?

17 A He may not be currently I have not spoken
18 with him for quite some time.

19 Q When was that conversation?

20 A It was after the first letter that was sent
21 out about the increases because he wanted to
22 know why I was unhappy with the company, and
23 I had a discussion with him then.

24 Q How did he know you were unhappy with the
25 company?

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1 A I don't know. I was interested to know that
2 myself.

3 Q Did anyone know that you were unhappy with
4 the company?

5 A Yes, whenever the increase in prices first
6 went out it was asked that we call the Public
7 Service Commission and I did so. There were a
8 couple of numbers to call, I don't recall who
9 the other number was it may have been Aqua
10 Missouri itself. It was Public Service
11 Commission.

12

13 MR. MILLS: It could have been
14 Public Service Commission, Office of Public
15 Counsel?

16 MS. GORDON: That's exactly
17 right, it was those two I do remember.

18 MR. MILLS: Was it a one 800
19 number?

20 MS. GORDON: I don't know. It was
21 the Public Service Commission and it was the
22 Public Counsel. It was those two numbers.
23 Not very long after that maybe a month I got
24 a call from Mr. Barb.

25

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1 Q (BY MR. CLAYTON CONTINUING:) So you're not
2 sure if he works for the company or not. Did
3 he work for the company at one time?

4 A He did work for the company at that time. I
5 do not know if he currently works for the
6 company. I have not talked to him for a
7 while.

8 Q So it was after that conversation where he
9 was knowledgeable of your unhappiness with
10 Aqua Missouri that he mentioned that the
11 quality of materials were not up to grade or
12 below standard or something like that?

13 A Yes, sir, that's true.

14 Q So that would have been within the last three
15 or four months?

16 A It would have been in the last year. I talked
17 to him in May of 2005 whenever the first
18 letter went out.

19 Q May of '05 is when the first --

20 A I believe that's when the first letter went
21 out.

22 Q This case has been going on that long, hasn't
23 it. They usually don't take that long but
24 this has been a different type of case?

25 A I talked to him sometime that summer. I want

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1 to say that Mr. Barb does an excellent job,
2 has done an excellent job in trying to keep
3 things going. We could call him and let him
4 know that we were having problems and he
5 would come out and try to fix things for us.

6 Q You're not aware of where he works now?

7 A He may still be with Aqua Missouri.

8 Q You're just not aware?

9 A I just have not talked with him for quite a
10 while.

11 Q How many times can I ask the very same
12 question and get the same answer. I
13 apologize.

14 A No, at least that way you know I'm telling
15 the truth.

16 Q You mentioned that your water had been
17 interrupted without warning on several
18 occasions. How many occasions would you say
19 in the last twelve months the water has been
20 interrupted without warning, more than the
21 three breaks you have already referenced?

22 A Yes, sir. I'd say at least six times.

23 Q And generally speaking can you give me an
24 average of how long the water is out?

25 A Anywhere from ten minutes to two hours.

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1 Q Have you ever been asked or ordered to boil
2 your water before drinking it?

3 A No, not to my knowledge.

4 Q So you're not aware of any boil orders?

5 A No, only the one letter we got in May of 2001
6 that spoke about water quality issues. I
7 think that may have been in March of the same
8 year.

9 Q That was the issue that you made reference to
10 the high bacteria level or something?

11 A I think it was high bacteria level or high
12 chemical level.

13 Q Okay. That's on the next page, we'll get to
14 that. How were you notified that you should
15 reduce your water service or you had to
16 reduce your water usage or that you would
17 lose services I think is what you said. How
18 were you notified of that?

19 A I got a letter about mid July.

20 Q Of this year?

21 A Of this year requesting that I reduce water
22 service with the possibility that if we did
23 not comply we would -- possibility of losing
24 water service.

25 Q Did it make reference that there was an

1 inadequate supply in the system?

2 A More they were trying to do a repair and that
3 part of the system may be shut down for a
4 time frame.

5 Q How long was that time frame? That's a
6 little different than -- if it was a
7 restricted time period how long was it?

8 A I believe it was about a month during our
9 driest month unfortunately.

10 Q How many fires did you say have been in your
11 neighborhood?

12 A There have been three fires within the past
13 year in my neighborhood.

14 Q Rough neighborhood.

15 A Not until the fires start.

16 Q Aside from wondering why the fires were
17 started, I think that's beyond the scope of
18 this, you suggested that there has been
19 inadequate fire protection to deal with those
20 fires. How do you know that for sure?

