

1 STATE OF MISSOURI
2 PUBLIC SERVICE COMMISSION

3 TRANSCRIPT OF PROCEEDINGS
4 Local Public Hearing

5 June 22, 2009
6 California, Missouri
7 Volume 1

8
9 In the Matter of Hickory)
Hills Water & Sewer Co.,) File No. SR-2009-0154
10 Inc. Small Company Rate) File No. WR-2009-0151
11 Increase)

12
13 DANIEL R.E. JORDAN, Presiding
14 REGULATORY LAW JUDGE

15 TERRY JARRETT,
16 KEVIN GUNN,
COMMISSIONERS.

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

2 JUDGE JORDAN: The Missouri Public
3 Service Commission is calling the case of In Re:
4 Hickory Hills Water & Sewer Company, Incorporated,
5 File No. SR-2009-0154 and WR-2009-0151, regarding
6 applications for rate increases.

7 My name Daniel Jordan. I am a
8 regulatory law judge presiding over this proceeding.
9 This is the Missouri Public Service Commission's
10 local public hearing on rate increases for Hickory
11 Hills. We're here to record witnesses' testimony on
12 proposed rate increases. This is not really a time
13 to debate with the company to get their statements or
14 answers to any questions. And we are recording this
15 procedure.

16 A little background on the Commission.
17 The Commission consists of five commissioners
18 appointed by the Governor and confirmed by the Senate
19 for fixed terms. The Commission regulates the safety
20 and quality of service for investor-owned utility
21 companies in Missouri and sets those utilities'
22 rates. Decisions are ultimately subject to the
23 commissioners' approval.

24 I will, in this case, recommend a
25 decision but the decision, the final decision is not

1 mine. It is up to the commissioners themselves, the
2 Governor's appointees. And you have already had
3 introductions of Commissioner Kevin Gunn and
4 Commissioner Terry Jarrett, that is, two out of the
5 four current commissioners, so this is an indication
6 of the importance that the Commission attaches to
7 this proceeding.

8 Assisting the Commission in decision-
9 making is a staff of accountants, engineers,
10 economists, other specialists in utility regulation.
11 They're simply called Staff. Staff has its own
12 lawyer from the Commissioners' Office of General
13 Counsel.

14 Will counsel please enter an appearance.

15 MR. DEARMONT: My name is Eric Dearmont.
16 I'm entering an appearance on behalf of the Staff of
17 the Commission, P.O. Box 360, Jefferson City,
18 Missouri 65102.

19 JUDGE JORDAN: Thank you. Do you have
20 any representatives of your client with you today?

21 MR. DEARMONT: I have Jerry Scheible
22 from the water and sewer department.

23 JUDGE JORDAN: Okay. Thank you. Office
24 of the Public Counsel.

25 MR. DEARMONT: We also have Kenny

1 Niemeier with engineering and management services
2 departments and Dana Eaves, auditing.

3 JUDGE JORDAN: Very good, very good.
4 Anyone else?

5 (NO RESPONSE.)

6 MR. DEARMONT: I think that's it. Thank
7 you.

8 JUDGE JORDAN: Okay. Thank you. In
9 addition, the Commission appoints a Public Counsel to
10 represent consumers of utility services. The Office
11 of the Public Counsel also employs specialists like
12 the ones that I've named. If there's someone here
13 representing Public Counsel, will you please enter
14 your appearance.

15 MS. BAKER: Thank you. Christina Baker,
16 P.O. Box 2230, Jefferson City, Missouri 65102,
17 appearing on behalf of the customers of Hickory
18 Hills.

19 JUDGE JORDAN: Thank you very much. And
20 do you have any representatives of your staff of
21 Public Counsel?

22 MS. BAKER: I do not.

23 JUDGE JORDAN: Okay. Thank you. The
24 purpose of this proceeding is to hear your testimony
25 as part of the official record in this case. The

1 company is not going to be presenting evidence.
2 There will be no cross-examining anyone, though the
3 commissioners may ask a few clarifying questions.
4 The court reporter will be taking down testimony. It
5 will be testimony under oath, or affirmation if you
6 prefer, and commissioners will be using your
7 statements in deciding this case.

