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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
Local Public Hearing
January 28, 2016
Warsaw, Missouri

In the Matter of Missouri-American)
Water Company's Request for Authority)
to Implement a General Rate Increase) File No.
for Water and Sewer Service Provided) WR-2015-0301
in Missouri Service Area)

MICHAEL BUSHMANN, Presiding,
REGULATORY LAW JUDGE

WILLIAM KENNEY,
COMMISSIONER.

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

2 (Whereupon, the public hearing started at 12:00
3 P.M.)

4 JUDGE BUSHMANN: Let's go on the record. Good
5 afternoon. Today is January 28, 2016. Missouri Public
6 Service Commission has set this time for local public
7 hearing in File No. WR-2015-0301 which is captioned as In
8 the Matter of Missouri-American Water Company's Request
9 for Authority to Implement a Generate Rate Increase for
10 Water and Sewer Service Provided in Missouri Service
11 Areas.

12 My name is Michael Bushmann, I'm the Regulatory
13 Law Judge who will be presiding over this hearing. With
14 me today is Commissioner Bill Kenney. Commissioner, did
15 you want to make any opening remarks?

16 COMMISSIONER KENNEY: Thank you. Good
17 afternoon. I'm pleased to see such a good turnout here.
18 As mentioned, my name is Bill Kenney. I'm one of five
19 commissioners. We all try to attend the public hearing.
20 The other four -- we do have a court reporter here, so all
21 the other commissioners will have an opportunity to read
22 your testimony and -- that you're going to give today. So
23 on behalf of the commissioners, I'd just like to tell you
24 thank you for coming and look forward to hearing what you
25 have to say.

1 JUDGE BUSHMANN: Let's have the attorneys make
2 their entries of appearance. For Missouri-American.

3 MR. LUFT: Tim Luft. The court reporter has my
4 information.

5 JUDGE BUSHMANN: Commission staff?

6 MR. JOHNSON: Mark Johnson, P.O. Box 360,
7 Jefferson City, Missouri 65102.

8 JUDGE BUSHMANN: Thank you. Office of Public
9 Counsel.

10 MR. KRETZER: Steven Kretzer, and I provided my
11 information to the court reporter before we went on the
12 record.

13 JUDGE BUSHMANN: And any other attorneys here
14 from any of the intervenors? There doesn't seem to be
15 any. So the process this afternoon is I'm going to call
16 the names that are listed on the sign-up sheet, those who
17 asked to testify. When I call your name, please come over
18 to the podium, where I'll ask you to state your name and
19 where you live and then you can make your comments to the
20 Commission.

21 So the first name on the list is Mr. Scott, I
22 believe.

23 MR. SEEK: How about Mr. Seek?

24 JUDGE BUSHMANN: I'm sorry, I couldn't read that
25 very well. My apologies.

1 MR. SEEK: I should have been a doctor because
2 of my penmanship, I was told.

3 JUDGE BUSHMANN: Could you raise your right
4 hand, please? Do you solemnly swear or affirm that the
5 testimony you're about to give will be the truth?

6 MR. SEEK: I will; I do.

7 JUDGE BUSHMANN: Can you please state your name
8 and spell your last name?

9 MR. SEEK: My name is Ted Seek, S-E-E-K. I live
10 in Blue Branch.

11 JUDGE BUSHMANN: Go ahead.

12 MR. SEEK: I think that the American Water's
13 rates are good. If they have the figures of the
14 material -- of the work that needs to be done at the plant
15 and that's based on the 65.22 rate that they have given us
16 and it stays that way for four years, I think this can be
17 nothing but a win/win situation for this non-existing
18 sewer district.

19 I understand that there will be no district,
20 that it's just going to be a private ownership entity.
21 They're purchasing the whole system and that once they do
22 that, the state law is -- allows -- the state law allows,
23 along with the laws of Benton County, allow the people who
24 have been bitching the loudest that if they can pass all
25 the state requirements and county requirements for a

1 private septic system to be put in, they can so choose to
2 disconnect from American Water and install their own
3 system. But that is only if they pass all the
4 requirements.

5 There's several people in our district that have
6 very small lots and live on nothing but rock and ground
7 that are bitching about us that are -- they seem to not
8 realize that the county is not going to allow them to have
9 an above-ground holding tank in our area and they
10 certainly won't be able to put in their own septic system
11 because of the geological conditions that we have. That's
12 one of the reasons why I fought so hard for this sale.

13 And if -- what I understand according to the
14 rules, the state statute that allowed them to dissolve the
15 district, unless the judge decides otherwise, the
16 ownership or the board will still exist to distribute any
17 funds or sell any assets, but we're not going to have
18 assets because the entire system was bought. All the
19 material, parts and everything is included in this
20 purchase.

