| 1 | STATE OF MISSOURI |
| :---: | :---: |
| 2 | PUBLIC SERVICE COMMISSION |
| 3 |  |
| 4 | TRANSCRIPT OF PROCEEDINGS |
| 5 | VOLUME 7 |
| 6 | Local Public Hearing |
| 7 |  |
| 8 | Thursday, January 25, 2018 |
| 9 |  |
| 10 | Missouri Western State University |
| 11 | Leah Spratt Hall - Enright Room 214 |
| 12 | 4525 Downs Drive <br> St. Joseph, Missouri 64507 |
| 13 |  |
| 14 |  |
|  | In the Matter of |
| 15 | Missouri American Company's |
|  | Request for Authority to |
| 16 | Implement General Rate |
|  | Increase for Water and |
| 17 | Sewer Service Provided in |
|  | Missouri Service Areas. |
| 18 |  |
| 19 | File No. WR-2017-0285, et al. |
| 20 | KIM S. BURTON, Presiding |
|  | Senior Regulatory Law Judge |
| 21 |  |
|  | WILLIAM P. KENNEY, Commissioner |
| 22 |  |
| 23 |  |
|  | REPORTED BY: Cherie L. House, RPR, CCR |
| 24 | Alaris Litigation Services 1608 Locust Street |
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PROCEEDINGS
(The hearing commenced at 5:36 p.m.)
JUDGE BURTON: Good evening, everyone.
Let's go ahead and go on the record in File
No. WR-2017-0285, et al., in the Matter of Missouri
American Water Company's Request For Authority to Implement General Rate Increase For Water and Sewer Services Provided in Missouri Service Areas.

Today is January 25, 2018. The time is approximately 5:30 p.m., and we are in St. Joseph, Missouri, in the Leah Spratt Hall.

My name is Kim Burton, and I'm the regulatory law judge with the Missouri Public Service Commission. To my left we have one of the commissioners with us -- Bill Kenney.

COMMISSIONER KENNEY: Good evening. Pleasure to be back in St. Joe. I am one of five public service commissioners. And we have a court reporter with us tonight, and she will be recording any of you that wish to have something to talk about or express your feelings. The other commissioners will have an opportunity to read that testimony.

We have several of these public hearings across the state from St. Louis to St. Joe down to Branson because Missouri American Water is in one of

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our communities.

Again, I appreciate you coming out. This is just part of the stage, part of the efforts that go forward with the company trying to get a rate increase.

We will start two weeks of testimony and a hearing starting February the 26th; so if you want to tune in on the internet, you're welcome to watch that as well. But I appreciate you coming out tonight and expressing yourself. And I'm sure that the Staff and the Office of the Public Counsel and company have done an excellent job of trying to inform you.

Thank you.
JUDGE BURTON: At this time I will take an entry of appearance from the attorneys representing the parties. We will begin with Missouri American Water Company.

MR. LUFT: Thank you, Judge. Tim Luft with Missouri American Water, and the court reporter has my information.

JUDGE BURTON: Thank you, Mr. Luft.
On behalf of the Staff of the Missouri Public Service Commission.

MS. KLAUS: Good evening, Judge.

Alexandra Klaus for Staff of the Missouri Public Service Commission, and the court reporter has my information.

JUDGE BURTON: Thank you, Ms. Klaus.
On behalf of the Public Counsel.
MR. WILLIAMS: Nathan Williams on behalf of the Office of the Public Counsel and the public, and the court reporter has my information as well.

JUDGE BURTON: Thank you.
Now, the way this works is $I$ have a list of individuals who previously indicated that they would like to come up and offer their testimony. After we're done with that list, I'll call you up, I'll swear you in, and have you provide your testimony. I would ask that you stay up at the podium; so that way if $I$ or if Commissioner Kenney or any of the attorneys have questions for you, that they can ask those.

I will, after we finish the list of people who have already said they wanted to testify, give an opportunity for other individuals who are here who might want to testify because they hear something that they want to add onto or something else that you would like the commission to consider. And I want to point out that anything that
you might have referenced in the question-and-answer session that immediately preceded this hearing is not part of the record. That's why we have a court reporter here, and there's going to be that transcript that Commissioner Kenney referenced that is going to be reviewed by the other commissioners. So if you did say something or mentioned an issue during that question-and-answer session that you want the commission to consider as part of this hearing process, please feel free to come up and testify at the conclusion of these individuals' testimony.

I would also state that the commission is interested if there are any individuals who have questions, concerns, or past history with lead in their water or concerns about that or line replacement or testing of water with lead issues, the commissioner is also interested in hearing about that as well.