8 Is there a representative of the company
9 here today?

10 MR. COVER: Gary Cover, court-appointed
11 receiver and attorney for Hickory Hills.

12 JUDGE JORDAN: Okay. Is there anyone
13 else for Hickory Hills here today, Mr. Cover?

14 MR. COVER: Mostly I'm it.

15 JUDGE JORDAN: Very good.

16 MS. BLOME: The Office of the Attorney
17 General is here representing the Department of
18 Natural Resources who is intervenor in the case.

19 JUDGE JORDAN: Splendid. Okay. Will
20 you enter your appearance.

21 MS. BLOME: Yes. Jessica Blome,
22 B-l-o-m-e, P.O. Box 899, Jefferson City, Missouri
23 65102, and Mary Ann Redden, R-e-d-d-e-n, is here for
24 the Missouri Department of Natural resources.

25 JUDGE JORDAN: Thank you. Now, here's

1 what to do if you want to give some testimony on the
2 rate increase. The signup list in the back -- well,
3 actually over here I have a signup list and I have
4 some names on it, but, you know, if you've decided
5 that you want to say something and haven't signed up
6 yet, you still may. And if you change your mind,
7 well, you don't have to. That's where I'm going to
8 call the witnesses from.

9 One person at a time will testify. When
10 you're called, please come up here to the podium and
11 please speak clearly and slowly if you can because we
12 are recording this for our court reporter. I'm
13 probably talking too fast right now. Though she's
14 very capable, I don't want to tax her abilities.
15 That's just a matter of consideration.

16 I will administer an oath to you, or if
17 your religious convictions prohibit you from taking
18 an oath, I will administer an affirmation if you
19 prefer. Just let me know. Otherwise, I will
20 administer an oath. And I may ask you a few
21 questions to get you started, you know, like ask you
22 to spell your name or something like that. But after
23 that, you can pretty much give a narrative as to what
24 you want to say.

25 If someone else has already said what

1 you wanted to say, you can endorse what they've said.
2 I mean, we want to hear your opinion on these issues,
3 but you don't have to say everything all over again.
4 You can just say, "I agree with what Ms. So and So
5 said", and that will be fine.

6 The commissioners may have a few
7 questions for you. I may have a few questions for
8 you just to flesh things out, but I'll ask you to
9 stay until you're excused from the, what we'll call
10 the stand. And if you think of something later or
11 you just don't feel like giving testimony now, you
12 know, you can contact Staff or the Office of the
13 Public Counsel. They've introduced themselves.

14 Are there any questions in our procedure
15 before we begin?

16 MR. MARKHAM: Could you close that blind
17 behind you? It's hard to see your faces.

18 JUDGE JORDAN: Is that good?

19 MR. MARKHAM: That's good. Thank you.

20 JUDGE JORDAN: Anything else we can
21 clear up?

22 (NO RESPONSE.)

23 JUDGE JORDAN: All right. Then the
24 Commission will now begin taking testimony. And the
25 first witness I have on this list is one Gleneth

1 Rowles. Can you state your name?

2 MS. ROWLES: Gleneth Rowles,
3 G-l-e-n-e-t-h, R-o-w-l-e-s.

4 JUDGE JORDAN: Very good. Please raise
5 your right hand.

6 (The witness was sworn.)

7 JUDGE JORDAN: And do you prefer Ms. or
8 Miss?

9 MS. ROWLES: It doesn't matter. I'm
10 Mrs.

11 JUDGE JORDAN: Mrs. Rowles, are you a
12 customer of Hickory Hills --

13 MS. ROWLES: Yes, sir.

14 JUDGE JORDAN: -- Water & Sewer Company?
15 What would you like the Commission to know.

16 MRS. ROWLES: Well, a lot of my
17 testimony has already been answered in the prior
18 meeting. But I am Gleneth Rowles. My husband Bill
19 and I reside at 62489 Vaughan Drive. We've been a
20 customer of Hickory Hills Water & Sewer, Incorporated
21 for a number of years.

22 We pay our bills in a timely manner. We
23 realize the increases over the years have not been
24 submitted for review as they should have been. The
25 last increase, though, that Mr. Clifford requested

1 was unreasonable, and he said it would not be enough
2 to make any difference in the quality or upkeep of
3 the system.