21 So they are not purchasing the accounts
22 receivable or the accounts payable. They're starting out
23 with a zero balance for everybody, so that's a good deal
24 for some of these people, if they start paying their sewer
25 bill. And, like I said, if they don't want American

1 Water, then they'll file for their septic permit.

2 But I want it known that if the judge does bring
3 it back to the board, who I'm presently president of, if
4 it comes back to us, we've already had one meeting, we'll
5 be having more meetings and we'll be letting the public
6 know what we're going to be doing. But as the -- they had
7 stated before, liens have been placed on properties,
8 everything over \$400 or more.

9 We have a big concern of the ones that haven't
10 had liens filed on them and if we have an ability to file
11 liens -- all that's being checked out -- if we can
12 continue to file a lien on somebody on an account after
13 the sale. The answers that I've got so far is yes, but
14 I'd have to have it from an attorney in writing before we
15 can pursue that avenue.

16 But we're going to try to do an amnesty program.
17 We'll try to get the people who owe, knock off all the
18 fees and interest and pay the basic sewer service that was
19 being billed and anybody that pays up without -- if they
20 pay -- if we like give -- credit the interest and any
21 service charges off of the account and they pay the basic
22 sewer bill, one, we would release the lien and, two, they
23 would then qualify for the distribution of any funds that
24 are left over.

25 And there will be some funds left over. It's

1 not going to be in the hundreds of thousands of dollars.
2 It will be in the tens of thousands of dollars to be split
3 amongst the customers who have kept their accounts paid
4 up.

5 And what we're planning on doing, we're already
6 getting paperwork month by month from when the rates
7 started to increase and they started the penny protest and
8 that was back in April of 2012. We'll probably go back
9 clear to January of 2012 and everybody who has kept their
10 account paid up, those people will be getting the largest
11 credit back that can be credited to American Water or a
12 check to the homeowner.

13 If there were several homeowners in that period,
14 it will be divided up, that amount will be divided up.
15 The money will be put into a trust fund is what our plan
16 is until such time as we get all this paperwork done.
17 And, like I said, it still has to come down from the judge
18 what she expects. She may want Scott to do it, but I'm
19 under the impression that Scott wants out pretty bad right
20 now. So he was just -- he was retired and he come out of
21 retirement for DNR just for this purpose of receivership
22 for this district.

23 I don't know if they appoint him, if the judge
24 appoints him, if DNR will continue to pay the rate to
25 Mr. Todd that he's been charging or if it will start

1 coming out of the leftover funds of the board. So, you
2 know -- of the district.

3 So that's -- I just think it's a win/win
4 situation and I just wanted these facts noted to the
5 Commission that I think the rate is a good rate, I think
6 it's a good deal and the water -- I'm not concerned
7 because I'm on Blue Branch water. Thank you and have a
8 good day.

9 JUDGE BUSHMANN: Could you stay there a second?
10 Are there any questions from attorneys?

11 COMMISSIONER KENNEY: Thank you, Mr. Seek.

12 MR. SEEK: I wasn't told I had to take questions
13 afterwards.

14 JUDGE BUSHMANN: Thank you, sir.

15 COMMISSIONER KENNEY: Thank you.

16 JUDGE BUSHMANN: Mr. Harris, Hubert Harris.

17 MR. HARRIS: Good morning.

18 JUDGE BUSHMANN: Raise your right hand, please.
19 Do you solemnly swear or affirm that the testimony you're
20 about to give will be the truth?

21 MR. HARRIS: I do.

22 JUDGE BUSHMANN: Can you please state your name
23 and spell your last name?

24 MR. HARRIS: Hubert L. Harris. What else?

25 JUDGE BUSHMANN: Spell your last name.

1 MR. HARRIS: H-A-R-R-I-S.

2 JUDGE BUSHMANN: And where do you live, sir?

3 MR. HARRIS: I live in North White Branch. I
4 used to be the president of North White Branch. A couple
5 of weeks ago the leader of our great nation mentioned
6 something about we the people. In the beginning of our
7 country, there was something written about we the people,
8 that we are endowed with certain inalienable rights, that
9 among these are life, liberty and the pursuit of
10 happiness.

11 A lot of people retired down here that have come
12 down here after 30 years of work, you know, only to get
13 into a real quagmire, a real mess. We the people to me
14 means that we make the decisions or we have the rights.
15 We have the right to vote, we have the right, you know, to
16 do what we think is best for the community.

17 When the sewer district went into effect, the
18 basic part of the people that lived down here didn't get
19 their right to vote because it was just something local
20 that you had to be a full-time resident and that type of
21 thing, but yet it affected me.

22 But anyway, moving on, for three years we have
23 fought this situation. Maybe it's a losing battle, maybe
24 not. We've done a lot of praying about it and we've just
25 put it in God's hands, you know. Whatever he decides, you

1 know, will happen.

2 But again, the problem that I have with this
3 situation is -- and the gentleman that was up here a
4 minute ago with the Attorney General's Office and
5 whatever, his third statement just really took me to the
6 sole big problem of this situation. He made the comment
7 that the USDA made the sewer district a loan, a loan.