So that being said, I will also point out that we have a five-minute timer. I'll go ahead and begin that just so we can give an opportunity -actually, $I$ think we are fine for right now. We'll go ahead and start with Kevin Wedeking.

MR. WEDEKING: Very good.
JUDGE BURTON: I was going to say I apologize if I mispronounced your name.

MR. WEDEKING: No, you did very well.
JUDGE BURTON: All right. Would you
please raise your right hand.
KEVIN WEDEKING,
a witness, being first duly sworn, testified under oath as follows:

JUDGE BURTON: Thank you, sir. If you would, please state and spell your name for the court reporter.

MR. WEDEKING: Kevin Wedeking. Last name is $W-e-d-e-k-i-n-g$.

JUDGE BURTON: Thank you.
MR. WEDEKING: Judge Burton, Commissioner Kenney, thank you for the opportunity to present a statement today. I am Kevin Wedeking. I am the chief financial officer of Triumph Foods. We have our offices at 5302 Stockyards Expressway here in St. Joseph, Missouri.

I am pleased to have this opportunity to
give you an introduction to Triumph Foods and explain Triumph Foods' importance to the community and to the community's activities.

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I'm not here to get into the technicalities of the case as we are a party to the case, and we have some experts that are ready to file testimony on our behalf before the commissioners in the evidentiary hearing.

Triumph Foods was organized in 2003 by a group of pork producers. At that time it was known as Premium Pork. Today it is known as Triumph Foods. We began processing operations in 2006 . And today we employ over 2,800 people. We process over 6 million head of hogs a year. We generated over \$1.5 million in revenue, and we invest in nearly $\$ 275$ million in fixed assets in the local community alone. Our products are sold to quality food distributors, further processors, retailers in the US and around the world.

Triumph has had a tremendously positive impact on the local community and the state of Missouri. Our annual payroll is over $\$ 120$ million. That includes $\$ 4.8$ million in annual state and local payroll taxes. $\$ 1.5$ million annually in local property taxes. And every year we donate over a quarter million dollars to local charities, both by monetarily and product donations, including schools and other outreach and public service organizations.

An example of some of these donations include a major presenter, presenting sponsor of the Apple Blossom Barbecue, which is held here in St. Joseph and it benefits the Children's Advocacy Network. We are a gold level sponsor of the Trails West Festival here in St. Joseph. We are a corporate partner with the Missouri Western State University Athletics programs. We support the YMCA with annual contributions. We've made contributions to United Way, each year supporting their programs and part of their agencies. We provide bi-annual product donations to the Second Harvest Community Food Bank, and we are an active member in the St. Joseph Chamber of Commerce just to mention a few things.

Triumph continues to grow in the community. Since opening in 2006, we've invested over $\$ 100$ million in the local community on production assets. In 2015 Triumph Foods purchased a 50 percent interest in Daily's Premium Meats. The joint venture completed a new bacon processing facility in St. Joseph during 2016 which today employs roughly 165 people.

Just in the last year alone, we've announced several new projects. We are expanding
our production capabilities to include ham boning capacity that will add 70 new positions when it is completed.

We are expanding our storage and export coolers currently, and that will allow us to handle more product efficiently which will be able to allow us additional volumes and that allows numerous construction and trade positions to be created.

Triumph Foods chose St. Joseph after an extensive project-scoping exercise which include several with Midwest locations competing for the opportunity. Those include competitive sites in Minnesota, Nebraska, and Illinois.

Several jurisdictions were offered significant discounts on water rates well below the standard tariff structure available in St. Joseph at the time.

Triumph ultimately chose St. Joseph for a number of factors, not just the water rates, but it had a major impact on the decision. This special contract, which we are a party to, affords us rates that are comparable to other jurisdictions.

I firmly believe this special contract between Triumph Foods and Missouri American Water Company remains in the public interest as it has
contributed to Triumph Foods' success allowing us to continue creating jobs, providing additional tax revenues, indirectly creating many jobs in support of our operations, and positively impacting local charities and service organizations that depend on their outreach.

In closing, this is why Triumph Foods has been a very positive economic development for St. Joseph and Missouri.

Thank you.
COMMISSIONER KENNEY: I appreciate it. Thank you very much, sir.

MR. WEDEKING: Thank you.
JUDGE BURTON: Thank you for your testimony.

Virginia Weigum. Would you please raise your right hand.

MS. WEIGUM: Thank you for pronouncing my name correctly.