4 The conditions of his permit were to
5 operate a 24-hour reserve for the water system, and
6 he was to make many changes to the sewer system. He
7 was given an increase and nothing happened, no
8 updates to the system. He continued to pour
9 household bleach in a trash can and pour it into the
10 well. That was his method of chlorination. He did
11 nothing but mow the lagoon. The rest of the money
12 was kept by him.

13 He did respond to service calls in a
14 timely manner, then he walks away as the receiver and
15 says he's no longer interested in us or his company.
16 Now we're met with these exorbitant rate increases,
17 100 percent or in excess of 100 percent, to fix his
18 company. At the same time we're threatened by the
19 government with lawsuits, shutoffs, stoppages, and
20 all the time we're still paying Hickory Hills Water &
21 Sewer.

22 I don't know if we are currently
23 operating under an operational permit. I think
24 according to my computer, it expired maybe in March.
25 I assume the quality of the water is good.

1 I'm also one of the cancer people out
2 there. You can go around the block. There's a lot
3 of us. We sometimes wonder, you know, have
4 questions. Maybe it's okay, maybe we're just in a
5 bad area. But that doesn't have anything to do with
6 the rate increase.

7 But the rate increase, I realize tonight
8 that it's needed to keep the operations going, but it
9 is certainly exorbitant. We see ads in the paper in
10 the small towns next to us where it's maybe 6
11 percent, 3 percent, and they make a big deal out of
12 the publications, that they're letting the people
13 know that this is the rate increase.

14 I know we're in a really bad situation,
15 but I just can't see that 100 percent is gonna help
16 us all that much right now. Thank you.

17 JUDGE JORDAN: You're welcome.
18 Questions from the commissioners?

19 COMMISSIONER JARRETT: Yes. Ms. Rowles,
20 thank you for your testimony, first of all.
21 Appreciate it. You said something about being
22 threatened by the government. Who are you talking
23 about? Which government?

24 MRS. ROWLES: We were told at the last
25 meeting, you know, "We're gonna -- we can sue Randy

1 and you, you know, if" --

2 COMMISSIONER JARRETT: And who said
3 that, is what I'm asking?

4 MRS. ROWLES: The Office of the Attorney
5 General Office.

6 COMMISSIONER JARRETT: Okay. And did
7 they say why they were wanting --

8 MRS. ROWLES: If we didn't do something
9 and all this stuff was happening, we were in bad
10 straits and we thought that, you know, in ten days we
11 might get a letter that said they were gonna shut our
12 water off, or our household. Now, I'm not speaking
13 for everyone.

14 COMMISSIONER JARRETT: I see. So this
15 was about, I guess, the quality of the water and
16 everything about shutting you down and suing you?

17 MRS. ROWLES: Uh-huh, and the lagoon,
18 uh-huh.

19 COMMISSIONER JARRETT: And as far as
20 now, you know, the company is being run by a
21 receiver.

22 MRS. ROWLES: Uh-huh.

23 COMMISSIONER: Has your service been
24 okay under the receivership?

25 MRS. ROWLES: We have had good service

1 from Mr. Cover. He is an excellent person to
2 contact. He's a man of his word. You know, he has
3 taken care of things that we had come up in a timely
4 manner. I would recommend him.

5 COMMISSIONER JARRETT: Very good. Thank
6 you, Ms. Rowles. I don't have any further questions
7 commissioner Gunn may have some questions?

8 COMMISSIONER GUNN: I just have a
9 couple.

10 MRS. ROWLES: Sure.

11 COMMISSIONER GUNN: You mentioned "one
12 of the cancer people." Does that mean there is a
13 cancer cluster in the neighborhood?

14 MRS. ROWLES: We have a feeling that
15 there might be, because you can go around the block.
16 The people that are still living, there's several of
17 us out there, you know. There's several that have
18 already passed away from the same thing. We -- you
19 know, it makes you wonder what's going on.

20 COMMISSIONER GUNN: Have you -- have you
21 ever had any of the water tested?

22 MRS. ROWLES: No, we have not
23 personally, no.

24 COMMISSIONER GUNN: Okay. All right.
25 And just to clarify -- and I apologize for asking

1 name for the court reporter.

