

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Discovery Conference

August 29, 2011

Jefferson City, Missouri

Volume 2

In the Matter of Missouri-American)
Water Company's Request For) File Nos. WR-2011-0337
Authority To Implement a General) and SR-2011-0338
Rate Increase For Water and Sewer)
Service Provided In The Missouri)
Service Areas)

HAROLD STEARLEY, Presiding,
SENIOR REGULATORY LAW JUDGE

REPORTED BY:

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P R O C E E D I N G S

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2 JUDGE STEARLEY: Good morning. It's Monday,
3 August 29, 2011. The Commission has set this time, along
4 with other times throughout the procedural schedule, for
5 discovery conferences in the matter of Missouri-American
6 Water Company's Request for Authority to Implement a
7 General Rate Increase for Water and Sewer Service Provided
8 in Missouri Service Areas, which is File No. WR-2011-0337.

9 I am Harold Stearley, and I am the presiding
10 judge over this matter. We can go ahead and take entries
11 of appearance, beginning with Missouri-American Water
12 Company.

13 MR. ENGLAND: Thank you, Judge. Let the
14 record reflect the appearance of Dean Cooper and William
15 England on behalf of Missouri-American Water Company. I
16 believe we've completed a written entry of appearance, so
17 that will have our mailing address on that.

18 JUDGE STEARLEY: Thank you, Mr. England.
19 For the Office of the Public Counsel.

20 MS. BAKER: Thank you. Christina Baker,
21 appearing on behalf of the Office of the Public Counsel and
22 the ratepayers.

23 JUDGE STEARLEY: Thank you, Ms. Baker. For
24 the City of Joplin.

25 MR. SCHWARZ: Tim Schwarz; Blitz, Bardgett &

1 Deutsch; 308 East High, Suite 301, Jefferson City 65102;
2 appearing for the City of Joplin.

3 JUDGE STEARLEY: Thank you, Mr. Schwarz.
4 And for the Staff of the Missouri Public Service
5 Commission.

6 MS. LEWIS: Thank you, your Honor. Rachel
7 Lewis, appearing on behalf of the Staff, P.O. Box 360,
8 Jefferson City, Missouri 65102.

9 JUDGE STEARLEY: Thank you, Ms. Lewis.

10 MS. LEWIS: Your Honor, do we need to open
11 up the phone line?

12 JUDGE STEARLEY: No one has contacted me by
13 phone or e-mail or any other manner to request that the
14 phone line be available, so I'm assuming that these are the
15 only parties that are going to attend today.

16 And I do want to make clear, because I know
17 there was perhaps a little bit of confusion, judging by the
18 calls and e-mails I got, but the discovery conferences are
19 not mandatory. But I would expect anyone who has a
20 discovery issue to be present for these conferences,
21 because if they don't show up, at a certain point, their
22 issues are going to be considered waived, if they haven't
23 brought them up in a reasonable time frame prior to the
24 hearing.

25 What the Commission is trying to do is to

1 prevent this flood of last minute discovery requests and
2 battles that have been occurring in the weeks just prior to
3 hearing, which interferes with parties' preparations for
4 the hearing. So that's why we're having these and
5 hopefully be able to resolve any types of difficulties
6 early on in the procedural schedule.

7 And with that, I guess, let me ask -- I know
8 this is our first conference, and I'm really not
9 anticipating any discovery issues at this time, but are
10 there any between those parties who've shown today?

11 MS. LEWIS: Your Honor, at this point Staff
12 has a list of DRs that it's currently working with the
13 company to get adequate responses for. They're not
14 delinquent, time-wise, but we're still kind of in the midst
15 of resolving them. So I wanted to put the Court on notice
16 that DR 0110, DR 0122, DR 0124, DR 0125, DR 0127, DR 0151,
17 DR 0109, and DR 0156 are still being discussed with the
18 company.

19 JUDGE STEARLEY: All right. At our next
20 conference, if there's been a delay in getting answers,
21 what I would expect -- or before, if it's becoming a
22 problem -- I would expect counsel to provide me with a list
23 of the DRs, when they were served, and if there's been
24 answers or objections when those were filed so that I'm
25 fully informed of the status of those.

1 MS. LEWIS: Sure, your Honor. Thank you.

2 MS. BAKER: Public Counsel has none that are
3 delinquent. We do have some that are due, I think, on the
4 31st, so this week, but we're fulling expecting they'll be
5 received.

6 JUDGE STEARLEY: All right. Are there any
7 other issues we need to take up today? These conferences
8 may be this brief, depending on where the parties are in
9 the discovery process, but we are going to go on the record
10 each time, note appearances. And hopefully we're going to
11 stay ahead of the game so then when we get closer to the
12 hearing, we won't be dealing with any of these last-minute
13 items.

14 I also wanted to make clear there is a
15 separate discovery schedule, I believe, I got set for the
16 true-up proceeding. Another thing the Commission does not
17 want to see is true-up discovery requests being bartered
18 with the primary case discovery requests, being used in
19 some way as an improper tactic to try to get additional
20 discovery completed during the hearing process itself.

21 So I would expect any party to alert me if
22 they believe the discovery process is being abused, because
23 we have a cut-off date for the primary case and cut-off
24 date for the true-up proceeding.

25 All right. If there's nothing else, we'll

1 adjourn, and I thank you-all for coming today.

2 (Off the record.)

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CERTIFICATE OF REPORTER

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I, Kristy Bradshaw, CCR No. 1269, within the State of Missouri, do hereby certify that the testimony appearing in the foregoing matter was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Kristy Bradshaw, CCR