

In the Matter of:
The Revision of Commission's Rules Regarding Gas Utilities, etc.

WR-2020-0344, VOL. I

August 03, 2020



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BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

Procedural Conference

August 3, 2020

Jefferson City, Missouri

Volume 1

WebEx

In The Matter of Missouri-American)	
Water Company's Request for)	
Authority to Implement General)	File No.
Rate Increase for Water and Sewer)	WR-2020-0344
Service Provided in Missouri)	
Service Areas)	

NANCY DIPPELL, Presiding
REGULATORY LAW JUDGE

REPORTED BY:
Beverly Jean Bentch, CCR No. 640
TIGER COURT REPORTING, LLC

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A P P E A R A N C E S

JAMES M. FISCHER, Attorney at Law
Fischer & Dority, PC
101 Madison, Suite 400
Jefferson City, Missouri 65101
573.636.6758
FOR: Public Water Supply District No. 2 of Andrew
County

DEAN COOPER, Attorney at Law
Brydon, Swearngen & England, PC
PO Box 456
Jefferson City, Missouri 65102-0456
573.635.7166
FOR: Missouri-American Water Company

DAVID WOODSMALL, Attorney at Law
308 E. High Street, Suite 204
Jefferson City, Missouri 65101
573.636.6006
FOR: Midwest Energy Consumers Group

JOHN COFFMAN, Attorney at Law
871 Tuxedo Boulevard
St. Louis, Missouri 63119
573.424.6779
FOR: Consumers Council of Missouri

STEPHANIE BELL, Attorney at Law
Ellinger & Associates
308 East High Street, Suite 300
Jefferson City, Missouri 65101
FOR: Sunnydale Properties

CALEB HALL, Senior Counsel
PO Box 2230
Jefferson City, Missouri 65102
573.751.5558
FOR: Office of the Public Counsel

MARK JOHNSON, Senior Staff Counsel
200 Madison Street, Suite 800
PO Box 360
Jefferson City, Missouri 65102-0360
573.751.4140
FOR: Staff of the Missouri Public Service Commission

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A P P E A R A N C E S
(Continued)

WILLIAM D. STEINMEIER, Attorney at Law
William D. Steinmeier, PC
2031 Tower Drive
Jefferson City, Missouri 65109
FOR: City of St. Joseph, Missouri

JOSEPH P. BEDNAR, Attorney at Law
Spencer Fane
314 East High Street
Jefferson City, Missouri 65101
FOR: City of Riverside, Missouri

DIANA C. CARTER, Attorney at Law
428 E. Capitol Avenue, Suite 303
Jefferson City, Missouri 65101
FOR: The Empire District Electric Company

JON DALTON, Attorney at Law
Armstrong Teasdale
7700 Forsyth
St. Louis, Missouri 63105
FOR: Municipal League of Metro St. Louis

JOSHUA HARDEN, Attorney at Law
Collins & Jones PC
1010 W. Foxwood Drive
Raymore, Missouri 64083
FOR: Triumph Foods, LLC

P R O C E E D I N G S

1
2 JUDGE DIPPELL: If there's nothing before we
3 go on the record then, we can go ahead and go on the
4 record. This is In the Matter of Missouri-American
5 Water Company's Request for Authority to Implement
6 General Rate Increase for Water and Sewer Service
7 Provided in Missouri Service Areas, Case Nos.
8 WR-2020-0344 and also a consolidated case has been added
9 to that which was SR-2020-0345, but they're consolidated
10 under the WR number.

11 My name is Nancy Dippell, and I'm the
12 Regulatory Law Judge who's assigned to this case. We're
13 going to begin -- Today we've come for a prehearing
14 conference/procedural conference and we're going to
15 begin with entries of appearance. So let's begin with
16 Staff, please.

17 MR. JOHNSON: Thank you, Judge. Mark Johnson
18 appearing on behalf of the Staff of the Missouri Public
19 Service Commission. My business address is Governor
20 Office Building, Suite 800, 200 Madison Street, P.O.
21 Box 360, Jefferson City, Missouri 65102.

22 JUDGE DIPPELL: And the Office of the Public
23 Counsel.

24 MR. HALL: Good morning again, Your Honor.
25 Caleb Hall appearing on behalf of the Office of the

1 Public Counsel. Our business address is 200 Madison
2 Street, Suite 650, Jefferson City, Missouri 65102.

3 JUDGE DIPPELL: And Missouri-American Water
4 Company.

5 MR. COOPER: Thank you, Judge. Dean Cooper of
6 the law firm of Brydon Swearngen & England PC, P.O. Box
7 456, Jefferson City, Missouri 65102, appearing on behalf
8 of Missouri-American Water Company.