JUDGE BURTON: 2 and 0 today, pretty good. VIRGINIA WEIGUM,
a witness, being first duly sworn, testified under oath as follows:

JUDGE BURTON: Will you please state and spell your name for the record.

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A. Virginia Weigum, W-e-i-g-u-m.

I would like the commission to keep and mind that 53 percent of the citizens and our community are of very modest incomes. A lot of us -- I'm not one of them, but $S t$. Joe as a unit, we -- they struggle. And when they can't get any place with solving problems -- I've done it for so many years, I've helped so many people -- that they usually just pick up the phone and call me, and I'm glad to do anything I can.

And your new rate structure, I'm, please, asking you to be aware of the people that live on a very modest income. And even though your water rates don't -- are not part of our sewer complex of rates, it does impact the whole picture of your living expenses here in the city.

And many, many people -- and you do not hear about it; it's not in the paper -- but many people that have families have a hard time with the sewer rate; and again, it has nothing to do with you. They get to the point where they can't afford it because I live and a modest residential house with my husband and $I$, and I do have a water softener that does take extra water. I do have it on auto processor for water. That does take extra

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1 water. And I do like to keep my lawn watered
2 because, if you don't take care of what you have, 3 it's not going to be there next year; so I do use 4 more water than probably the average person. But my 5 rates are approaching $\$ 75$ a month for just the sewer.

And in the 2008 bill that the citizens of St. Joe voted on which allowed the city to go to the state of Missouri for very affordable interest rates on either loans or bonds, the rate went from 8, 10 percent down to $21 / 2$ percent; and it was a big savings for the city. The city has saved millions of dollars because of that, but at the same time hidden in that bill, it allows the city to raise their sewer rates by a maximum of 17 percent a year; so every $41 / 2$ years your bill doubles. When my bill was $\$ 25$ a month and went to 50, that was -- I could manage that. When it went now at $\$ 75$ and 4 1/2 years, if they consider the same rate increases, it will go up to $\$ 150$ a month; and then there will have to be a sign and front of my house and I'll have to leave the community. And I've lived here for 45 years.
It is a big problem. It is not your problem, but it is part of the whole big picture.

So a lot of senior citizens are choosing between medication, food, and their living expenses.

And after you become delinquent the second month with the city, with your sewer bill, then a call is made to the water company to turn off the water to the house unless, again, you work for one of the charities, then because of these rates the families can't afford, the children go to the Noyes Home, which is a wonderful orphanage. I don't really know how else to describe it that really takes care of the community. And then parents become homeless and live out of their cars. Maybe you can do that during the summer months, but you can't do it during the winter months. And it does split up families, and it does put an awful pressure on children learning and school not being with their parents, et cetera, et cetera, et cetera.

And I want to give you a wonderful comment because everyone is dressed and business professional attire. I love dress-down days but not to the point where it looks like, you know, I'm going to a rodeo or something.

And thank you for your time.
COMMISSIONER KENNEY: Just quickly, you do understand that Missouri American Water has no
control over whether or not they get to shut off your water? That's probably your legislative issues. Legislators, you could talk with them. And then also, as you mentioned, they have no control over the sewer. I know that's a problem, but that's -- that will not be part of our case.

MS. WEIGUM: Okay. I just -- we have 28 people -- this is not part of your finding on facts, but we have 28 people running for city council. That goes to show you how unhappy a lot of people are.

COMMISSIONER KENNEY: That's a good thing, right?

MS. WEIGUM: It is a good thing. People should be very involved, but we have gotten a very bad reputation because of our sewer rates.

COMMISSIONER KENNEY: I appreciate your testimony. Thank you very much.

MS. WEIGUM: Thank you.
JUDGE BURTON: Thank you, ma'am.
Is there anyone else who would like to offer testimony on the record?

RUSTY SUMMERS,
a witness, being first duly sworn, testified under oath as follows:

JUDGE BURTON: Please state and spell name your name.

MS. SUMMERS: Rusty Summers, R-u-s-t-y, $S-u-m-m-e-r-s$.

I'm here -- I'm actually one of the people that are going out for at large and $S t$. Joe mainly because of some of the things that are going on and St. Joe with the sewer and now water.

You're asking for more money from citizens that don't have it. I am going to reiterate some of what Virginia said. Small businesses and people on fixed incomes cannot afford this. It affects my business as well because I am a luxury business. So then, whenever people can't afford to pay their own bills, then they can't come and spend money at my shop.

One of your slogans is that you truly put -- you want to put customers first, and I ask that you try to do that and not do this rate increase.

Oh, and to also say about -- I don't really understand what you said that it doesn't affect you or affect people.