21 A We have no fire plugs in our neighborhood so
22 if there is an urgent need for a massive
23 amount of water as they would need to fight a
24 fire there is no supply to go to. There is a
25 pond in our neighborhood but we don't have

1 access to it.

2 Q Who is the fire -- who acts as your fire
3 protection service?

4 A We have a volunteer fire department.

5 Q Volunteer fire department?

6 A Yes.

7 Q Have you personally spoken with anyone who is
8 a professional fire fighter or in the
9 business who has claimed that the fire
10 protection is inadequate in the Maplewood
11 area?

12 A It's not the fire protection so much as the
13 inaccessibility of water.

14 Q I understand that, but has anyone told you
15 that there's a problem with water on fire
16 protection?

17 A I know that whenever there's a rural fire
18 water is a major problem. They have to bring
19 it in in trucks and each fire department has
20 their own tank and if they use all the water
21 in the one tank they have to continue to keep
22 calling their local or neighborhood fire
23 departments that they all share duties with,
24 they share favors with. Yes, I've talked to
25 different people that work on volunteer fire

1 departments and how hard it is to keep water
2 coming in such a situation.

3 Q Have you spoken to the fire department, the
4 volunteer fire department, have they made
5 claims that the water, lack of water is a
6 problem?

7 A Yes. As a matter of fact, the house behind
8 us burned and they -- it was Fair time last
9 year I believe or maybe the year before, and
10 they did not have enough water to fight the
11 fire they had to continue calling in local
12 tankers to bring it in.

13 Q When was the notice of the inappropriate
14 bacteria level or inappropriate chemical
15 level?

16 A May of 2001.

17 Q Of 2001. Has there been any more recent
18 notifications of that nature?

19 A I do not recall any.

20 Q The chlorine smell, the bleach smell that you
21 referenced earlier is that a regular
22 occurrence, is it occasionally?

23 A It happens a couple of times a month
24 minimally.

25 Q Every month it happens a couple times a

1 month?

2 A At least a couple of times every month. As a
3 matter of fact I made a joke to my husband,
4 well they have added the chlorine to it
5 again. I can turn on the shower and smell it
6 while I'm gathering up my towel to do my
7 shower.

8 Q Have you ever had your water tested?

9 A No, sir, I have not.

10 Q Have you ever had any problems with the
11 billing of your service?

12 A No, sir, I never had problems.

13 Q Have you ever had the problems with customer
14 service? Have you had a problem, any of
15 these problems you called the company?

16 A I've never attempted to call the company for
17 customer service.

18 Q You have never called the company on an
19 interruption?

20 A No.

21 Q Is it because they notified you ahead of
22 time?

23 A No, because I figure if I wait long enough it
24 will come back on.

25 Q Our power went out the other morning and it

ROBERTS & ASSOCIATES BY THOMAS ROBERTS, RPR, CCR

1 took about all of five minutes before the
2 phone call was made. You're stronger than my
3 family is.

4 A With the shampoo in my eyes it's kind of hard
5 to read the phone book.

6 Q Miss Gordon, I apologize for all the
7 questions. Let me ask you on the sewer
8 service, do you have any issues with sewer
9 service, any problems?

10 A There are several sewer plugs around our
11 park. I can smell sewer gases leaking from
12 them occasionally. It's not a terrifically
13 strong smell, not enough for me to call and
14 complain.

15 Q In your house or just around --

16 A Around the plug itself, yes.

17 Q Never had anything backup or any issues?

18 A I have never had a sewer issue.

19 Q Never had a sewer issue. Okay. Good. Well
20 then that makes it easy for me. Miss Gordon
21 thank you for coming out and tolerating my
22 questions here today appreciate it.

23 JUDGE DIPPELL: Mr. Mills did
24 you have a question?

25 MR. MILLS: No questions, thank

1 you.

2 JUDGE DIPPELL: Mr. Kruger?

3 MR. KRUGER: No questions.

4 JUDGE DIPPELL: Thank you Miss
5 Gordon, you may step down.

6 MS. GORDON: Thank you for
7 allowing me the chance to speak and have my
8 words heard.

9 JUDGE DIPPELL: That's all I had
10 that signed up. Is there anyone else that
11 would like to testify at this time? Don't be
12 shy. Mr. Eshelman, did you have something
13 else to say?