2 A. M-a-t-t-h-e-w-s, D-o-n-a-l-d.

3 JUDGE JORDAN: Please raise your right
4 hand.

5 (The witness was sworn.)

6 JUDGE JORDAN: And you're not in Hickory
7 Hills, but you're --

8 MR. MATTHEWS: -- in Temple Hills.

9 That's the adjoining -- see, there's two there. They
10 always refer to the Hickory Hills, but we're still
11 involved in it because we pay our bills regularly for
12 40-some years.

13 JUDGE JORDAN: So you're a customer of
14 Hickory Hills Water & Sewer Company, Incorporated?

15 MR. MATTHEWS: Yes, sir.

16 JUDGE JORDAN: And what would you like
17 to tell the Commission today?

18 MR. MATTHEWS: I have nothing more
19 because I think Mrs. Rowles said exactly the way I
20 feel. I don't think I can put it in any better
21 language than she did.

22 JUDGE JORDAN: All right. Very good.

23 MR. MATTHEWS: So I stand by what she
24 said.

25 JUDGE JORDAN: Okay. Well, thank you

1 very much. And Commissioner Jarrett, any questions?

2 COMMISSIONER JARRETT: Well, I thank you
3 for that and I don't have any questions. Thanks.

4 JUDGE JORDAN: Commissioner Gunn?

5 COMMISSIONER GUNN: Do you know what
6 your average monthly bill runs today?

7 MR. MATTHEWS: I'd have to ask my
8 bookkeeper. What does it run, honey?

9 COMMISSIONER GUNN: You don't have to be
10 precise.

11 MRS. MATTHEWS: I got it right here.
12 Our last one -- just a minute. Our water usage was
13 19.25, and our sewer was 16.63. We used 2800 gallons
14 of water.

15 COMMISSIONER GUNN: And you also echo
16 the work of the receiver, you think the receiver's
17 doing a good job?

18 MR. MATTHEWS: I think he's excellent, I
19 think he's excellent. But I'm like -- I'd like to
20 add one point there. My wife's went through three
21 bouts with cancer too, so...

22 COMMISSIONER GUNN: I don't have
23 anything further. Thank you very much for your time,
24 sir. Appreciate it.

25 JUDGE JORDAN: Anything from Public

1 Counsel?

2 MS. BAKER: No questions, but thank you
3 for coming.

4 JUDGE JORDAN: Staff?

5 MR. DEARMONT: I have no questions.
6 Thank you.

7 JUDGE JORDAN: DNR?

8 MS. BLOME: No questions.

9 JUDGE JORDAN: Thank you very much. You
10 may be excused. Next the Commission will call
11 Darlene Matthews.

12 MR. MATTHEWS: That's my wife.

13 MRS. MATTHEWS: I have nothing more to
14 add.

15 JUDGE JORDAN: All right. That's fine.

16 MRS. MATTHEWS: Thank you.

17 JUDGE JORDAN: The next name on my
18 witness list looks like Bob Markham.

19 MR. MARKHAM: Yes. My name is Bob
20 Markham, M-a-r-k-h-a-m. I live at 62374 Vaughan
21 Drive in Hickory Hills, and I'm a customer of Hickory
22 Hills Water & Sewer.

23 (The witness was sworn.)

24 JUDGE JORDAN: All right. Well, you've
25 given your identification and your address. You are

1 a customer of the Hickory Hills Water & Sewer
2 Company, Incorporated?

3 MR. MARKHAM: Yes.

4 JUDGE JORDAN: All right. And what
5 would you like to tell the Commission this evening?

6 MR. MARKHAM: Well, Don explained
7 there's two -- like, two parts to Hickory Hills, the
8 newer and the older. But one, if you live in the
9 older, 80 percent of us are senior citizens on fixed
10 income. And we -- also my wife has terminal cancer.
11 We have extreme medical bills and so forth, so the
12 increases like this, you read about it in the paper
13 and so forth, that, you know, people have to give up
14 medicine or something like that to pay their bills.
15 This is a very hefty increase, and I too feel that
16 it's out of line at this time.