COMMISSIONER KENNEY: No, no. I said when I -- are you talking about Missouri American Water's

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inability to control whether or not they can shut 2 off the water?

MS . SUMMERS: Um-hum.
COMMISSIONER KENNEY: Well, that's more -they would not do that because they can't do that unless someone tells them, like a legislative action, if it's a state law. They can pass it. I remember seeing something like that a few years ago. So your legislators passed a law because your city wanted them to and other cities to say, since they can't shut off your sewer, because there's really nothing to shut off, so they got the water -- they passed legislation that they can tell the water company and the water company has to abide, and then they have to shut off the water.

MS. SUMMERS: And I do understand that, but it's up to you guys whether or not you have the rate increase. And you did mention the sewer as well when $I$ first walked and, sewer and water rate increases; so it obviously does have something to do with you guys with the sewer increase as well.

JUDGE BURTON: Let me clarify, when we say "for sewer," there are some communities where Missouri American also provides sewer service. It just doesn't have to be here.

MS. SUMMERS: Well, ever since that it has been split, our sewer rates have gone sky high. And honest to God what $I$ think is that you guys seen and now you're and our community trying to get more money from us. That's our opinion.

COMMISSIONER KENNEY: Who are "you guys"? I'm trying to understand that.

MS. SUMMERS: Missouri American Water asking for money from our citizens.

COMMISSIONER KENNEY: What happens is you mentioned -- you know, we have Public Counsel here and we have the Staff. You know, when we have a rate case, we sit down, we're going to spend two weeks going through all the evidence and all the testimony; and then the commissioners, the five of us will make a decision on what those rates should be based on the evidence as presented to us. It's kind of like a court trial. It takes a long time to get done. And we'll probably make that decision sometime and April or -- you know, probably become effective, like, May 1, I think.

MS. SUMMERS: And just to reiterate with Virginia, low-income people cannot afford this. Fixed income people can't afford this. We already can't afford our sewer bills as it is.

My mom does a lot of missionary work with the homeless here and St. Joe and what -- you know, I understand what you're saying with the legislator and stuff, but it's up to you whether or not we get the rate increase and St. Joe. So to me, I would like for you to hear that that's some of the things. Like, if your water gets shut off, then your house is condemned; you cannot live there anymore; so, you know, your kids go to the orphanage and you're homeless now. You know, so then that's an economic impact on St. Joe because then we are having to support everybody else, you know, who is going out and -- or that can't afford.

We don't have enough jobs and St. Joe as it is for everyone to make a decent income, and then when you come and and you keep getting a little bit, a little bit, a little bit each time, each utility, it starts getting ridiculous.

Like I said, my business is a luxury; so then when people can't pay their bills, then they can't come to my shop. I'm a single person. I have my own house, and I have a business; so then whenever a rate increase happens, two of them happen to me.

I just don't think it's fair what you guys

1 are doing to St. Joe; and, like I said, you feel
2 like you see all of the money that our city -- even
3 though I believe it's corrupt -- with the sewer

## PATT LILLY

a witness, being first duly sworn, testified under oath as follows:

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JUDGE BURTON: Would you please state and spell your name for the record.

MR. LILLY: My name is Patt Lilly, P-a-t-t L-i-l-l-y. I'm the president and CEO of the St. Joseph Chamber of Commerce.

I wanted to briefly just provide some testimony associated with the single tariff pricing proposal that is being made by Missouri American Water.

Many years ago this -- the community built a new water plant, Missouri American built a new water plant in the community, and that plant and the impact on rates at the time was basically predicated on the notion of single tariff pricing.

Unfortunately, once the plant was built and tariffs were put into place, it basically did it on a community basis; so that meant at the time the community bore the whole cost of the water plant which originally was supposed to be done under single tariff pricing.

The problem with that was, it was a rate shock to the community, not only to the residents in the community but certainly to the business community. There were significant increases in the rates at the time.

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Certainly, we've seen rate increases since that time, and I still believe that single tariff pricing would be in the best interest of the St. Joseph community being able to spread the overall costs among a greater number of rate payers. And I think going forward, with single tariff pricing, it would mitigate, to at last some extent, potential rate increases in the future. So, again, I would just like to speak and favor of single tariff pricing.

COMMISSIONER KENNEY: You mentioned that but do you realize, in the last rate case, we went from seven rates to three rates?

MR. LILLY: Yes, sir, I do.
COMMISSIONER KENNEY: And there were a few commissioners who tried to push for the single tariff for a lot of different reasons. We just heard and another hearing yesterday or a few days ago when we had three mayors who were pushing for a single tariff. But that is a rate case, and like any other, we'll debate that and see where it goes.