14 MR. ESHELMAN: I think if I heard
15 her correctly --

16 REPORTER: Mr. Eshelman, would
17 you come forward. I have to hear you to take
18 it down.

19 MR. ESHELMAN: I'm not real sure,
20 but I think I heard her say that the roads
21 out there are maintained by the homeowners.
22 They're not, they're maintained by the county
23 by whoever cuts the roads whether it's the
24 water company or whomever is the ones that
25 put them back together. But the roads are

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1 owned by the county. They're put in and
2 serviced by the county.

3 JUDGE DIPPELL: Have you had any
4 conversations with Aqua Missouri about this
5 particular road cut?

6 MR. ESHELMAN: I've talked to
7 Jim about it and he -- we got one there she
8 mentioned there on Monsess, and I mentioned
9 it to him the other day and he said he was
10 going to get off his people to -- that did
11 cut the road to put in the sewer line, water
12 line, whatever and so far nobody has showed
13 up.

14 JUDGE DIPPELL: Commissioner
15 Murray did you have any additional?

16 COMMISSIONER MURRAY: No thank
17 you.

18 JUDGE DIPPELL: Mr. Clayton?
19

20 BY MR. CLAYTON:

21 Q Mr. Eshelman, I apologize, let me just
22 clarify. You said the road is owned by the
23 county, does the county also maintain the
24 road?

25 A Yes.

1 Q Okay. So the homeowners association doesn't
2 have any responsibility associated with those
3 roads?

4 A That's correct.

5 Q What is the primary responsibility of the
6 homeowners association, is that some common
7 areas?

8 A Yeah, we have a park out there and we
9 maintain it and we maintain the street lights
10 and generally police the area.

11 Q Police the area?

12 A Well, maintenance.

13 Q Do you have a side arm that you go out an
14 police the area?

15 A No, I'm sorry, that's a military term I used
16 years ago. Make sure that the people get to
17 keep their lawns mowed and no trash and
18 around stuff like that.

19 Q Okay.

20 A And the garbage. We pay for the garbage.

21 Q You do the garbage?

22 A Yeah, it comes out of the homeowners
23 association.

24 Q Do you all have any role in dealing with this
25 fire protection issue? Is that an issue for

1 your homeowners association lack of water or
2 fire plugs?

3 A No, that's up to the fire district. We're in
4 the Pettis County fire district it's up to
5 them to do it. There has been some discussion
6 with the fire department of putting in a dry
7 hydrant out there in our little pond but so
8 far we haven't been able to get very far with
9 that. We're working on that.

10 The fires that she's talking about the
11 last one we had, the last one I guess the
12 last two fires been out there, they go into
13 the airport by the airport and fill their
14 water trucks. They've got four or five
15 trucks they use. So they have sufficient
16 water, the only thing is they have to haul
17 it.

18 Q Do you believe there's a problem, in your
19 leadership role with the homeowners
20 association do you believe that's a problem
21 regarding an adequate water supply for fire
22 protection in this neighborhood? Is there a
23 problem?

24 A I think there has been a problem we're trying
25 to correct it. We need a dry hydrant in our

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1 pond. I didn't think that pond was big
2 enough for a dry hydrant, but I talked to one
3 of the firemen during this last fire and he
4 said that there was plenty of water in there.
5 So we are working now towards getting a dry
6 hydrant in there so we'll have some water
7 available.

8 Q Thank you Mr. Eshelman.

9

10 JUDGE DIPPELL: Mr. Mills, did
11 you have anything further of Mr. Eshelman?

12 MR. MILLS: The only question I
13 had was if you can tell us in a little more
14 detail what exactly is a dry hydrant.

15 MR. ESHELMAN: A dry hydrant is
16 a pipe that runs from a pond to an area where
17 the fire truck can hook on to it and suck the
18 water out of the pond. If you have been out
19 on Highway 50 going towards Jeff City where
20 the bow and arrow place is there's a pond
21 there between that and the house and there's
22 a hydrant sitting right beside the highway
23 and that's a dry hydrant. There's one in
24 Brooking Park coming out of their pond.

25 Q Thank you.

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1 JUDGE DIPPELL: Mr. Kruger?

