

1                   BEFORE THE PUBLIC SERVICE COMMISSION

2                                 STATE OF MISSOURI

3   \_\_\_\_\_

4                   TRANSCRIPT OF PROCEEDINGS

5                                 Evidentiary Hearing

6   February 23, 2012

7                                 Jefferson City, Missouri

8   Volume 22

9   \_\_\_\_\_

10

11         In the Matter of

12         Missouri-American Water Company's     )

13         Request For Authority To Implement     )

14         A General Rate Increase for Water     )File No. WR-2011-0337

15         And Sewer Service Provided In         ) and SR-2011-0338

16         Missouri Service Areas                 )

17   \_\_\_\_\_

18

                                       HAROLD STEARLEY, Presiding

19   SENIOR REGULATORY LAW JUDGE

20   \_\_\_\_\_

21

22

23         REPORTED BY:

               NANCY L. SILVA, RPR, CCR

24         TIGER COURT REPORTING, LLC

25

A P P E A R A N C E S

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHRISTINA BAKER  
Office of Public Counsel  
200 Madison Street  
P.O. Box 2230  
Jefferson City, Missouri 65102  
573.751.5565  
FOR: Office of Public Counsel and the Public

KEVIN THOMPSON  
RACHEL LEWIS  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, Missouri 65102  
573.751.8706  
FOR: Staff of the Missouri Public Service  
Commission

1                   JUDGE STEARLEY: All right. Good morning.  
2                   It's Thursday, February 23, 2012. We are back on the  
3                   record in File No. WR-2011-0337. We had recessed on  
4                   Tuesday so the parties could work on a negotiated  
5                   settlement, and we'll inquire of counsel for an update  
6                   on where we're at here.

7                   MS. LEWIS: Judge, this is Rachel Lewis for  
8                   Staff. I have been given permission to speak on  
9                   behalf of a number of parties today that we are close  
10                  to a nonunanimous stipulation and agreement. We  
11                  believe we can conclude that by the end of today so  
12                  that tomorrow we could go back on the record and  
13                  proceed with any kind of hearing that we need to or  
14                  scheduling that we need to do before the conclusion.  
15                  It will not be unanimous, but I am unaware of any  
16                  opposition to the stipulation and agreement.

17                  JUDGE STEARLEY: Do you think that it will  
18                  be in final form where it will be filed tomorrow?

19                  MS. LEWIS: That's the goal, yes, Judge.

20                  JUDGE STEARLEY: Okay. As you know, we did  
21                  have three parties who filed notices that they didn't  
22                  intend to be present or enter an appearance until next  
23                  week when those individual issues came up --

24                  MS. LEWIS: Uh-huh.

25                  JUDGE STEARLEY: -- Triumph Foods, City of

1           Warrensburg, and Local 335.

2                       I'm assuming you've been in contact with  
3 all the parties during these negotiations.

4           MS. LEWIS: Yes, we have.

5           JUDGE STEARLEY: Are you aware of anyone  
6 wanting to have a day of hearing on any issue?

7           MS. LEWIS: I believe that there will be  
8 one party. I don't want to speak too much, because I  
9 know that there are still negotiations going on, but  
10 it's likely the Union's issues will go to hearing, but  
11 that hasn't been finalized just yet.

12          JUDGE STEARLEY: All right.

13          MS. LEWIS: The other parties have  
14 participated in other discussions.

15          JUDGE STEARLEY: If you will, please  
16 communicate to the other parties for me, and I will  
17 maybe get a written notice out, as well, today. We  
18 are going to need to know relatively soon if anyone  
19 does want a day of hearing just so we can schedule it  
20 and be sure we have the appropriate witnesses  
21 available for that time.

22          MS. LEWIS: Sure.

23          JUDGE STEARLEY: I would assume that if we  
24 do need a day of hearing it can be scheduled sometime  
25 next week.

1 MS. LEWIS: That's what we're planning on,  
2 trying to get the stipulation and agreement finalized  
3 this week and focus on any issues that need to be  
4 taken to hearing next week.

5 JUDGE STEARLEY: All right.

6 So we can go ahead and recess for the  
7 remainder of today. We can pick up and go back on the  
8 record tomorrow morning.

9 MS. LEWIS: What time tomorrow morning,  
10 Judge?

11 JUDGE STEARLEY: 8:30 again, if that's  
12 acceptable.

13 MS. LEWIS: In terms of appearance, are all  
14 the parties required to be here?

15 JUDGE STEARLEY: No. If they have given  
16 you authorization to present the stip, they are not  
17 required to be in attendance.

18 MS. LEWIS: Okay.

19 JUDGE STEARLEY: They're certainly not  
20 excluded, if they want to be here.

21 MS. LEWIS: Sure.

22 JUDGE STEARLEY: They aren't required to be  
23 here.

24 MS. LEWIS: Okay. All right. Thank you,  
25 Judge.

1                   JUDGE STEARLEY: All right. Thank you for  
2 the update, and we'll go off the record.

3                   MR. THOMPSON: Thanks, Judge, and we  
4 appreciate your flexibility and willingness to work  
5 with us in getting this case --

6                   JUDGE STEARLEY: No problem.

7                   MR. THOMPSON: -- put to bed.

8                   JUDGE STEARLEY: I appreciate the parties'  
9 efforts to try to come to a resolution in this, so we  
10 will recess and we'll see you tomorrow morning.

11                  MR. THOMPSON: Thank you.

12                  (Hearing recessed until Friday  
13 February 24, 2012, at 8:30 a.m.)

14

15

16

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
CERTIFICATE

I, Nancy L. Silva, RPR, a Certified Court Reporter, CCR No. 890, the officer before whom the foregoing hearing was taken, do hereby certify that the witness whose testimony appears in the foregoing hearing was duly sworn; that the testimony of said witness 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.

---

Nancy L. Silva, RPR, CCR