8 Now, this whole thing can be settled right here
9 today. If you can show me where I voted for a loan, you
10 can show -- if you can show me the paperwork right here
11 today that shows me where Judge Scott approved this
12 district going in with a loan. He didn't. He approved it
13 to be funded by revenue bonds, not a loan and here we go.

14 After 20 years, you know, this is still the
15 problem. If this situation -- if anybody in here can show
16 me the paperwork, show me where anybody voted for a loan,
17 then we'll hang up our hats and this will all be over.
18 Thank you.

19 JUDGE BUSHMANN: Any questions for Mr. Harris?
20 Thank you, sir.

21 COMMISSIONER KENNEY: Thank you, Mr. Harris.

22 MR. SEEK: I have questions.

23 JUDGE BUSHMANN: Sir, that's only for the
24 attorneys to ask questions, not from the audience. You
25 can talk afterwards.

1 MR. HARRIS: I didn't want to hear from him
2 anyway, you know.

3 JUDGE BUSHMANN: That's fine. Thank you,
4 Mr. Harris.

5 COMMISSIONER KENNEY: Thank you.

6 MR. HARRIS: I'll still be waiting for that, you
7 know, that's all they've got to do.

8 MR. SEEK: Go sit down. You're done.

9 MR. HARRIS: Go get the paperwork for a loan.

10 JUDGE BUSHMANN: That's all the names I had on
11 the list of those who wanted to testify. Was there
12 anybody else in the audience that would like to make any
13 comments? Yes, ma'am. Can you come forward? Raise your
14 right hand.

15 MS. SULLINS: My name is Catherine Sullins.

16 JUDGE BUSHMANN: Do you solemnly swear or affirm
17 that the testimony you're about to give will be the truth?

18 MS. SULLINS: Yes, I do.

19 JUDGE BUSHMANN: Can you state your name?

20 MS. SULLINS: Catherine Sullins. I live in
21 White Branch.

22 JUDGE BUSHMANN: How do you spell your last
23 name?

24 MS. SULLINS: Sullins, S-U-L-L-I-N-S.

25 JUDGE BUSHMANN: Thank you. Go ahead.

1 MS. SULLINS: Okay. I have some information.

2 MR. SEEK: We can't hear back here. Excuse me.

3 JUDGE BUSHMANN: Can you pull that mike down
4 there?

5 MS. SULLINS: Sure. I want to know why the
6 mother company made \$423 million profit last year. Now
7 they're wanting another \$51 billion. Isn't that excessive
8 to ask anybody to pay? That's number one.

9 Number two is, I understand DNR is to go to
10 possibly test five to six different locations of water
11 samples a month when they turn in the samples. I've never
12 seen anybody in our district do that. How do we know
13 they're doing their job? That's pretty much it.

14 And I have a lot of times I have to buy drinking
15 water. It's not fit to drink. I drink out of a Styrofoam
16 cup. My sight is kind of bad. So I can tell if that
17 water is gray and murky and 99 percent of the time it's
18 rusty and everything else and you got to call the water
19 company.

20 They're kind of rude on the dispatch and then
21 you go through the whole ordeal and when something is
22 fixed, they act like they don't know anything going on and
23 they don't have the courtesy to call you back. Have you
24 got fresh drinking water? Is everything okay? Nothing,
25 not consumer friendly at all. So I think those are some

1 issues that need to be touched on.

2 So they're asking for too much of an increase.

3 And on a fixed income, a poverty community, this is a slap

4 in the face. And don't get me wrong, I think it's an

5 embarrassment these officers have to be brought off of

6 their duty to sit here. We are not Oregon. We're just

7 some upset homeowners and this is a shame they got to

8 waste their time in here. But I thank you guys for

9 protecting me anyway. Thank you. That's all I have.

10 JUDGE BUSHMANN: Thank you, ma'am. Any

11 questions?

12 COMMISSIONER KENNEY: Thank you, Miss Sullins.

13 JUDGE BUSHMANN: Thank you. Anybody else like

14 to testify? I don't see any hands. So that concludes our

15 hearing. The rate case will be -- if you wanted to make

16 written comments, you can call the Public Service

17 Commission or the Office of Public Counsel or you want to

18 provide more comments if you think of them later or you

19 can get on our website and provide them yourself there.

20 And the rate case will be at a point later in the future

21 and you can watch that on the internet. So with that, I

22 think that's all our business. We're adjourned and off

23 the record.

24 (Proceedings concluded at 12:18 P.M.)

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CERTIFICATE OF REPORTER

I, Julie K. Kearns, Certified Court Reporter
(MO), Certified Shorthand Reporter (IL), Registered
Professional Reporter and Certified Realtime Reporter
within and for the State of Missouri, do hereby certify
that I was personally present at the proceedings had in
the above-entitled cause at the time and place set forth
in the caption sheet thereof; that I then and there took
down in Stenotype the proceedings had; and that the
foregoing is a true and correct transcript of such
Stenotype notes so made at such time and place.

Julie K. Kearns, CCR #993, CSR, RPR, CRR

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