2 MR. KRUGER: No questions.

3 JUDGE DIPPELL: Thank you, Mr.

4 Eshelman.

5 Is there anyone else who would like to
6 testify? Ma'am.

7 JUDGE DIPPELL: Can you state
8 your name.

9 MS. JOLLY: Maxine Jolly.

10 JUDGE DIPPELL: Maxine Jolly.
11 Could you spell it for court reporter.

12 MS. JOLLY: M-a-x-i-n-e
13 J-o-l-l-y.

14 JUDGE DIPPELL: Can you give me
15 your address and what kind of service you
16 have.

17 MS. JOLLY: 160 Brooking Park
18 Avenue, Brooking Park Village, Sedalia,
19 Missouri 65301, residential water and sewer.

20 JUDGE DIPPELL: Go ahead with
21 your comments.

22 REPORTER: Do you want to swear
23 her?

24 JUDGE DIPPELL: Thank you, sir.

25

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1 MAXINE JOLLY

2 called as a witness herein, being first duly
3 sworn by the Judge, testified on her oath as
4 follows:

5
6 JUDGE DIPPELL: Go ahead with
7 your comments.

8 MS. JOLLY: I feel that -- I
9 just moved here in January so I haven't had
10 the advantage of the water rates for a long
11 time, but I feel that the rate increase in a
12 lump sum like this is exorbitant. Four
13 percent per year sounds reasonable, but it is
14 not reasonable to expect a village of
15 retirees to absorb this in one lump sum. If
16 the company required this it seems they
17 should have done it over the years in smaller
18 increments that would have been more -- we
19 would be amenable to.

20 We are retirees and most of us are
21 widows living on a fixed income or rather an
22 income that needs to be fixed for most of us.
23 I feel if the company had these requirements
24 it should have been addressed gradually and
25 in -- within the last 12 years surely they

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1 could have done this. It seems like
2 mismanagement on their part to let something
3 go then expect us to absorb this in a lump
4 some.

5

6 BY JUDGE DIPPELL:

7 Q Brooking Park Village is a requirement area?

8 A Yes, it is.

9 Q Is that homes or condos?

10 A It is condos or duplexes. Some are quads
11 some are apartments.

12 JUDGE DIPPELL: Ms. Murray, did
13 you have questions?

14 COMMISSIONER MURRAY: Yes.

15

16 BY COMMISSIONER MURRAY:

17 Q You said you just moved there in January; is
18 that correct?

19 A Yes.

20 Q Where did you move from?

21 A Plainfield, Illinois.

22 Q How did your water rates there compare to
23 your water and sewer rates here?

24 A It was more when I had a four bedroom house
25 and I had a family at home, but I sold my

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1 house quite some time ago and didn't have
2 water bills after that.

3 Q So you really don't have a way to compare
4 the --

5 A No, not the comparison, but I know for one
6 person in a home it could shouldn't be, you
7 know, any more than what it is I don't
8 believe.

9

10 COMMISSIONER MURRAY: I think
11 that's all the questions I have, thank you.

12 JUDGE DIPPELL: Commissioner
13 Clayton.

14

15 BY MR. CLAYTON:

16 Q Miss Jolly, I wanted to ask you about quality
17 of service. Since moving here in January how
18 would you compare your service to the service
19 you were receiving at your Illinois address?
20 Are you happy with the quality of the water
21 and sewer service?

22 A Yes, I am happy with it. I will say that we
23 have had this smell of chlorine several
24 times, noticed chlorine and there has been a
25 cut off once. I don't know for what reason

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1 and it didn't last too long, a couple hours
2 maybe. Then when they were painting the
3 water tower of course there was less pressure
4 at times, but otherwise I have no problems
5 with it.

6 Q A prior witness suggested that the smell of
7 chlorine was quite strong a couple times a
8 month every month, would say that the smell
9 that you just mentioned comes about that
10 often?

11 A Probably, yes.

12 Q Is it strong enough to avoid drinking the
13 water?

14 A Kind of leaves a bitter taste, yes.

15 Q Sounds like you're still drinking it.

16 A I do drink the water, I don't have anything
17 else.

18 Q Got to add something to it?

19 A You can leave it in the refrigerator, leave
20 it out of faucet it evaporates of course so
21 it's usable.

22 Q There was a prior witness that suggested that
23 there were multiple in interruptions of
24 service perhaps happens six times averaging
25 in duration between ten minutes and two hours

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1 in the six months, actually it's been about
2 nine months, eight months that you have been
3 in town how many interruptions did you say
4 that you have experienced?

5 A I only know of one actually where it was
6 totally cut off in our area. But I've been
7 gone a lot I could not say there were not
8 others.