17 If we could, like we said before, you
18 know, more or less tread water until we can find a
19 solution to our problem. And we're working on that
20 on a meeting next week. But I too want to say that
21 Mr. Cover has been very good in his receivership
22 duties.

23 Every time I've called him he's been
24 very polite to me. His responses have been prompt,
25 and our phone bill -- or excuse me, phone bill --

1 water bill went up a little bit this month because I
2 have the swimming pool out there, or the money pit,
3 whichever you want to call it. But my average water
4 and sewer I would say was about \$38 a month, and
5 that -- I too agree with Mrs. Rowles in her
6 statement.

7 We know we need to do something, but
8 threats aren't gonna help us get it done. But we
9 understand there's a little light at the end of the
10 tunnel and we hope it's not a trick. And I'll answer
11 any questions you have.

12 JUDGE JORDAN: Commissioner Jarrett?

13 COMMISSIONER JARRETT: Mr. Markham,
14 thank you for your testimony. I appreciate it,
15 appreciate you coming tonight. I don't have any
16 questions. Thanks.

17 COMMISSIONER GUNN: I don't have any
18 questions for you, sir. Thank you. Thank you very
19 much for your time. Some of these other folks might
20 have a question for you, sir.

21 MS. BAKER: I don't have any questions,
22 but thank you for your attendance.

23 MR. DEARMONT: I have no questions.

24 MS. BLOME: No questions.

25 JUDGE JORDAN: You may be excused.

1 Thank you. The next entry on the list. It looks
2 like Sandra Ratcliff representing Mildred Snyder, or
3 Mildred Snyder representing Sandra Ratcliff.

4 MS. RATCLIFF: I'm representing my
5 mother Mildred Snyder.

6 JUDGE JORDAN: Well, you can't really
7 represent someone else here unless you have a license
8 to practice law. But if you have some statements
9 you'd like to make as to your own opinion on this,
10 the Commission would be glad to hear it.

11 MS. RATCLIFF: I'll do that.

12 JUDGE JORDAN: Please state your name
13 and spell it for the reporter.

14 THE WITNESS: Sandra Ratcliff,
15 S-a-n-d-r-a, R-a-t-c-l-i-f-f.

16 JUDGE JORDAN: All right. Please raise
17 your right hand.

18 (The witness was sworn.)

19 JUDGE JORDAN: All right. Now, are you
20 a customer of Hickory Hills?

21 MS. RATCLIFF: No, I am not.

22 JUDGE JORDAN: Okay. But you have some
23 knowledge as to the issues before the Commission; is
24 that correct?

25 MS. RATCLIFF: I do, or I feel like I

1 do.

2 JUDGE JORDAN: Well, what would -- you
3 go ahead and tell the Commission what you would like
4 the Commission to hear.

5 MS. RATCLIFF: Okay. My mother is
6 Mildred Snyder, and she lives at 62159 David Road in
7 Temple Terrace. Her and my father have lived there
8 for 23 years. My father passed away in January, so
9 she's now alone. Her greatest desire is to be able
10 to stay in her own home, and she of course is on a
11 limited income like apparently close to 80 others are
12 in this addition.

13 They've always taken good care of their
14 home, been proud of it, and she wants to continue to
15 stay there if she can. But the increase that we're
16 seeing in the water and the sewer is going to cause
17 her some major problems. In fact, if it continues,
18 things continue to increase, she's going to have to
19 take her savings to help pay bills, not only for
20 Water & Sewer, but other things.

21 I think a lot of people here probably
22 know her. And they don't have a fancy lifestyle of
23 any kind, so it's very conservative of her to want to
24 keep things as minimal as they can.

25 She wanted me to represent her tonight,

1 to speak for her. It's too warm for her to be out.
2 She's 88 years old. She has been to every meeting so
3 far. This is the first one she's missed, so she
4 hated not being able to be here.

5 I just ask that you give every
6 consideration to her, along with all these other
7 people. My main concern is her, and I want her to
8 have -- to be able to live in her home as long as she
9 can. She's there by herself now, and I want it to
10 stay that way.

11 Thank you all for being here. I want to
12 thank Mr. Cover for his service to the community
13 there. Also to Kyle Wirts who I think does the
14 checks on the water. My mother sets on her sun porch
15 and says she's seen him there in one month more than
16 she saw Randy Clifford in five or ten years, so I do
17 want to thank you for your time. That's all I have.