MR. LILLY: Well, again, I think going through the three districts did have a positive effect, but I think, continuing that on to the single tariff, $I$ think certainly benefits the

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community overall particularly when you have to make the large capital outlays.

Now, as a practical matter, I would like to go back and see St. Joseph get some credit for the rate shock that it sustained many years ago when the water plant was built. But not being a rate expert, I wouldn't know exactly how do that, but it would seem to me that it would certainly be a fair approach to the community.

But with that said, again, $I$ think single tariff is still a better way of going forward. COMMISSIONER KENNEY: Is this an issue that the chamber is supporting, or is this just you personally?

MR. LILLY: No, this would be an issue that the chamber is supporting.

COMMISSIONER KENNEY: Thank you very much. MR. LILLY: Thank you.

JUDGE BURTON: Any questions?
MR. WILLIAMS: I do have one. Are there factors other than just rate shock, which you mentioned, that cause the chamber to support single tariff pricing?

MR. LILLY: Well, again, since we realize what occurred at the time when -- basically

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community pricing, we think, as you look forward and see potential investments that would need to be made, sharing that over a larger group of rate payors statewide, we think would have a way of mitigating rates to communities like St. Joseph and also other communities.

MR. WILLIAMS: Thank you.
COMMISSIONER KENNEY: Thank you.
JUDGE BURTON: Thank you, Mr. Lilly.
MR. LILLY: Thank you.
JUDGE BURTON: Is there any other
individual who would like to offer their testimony?
Would you raise your right hand.
RONALD CLUTS,
a witness, being first duly sworn, testified under oath as follows:

JUDGE BURTON: Would you please state and spell your name for the record.

MR. CLUTS: My name is Ronald Cluts, and it's C-l-u-t-s.

I've been a member of the St. Joseph community since 1983. I came here with three kids, and they've since have gotten married and moved away from St. Joe.

But I would like to ask the commission to

1 consider not such a large increase on their rates
2 based on the fact that there are a lot of people in
3 St. Joe that are on fixed incomes or in the lower income community.

I, being retired, you know, we -- my wife and are both retired, and we don't have a huge monthly allotment we get for social security, which they keep saying is an endowment or entitlement and not a fixed thing; but, anyway, the little increases we've gotten have always been eaten up by other increases and like health insurance and other foods and just different things -- gas and all of that.

And I realize that your commission needs to make a profit, I understand that, but to consider maybe not such quite a big increase. Make it a little more reasonable so the people, like and my position, won't have such a hard time struggling with that.

I think you guys do a pretty good job providing water, but $I$ try to do as much as I can to conserve the water usage. I was telling the gentleman back here, that we even go to the point where we take the humidity out of the air and our home from the furnace and the air conditioner, I catch it and a bucket, and I use it to do my

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watering of my plants through the summer to help try to keep them alive, just keep things looking nicer and this community.

And I know there is a program here where they say they offer low income rate help for some people. I'm going to check into that, but I think just keeping the rate increase a little more reasonable percentage would help everybody, and it would help this community overall.

Thank you for your time.
COMMISSIONER KENNEY: Thank you for your testimony, Mr. Cluts.

JUDGE BURTON: Is there anyone else who would like to offer statements on the record?

Okay, seeing no hands, I want to thank everyone for coming out here and participating today and for taking your time out to express your opinions for the Missouri Public Service Commission to consider, and that will occur if you want to watch an evidentiary hearing. It's going to happen and Jefferson City at the Governor Office Building, which is the Public Service Commission's office; and that will begin February 26. It will be a two-week hearing. If you would like to have information on how to access that on the internet, there will be

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members of Staff, Public Counsel, and the company to
provide you that information after we conclude
today.
    So that being said, thank you everyone.
    And we are now off the record.
    (The hearing concluded at 6:03 p.m.)
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CERTIFICATE OF REPORTER
I, Cherie L. House, a Certified Court Reporter within and for the States of Kansas and Missouri and a Registered Professional Reporter, hereby certify that the foregoing proceedings as herein set forth was first taken before me and thereafter transcribed into computer-aided transcription under my direction and control, and is a true and correct record of the proceedings reported.

I further certify that $I$ am not a relative or employee or attorney or counsel of any of the parties, or a relative or employee of such attorneys or counsel of any of the parties, or a relative or employee of such attorneys or counsel, or financially interested in the proceedings.


Cherie L. House, RPR, CCR (KS, MO)
Registered Professional Reporter \#18811
Certified Court Reporter \#275 (MO)

Date: January 26, 2018

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