9 Q Have you had any dealings with the company?
10 Have you called for assistance or called
11 regarding a billing dispute?

12 A Not a dispute actually but for the first
13 three months I lived there I didn't receive a
14 bill. I was calling them, I was afraid my
15 water would be cut off as not paid.

16 Q So you were calling to ask for a bill?

17 A Yes.

18 Q They like people like you.

19 A Apparently. They were happy to oblige, but
20 they were sending the bill -- they said they
21 had mailed me a bill. I asked, what address
22 did you have on it and they had someplace in
23 Michigan. So I didn't get it. Then I had
24 them correct that and the next bill I got, I
25 did get a bill and they sent it to Andrew

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1 Jolly. The last tenant there was Andrew
2 Nanan, so they had the two names mixed up
3 then. Finally we got that straightened out.

4 Q I don't believe I have any other questions.
5 Thank you for coming forth, Miss Jolly.

6

7 JUDGE DIPPELL: Mr. Mills, do
8 you have any questions?

9 MR. MILLS: No, I don't, thank
10 you.

11 JUDGE DIPPELL: Mr. Kruger?

12 MR. KRUGER: No questions.

13 JUDGE DIPPELL: Thank, you
14 ma'am.

15 Is there anyone else who would like to
16 testify.

17 Come forward, sir.

18 MR. WISEMAN: My name's James
19 Wiseman, W-i-s-e-m-a-n.

20 JUDGE DIPPELL: Would you please
21 raise your right hand, Mr. Wiseman.

22

23 JAMES WISEMAN
24 called as a witness herein, being first duly
25 sworn by the Judge, testified on his oath as

ROBERTS & ASSOCIATES BY THOMAS ROBERTS, RPR, CCR

1 follows:

2

3 JUDGE DIPPELL: Could you give
4 us your address.

5 MR. WISEMAN: 2791 Lakeshore
6 Circle.

7 JUDGE DIPPELL: Do you have water
8 or sewer or both?

9 MR. WISEMAN: I have both.

10 JUDGE DIPPELL: Go ahead with
11 your comments.

12 MR. WISEMAN: There's many
13 foreclosures in our area most of these people
14 don't address things like that. There's many
15 vacant houses. I don't know the exact
16 number. Mr. Eshelman, who is on the board,
17 the president of our board also might address
18 this if he cared to, but we are a poor
19 outfit. There's all -- I live in Maplewood
20 by the way and there's also a lot of retirees
21 living there and people that are on various
22 types of welfare and other things like that.

23 Now as far as repairs are concerned, Mr.
24 Barb has always taken care of them on a
25 timely basis in my particular case, other

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1 people may have complaints about that but
2 he's done a wonderful job. The question here
3 is never said but when Aqua purchased this
4 water plant. I've lived there even eleven
5 years there's been two or three ownerships
6 before Aqua. They inherited a bag of worms
7 whether people know that or not.

8 The piping that was put in there for
9 sewer and water pipes were of low quality
10 when they were put in by the people that
11 built the houses 20 or 30 years ago. The
12 fire protection area there is the Pettis
13 County fire protection area.

14 I'm a cripple now on account of one of
15 the things of that. I stepped in a hole when
16 the house next door to me caught on fire and
17 the fire protection area didn't get there
18 very close. I've got a cadaver bone in my
19 foot and all this stuff.

20 Two years ago I could run a race with
21 you. At 75 years old I've had two years of
22 my life taken away on account of that kind of
23 stuff.

24 Another thing, do the vacant houses out
25 there even though they have no water usage

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1 there's loads of those, do they pay a water
2 bill? Drinking water. I buy drinking water.
3 I have a cooler that I buy water from
4 whatever the heck it is. Let's see what else
5 I got to talk to you about.

6 Basically that's all I have to say I
7 guess. I mean if you know some questions.
8 All of these people are basically my
9 neighbors. I know when I got my raise from
10 social security I got ninety five cent raise
11 after you paid your Medicare. Ninety five
12 cents. It cost them thirty seven cents to
13 mail the letter.

14 So you talk about raising I have no
15 thing. There's another thing. I'm looking at
16 this thing and it says your water bill will
17 be increased from -- to fifteen ninety-five.
18 Are you looking at that same yellow sheet?
19 Monthly rate is company and PSC. Staff agreed
20 upon rates. Does that also include the sewer
21 or are you just talking about one thing the
22 water rate plus the sewer rate. The one I got
23 somehow claimed there would be two different
24 charges because if this is fifteen ninety
25 five for water and sewer that's a reduction.