18 JUDGE JORDAN: Thank you. Questions
19 from the commissioners. Commissioner Jarrett?

20 COMMISSIONER JARRETT: Thank you,
21 Ms. Ratcliff. I appreciate your testimony, and these
22 public hearings are always very important to us.
23 They are part of the record in the case, so I can
24 assure you that from myself, anyway, I take all of
25 the testimony very seriously and into consideration

1 when we make our decisions, so I appreciate your
2 testimony, and I don't have any questions and wish
3 your mother well.

4 MS. RATCLIFF: Thank you very much.

5 JUDGE JORDAN: Commissioner Gunn?

6 COMMISSIONER GUNN: Thanks very much for
7 coming out. Appreciate it. Any other
8 service-related or quality issues with the water that
9 your mom might have?

10 MS. RATCLIFF: None that I know of.

11 COMMISSIONER GUNN: Okay. Thank you
12 very much for taking the time.

13 MS. RATCLIFF: When the water system
14 went down, what, after the first of the year, that
15 was shortly after my father had passed away, and Kyle
16 saw that water was brought to the door. I don't know
17 how many other people that happened for, but at any
18 rate, she was very comforted knowing that somebody
19 was keeping an eye on her. So I don't have anything
20 but good things to say about them.

21 COMMISSIONER GUNN: Thanks for coming
22 and taking the time to come out. We really
23 appreciate it. These other people might have some
24 questions for you. I doubt that they do, but they
25 might.

1 MS. BAKER: I don't, but thank you for
2 coming.

3 MR. DEARMONT: I have no questions.
4 Thank you.

5 MS. BLOME: No questions.

6 JUDGE JORDAN: Thank you for your
7 attendance. Next on my list I have, it looks like
8 Don and something Packer? Backus?

9 (NO RESPONSE.)

10 JUDGE JORDAN: It's at 3025 Dan Drive.
11 Could be Parks. Could be.

12 UNIDENTIFIED SPEAKER: Everything has
13 pretty much been said, so I'll pass.

14 JUDGE JORDAN: That's certainly your
15 right. Next I have Roy Welch.

16 MR. WELCH: I already talked about what
17 you said was premature because the next meeting is
18 gonna talk about trying to get a different management
19 for the different system. I've been in California
20 for half the time talking to them about taking it
21 over, and you might as well try to talk to Jesus. I
22 don't mean to be facetious.

23 JUDGE JORDAN: Would you like to take
24 the stand and put your testimony on the record so the
25 commissioners can consider it? You may if you wish.

1 MR. WELCH: I don't have anything else
2 to say. The next meeting is Monday. I'll say it
3 then.

4 JUDGE JORDAN: Well, you can if you
5 want, but you don't have to. If you wish to pass,
6 you may.

7 MR. WELCH: Thank you.

8 JUDGE JORDAN: The last name on my list
9 is Kyle Wirts. Would you like to come and testify?

10 MR. WIRTS: Sure.

11 JUDGE JORDAN: Please state your name
12 and spell it for our reporter.

13 THE WITNESS: Kyle, K-y-l-e, Wirts,
14 W-i-r-t-s.

15 JUDGE JORDAN: Please raise your right
16 hand.

17 (The witness was sworn.)

18 JUDGE JORDAN: And are you a customer of
19 Hickory Hills Water Company?

20 MR. WIRTS: No, I'm not.

21 JUDGE JORDAN: Okay. Well, what
22 perspective would you like to share with the
23 Commission?

24 MR. WIRTS: I am the water operator.

25 JUDGE JORDAN: Splendid, splendid. Tell

1 us a little more about that, please.

2 MR. WIRTS: I've been doing the water
3 operation and daily monitoring, the bacte sampling,
4 which is once a month, for about a year.

5 JUDGE JORDAN: Okay. Can you tell us
6 about bacte sampling?

7 MR. WIRTS: It's the test we send off to
8 the state health lab to make sure the water is good
9 to drink.

10 JUDGE JORDAN: Okay.

11 MR. WIRTS: And Mr. Cover gets the
12 result back, and if it's not, then we -- there's a
13 series of things you do through the DNR to ensure
14 that you have safe water.

15 JUDGE JORDAN: Okay.

16 MR. WIRTS: Up until tonight I hadn't
17 been associated with the sewer part of it, but
18 Mr. Cover and I have reached a gentlemen's agreement
19 that I'm going to try to assist him with that and
20 these people and the DNR and everybody. We're gonna
21 try to work together on it and get some problems
22 solved.

23 I want to add that Mr. Cover has been
24 very up front with me. I had my apprehensions when I
25 took the job, but he's done nothing but treat me with

1 respect, and I think he generally has the customers
2 in mind. I visited with a lot of these people when
3 we read the meters and stuff and I think they realize
4 that the city doesn't want them. And I'm an employee
5 of the City of California. I do the same job for
6 them too. The City of California don't want them,
7 and now it's time for them to try to do something on
8 their own.

9 Sometimes the people get confused
10 because they don't understand, and maybe if we, all
11 of us together, can work that out, I think they will
12 probably be receptive to whatever we need to do. And
13 that's basically all I have to say.

14 JUDGE JORDAN: All right. Thank you
15 very much. Commissioners, any questions?
16 Commissioner Jarrett?

17 COMMISSIONER JARRETT: Yes. Mr. Wirts,
18 thank you for your testimony. You indicated you've
19 been doing this bactee sampling for about a year?

20 MR. WIRTS: Yes.

21 COMMISSIONER JARRETT: What have been
22 the results of your sampling? Have you had any
23 problems with --

24 MR. WIRTS: As far as I know, there's
25 been no bad samples come back.

1 COMMISSIONER JARRETT: Okay. Thank you.
2 I appreciate it. That's all the questions I have.
3 JUDGE JORDAN: Commissioner Gunn?
4 COMMISSIONER GUNN: I don't have
5 anything for you. Thank you very much for coming. I
6 appreciate it.
7 JUDGE JORDAN: Public Counsel?
8 MS. BAKER: I have no questions.
9 JUDGE JORDAN: Staff?
10 MR. DEARMONT: No questions. Thank you.
11 JUDGE JORDAN: DNR?
12 MS. BLOME: No questions.
13 JUDGE JORDAN: Thank you. You are
14 excused. That's the end of my list. Is there anyone
15 else who feels that they have something that they'd
16 like to add? Sir? Please state your name.
17 MR. KAY: Roger Kay. And I live at
18 62415 Vaughan Drive.
19 JUDGE JORDAN: And spell your name.
20 MR. KAY: R-o-g-e-r, K-a-y.
21 JUDGE JORDAN: Please raise your right
22 hand.
23 (The witness was sworn.)
24 MR. KAY: I'd like to reiterate that
25 Mr. Cover has done a really good job. He's easy to

1 get ahold of. I've written him a couple of times.
2 And Kyle Wirts is an asset very much. We've seen him
3 more there than we've ever seen Randy there in years.
4 I was up there the day that we had a little
5 catastrophe. I think we lost probably 75 percent of
6 our pressure tanks with backed up I don't know what.
7 They just collapsed. And Kyle was up there on the
8 spot.

9 And I know that was a big deal, and I
10 kind of asked Kyle a couple of questions about what
11 each one of the tanks cost, and I know that was a big
12 tax on our little community, but I was listening to
13 Mr. Cover, you know, how much we bring in and where
14 it goes, and like I said, I haven't seen any of it
15 divided down or what that total bill was.

16 But Kyle bringing water by, never would
17 have thought about it. I mean, he brought cases of
18 water by every house to make sure that they had
19 drinking water for the next day, and he got
20 everything back as quick as he possibly could because
21 he had to order the tanks and he had another
22 gentleman helping. And I can't speak enough about
23 that.

24 I did state that if we did go to a
25 government type of entity, whether we had the

1 possibility of getting any grant money for a small
2 community of 50 houses. The ones I've always seen
3 have been three and four and 500 houses, and that
4 kind of concerns me, and after listening to most of
5 this tonight, that, you know, it's maybe the only way
6 we got to go.