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1 I never use a thousand a month. Me and my
2 dog can't drink too much after we buy water.

3 But as far as this service any contact
4 I've had with these people from Aqua has been
5 perfect. They have done everything that I've
6 ever asked them to. One of the faults out
7 there was we lived in a neighborhood where a
8 lot of people don't know how to converse with
9 a lot of other people. Once I was at the lake
10 for three or four five days nobody called the
11 water was off. They left the water run all
12 the way into that lake for two or three days
13 and I came home from the lake and called Jim
14 and the next day I had the water taken care
15 of. But you know when you live around that
16 kind of situation you don't know what's going
17 to happen.

18 That's all I have to say. If you want
19 to question me on them it's all right with
20 me.

21
22 JUDGE DIPPELL: Thank you, Mr.
23 Wiseman. Commissioner Murray any questions?

ROBERTS & ASSOCIATES BY THOMAS ROBERTS, RPR, CCR

1 BY COMMISSIONER MURRAY:

2 Q How long did you say you have lived there?

3 A Eleven years.

4 Q Do you know when Aqua American purchased
5 the --

6 A I have know idea, maybe these people here can
7 tell you.

8 Q Do you know who --

9 A I've had three different ownerships. Let me
10 tell you, we used to get our trash, sewer and
11 everything was all paid the one time, one
12 bill, one letter. Well what happened was we
13 had a little fight with guy that destroyed
14 two or three different communities out there
15 and he froze all of our accounts. We
16 couldn't even pay our bills. At that time I
17 was on the board.

18 See, we've got a board of directors
19 there and most of them are really great. When
20 I was notified, another thing I might tell
21 you I lost 27 hanging baskets during the
22 water shortage which I got a personal call
23 not from the -- Aqua, but from the homeowners
24 association that left me a message on my
25 phone that they were going to shut the water

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1 off and all this crap. Well let me tell you,
2 I quit using it because I had 27 hanging
3 baskets at ten dollars a basket really peeved
4 me to tell you the truth but no fault of
5 Aqua. It wasn't there's. Any other
6 questions? I'm sorry, I forgot to mention
7 that.

8 Q I'm glad you're telling us what's on your
9 mind. I think that's all I have, thank you.

10

11 JUDGE DIPPELL: Commissioner
12 Clayton?

13 COMMISSIONER CLAYTON: Mr.
14 Wiseman, I don't have any additional
15 questions. I appreciate you coming up and
16 bringing us this information.

17 MR. WISEMAN: Thank you.

18 COMMISSIONER CLAYTON: You want
19 questions did you say?

20 MR. WISEMAN: No. I like answers
21 not questions. I worked for the government
22 about 25 years myself.

23 JUDGE DIPPELL: Mr. Mills, do
24 you have anything?

25 MR. MILLS: No.

ROBERTS & ASSOCIATES BY THOMAS ROBERTS, RPR, CCR

1 JUDGE DIPPELL: Mr. Kruger?

2 MR. KRUGER: No, I don't have any
3 questions. I will be happy to talk to you
4 afterwards about what's on this yellow sheet.

5 JUDGE DIPPELL: Thank you, Mr.
6 Wiseman. Is there anyone else who would like
7 to testify? If there's no one else who would
8 like to come forward I'll conclude this
9 portion on the record. Commissioner Clayton
10 did you want to say something?

11 COMMISSIONER CLAYTON: I just
12 wanted to say this been a very informative
13 hearing, I appreciate everyone coming out at
14 least learning what the Public Service
15 Commission does. Most people are not aware
16 of the work that we do and the dedicated
17 staff that we have working on these very
18 important issues. I appreciate the personal
19 testimony that everyone has given and I can
20 assure you all five commissioners review all
21 of the testimony that is transcribed when we
22 return to Jefferson City. We have five
23 commissioners, we have two here today. We
24 have hearings that go on just about every
25 night of the week especially in the next

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1 couple of months. I appreciate you coming
2 out.

3 JUDGE DIPPELL: Thank you. With
4 that I'll conclude this portion of the
5 hearing. We can go off the record. Thank
6 you.

7

8 (Hearing concluded at 7:10 p.m.)

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ROBERTS & ASSOCIATES BY THOMAS ROBERTS, RPR, CCR

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