7 But when Mr. Clifford was there, I
8 proposed this. And I hear the cancer people. And
9 I've been there 20 years and I've got a daughter, and
10 it leaves questions into my mind if it's the water,
11 because of the lack of being taken care of by the
12 person before the one we got now.

13 The increase that we got is
14 astronomical. I mean, it's gonna be -- I still work.
15 I work for a public utility, and I'm gonna be there
16 for quite a while. But I can afford my bill
17 probably, but I feel sorry for the guys that are on
18 fixed incomes because it's not gonna be easy for them
19 and they're not gonna be able to afford it.

20 And like I said, they're gonna have to
21 give some things up, which isn't right. So I did
22 also want to bring up, not much was said tonight,
23 that I heard a couple things about the water going
24 over the top of the manholes down along the creek.

25 I did approach Mr. Clifford and I told

1 him that I did work for a utility and do this daily,
2 and I told him that they have -- he was talking about
3 building a -- he said, oh, I contacted a brick
4 builder to put brick walls up around them to make it
5 taller. There's an easier solution than that.
6 There's -- these things come in two foot, three foot,
7 four foot that you can either slip in, put a ladder
8 in to get down what you need to do. We had them down
9 but they'll stay there permanently and they won't
10 leak and the water won't go over the top of them, but
11 there again, you're talking to the choir.

12 So like I said, he didn't care. He was
13 more worried about taking our daily money that we
14 paid for our bill and setting him up a retirement
15 plan for him and his wife, travel expenses. Anyway,
16 that's water under the bridge. That's about all I
17 got. Kyle and Mr. Cover do an excellent job.

18 JUDGE JORDAN: All right. Thank you.
19 Commissioners, any questions? Commissioner Jarrett?

20 COMMISSIONER JARRETT: Mr. Kay, I
21 appreciate your testimony. I don't have any
22 questions, though. Thank you for coming out.

23 JUDGE JORDAN: Commissioner Gunn?

24 COMMISSIONER GUNN: I don't have any
25 questions. Thank you for coming out tonight.

1 JUDGE JORDAN: Anything from Public
2 Counsel?

3 MS. BAKER: No, thank you, but thank you
4 for coming.

5 JUDGE JORDAN: Staff?

6 MR. DEARMONT: No questions. Thank you.

7 JUDGE JORDAN: DNR?

8 MS. BLOME: No, thank you.

9 JUDGE JORDAN: Thank you, sir. You're
10 excused. Who else would like to testify this
11 evening?

12 (NO RESPONSE.)

13 JUDGE JORDAN: Anyone else? Well, if
14 anyone else has any questions or any statements, you
15 know who the representative is from the Office of the
16 Public Counsel and the Staff are, so you may
17 certainly contact them with anything you'd like to
18 say.

19 COMMISSIONER JARRETT: I would just
20 like, again, to thank everyone for coming out
21 tonight. Again, these are very important to us on
22 the Commission. We'll have the transcript and I know
23 the commissioners that aren't here will read the
24 transcripts before they make a decision in the case.
25 So thank you again.

1 JUDGE JORDAN: Commissioner Gunn,
2 anything in closing?

3 COMMISSIONER GUNN: I want to echo what
4 Commissioner Jarrett said. You know, 50 customers in
5 the big scheme of things seem like it's small, but
6 it's important to us because we know what you're
7 facing, so that's one of the reasons that you have 50
8 percent of the Commission here.

9 Other commissioners have expressed to
10 both of us their desire in order to get it right this
11 time, so I appreciate you very much for taking the
12 time. I would also encourage you to talk to your
13 lawyer from the Office of Public Counsel and Staff
14 and any representatives from the Commission tonight
15 to answer any other questions.

16 You can always send in written comments
17 if you have other folks or if something wasn't said
18 tonight that you want to say and you didn't really
19 want to get up and testify. You can still send those
20 comments in and those will be included in the record,
21 and we'll be happy to take a look at them as we go
22 down the line.

23 We know this is a big deal for you. We
24 appreciate you taking the time to come out of your
25 homes on a very hot night to express it, so thanks

1 for coming. We really appreciate it.

2 JUDGE JORDAN: And with that we are
3 adjourned.

4 (WHEREUPON, the hearing in this case was
5 concluded.)

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