9 JUDGE DIPPELL: And City of Riverside.

10 MR. BEDNAR: Joe Bednar with Spencer Fane, 304
11 East High Street, Jefferson City, Missouri.

12 JUDGE DIPPELL: City of St. Joseph.

13 MR. STEINMEIER: William D. Steinmeier,
14 William D. Steinmeier, PC, 2031 Tower Drive, Jefferson
15 City, 65109, appearing on behalf of the City of St.
16 Joseph, Missouri.

17 JUDGE DIPPELL: And Consumers Council of
18 Missouri.

19 MR. COFFMAN: Morning, Your Honor. This is
20 John B. Coffman appearing on behalf of the Consumers
21 Council of Missouri. My address is 871 Tuxedo
22 Boulevard, St. Louis, Missouri 63119.

23 JUDGE DIPPELL: Empire District Electric
24 Company.

25 MS. CARTER: Diana Carter for the Empire

1 District Electric Company, 428 East Capitol Avenue,
2 Suite 303, Jefferson City, Missouri 65101.

3 JUDGE DIPPELL: Midwest Energy Consumers
4 Group.

5 MR. WOODSMALL: Good morning, Your Honor.
6 David Woodsmall on behalf of the Midwest Energy
7 Consumers Group, 308 East High Street, Suite 204,
8 Jefferson City, Missouri 65101.

9 JUDGE DIPPELL: And Missouri Industrial Energy
10 Consumers. I don't believe we have anyone on for them
11 at this time. I guess I should have stated, if it's not
12 clear from the transcript, that we are conducting this
13 proceeding via WebEx video conference call.

14 The Municipal League of Metro St. Louis.

15 MR. DALTON: Good morning, Your Honor. This
16 is Jon Dalton with the law firm of Armstrong, Teasdale
17 appearing on behalf of the Municipal League of Metro St.
18 Louis, address is 7700 Forsyth, St. Louis, Missouri
19 63105.

20 JUDGE DIPPELL: Public Water Supply District
21 No. 2 of Andrew County.

22 MR. FISCHER: Thank you, Judge. On behalf of
23 the Water District, let the record reflect the
24 appearance of James Fischer with the law firm of Fischer
25 & Dority PC, 101 Madison Street, Suite 400, Jefferson

1 City, Missouri 65101.

2 JUDGE DIPPELL: And is anyone present for
3 Spire? Maybe Spire hadn't actually entered a request to
4 intervene. Now that I'm looking, I think that was just
5 someone monitoring the case. Sunnydale Properties.

6 MS. BELL: Yes, Your Honor. Stephanie Bell
7 with the law firm of Ellinger & Associates, 308 East
8 High Street, Suite 300, and that's Jefferson City,
9 Missouri 65101.

10 JUDGE DIPPELL: And Triumph Foods.

11 MR. HARDEN: Yes, this is Joshua Harden with
12 the law firm of Collins & Jones PC at 1010 W. Foxwood
13 Drive, Raymore, Missouri 64083, appearing on behalf of
14 Triumph Foods, LLC.

15 JUDGE DIPPELL: All right. I believe that
16 that's -- Is there anyone who had requested to intervene
17 who I did not ask to make an entry? I don't see any.

18 So I would like to address those requests,
19 those applications to intervene first. We had
20 applications to intervene from Consumers Council,
21 Sunnydale, Municipal League, Empire, Triumph Foods,
22 MIEC, and then we have late filed from City of
23 Riverside. Did I miss --

24 MR. FISCHER: Public Water Supply District No.
25 2 of Andrew County.

1 JUDGE DIPPELL: The ten days hadn't run so I
2 had not granted those applications to intervene, but I
3 had stated that those parties could participate this
4 morning. I'd like to go ahead and ask if there are any
5 objections to those applications to intervene at this
6 time. If not, I'll go ahead and grant those. Would
7 there be any objection to the applications to intervene
8 that have been filed thus far?

9 MR. COOPER: Judge, this is Dean Cooper. The
10 company has no objection.

11 JUDGE DIPPELL: Okay. Thank you. All right.
12 If there are no objections then, I'll go ahead and grant
13 those applications to intervene and I'll put out a
14 little order after this conference just so that that's
15 clear in the record that those are now parties.

16 Okay. So the other outstanding issue is the
17 request for future test year, and does the company have
18 anything they want to add to that at this time or are we
19 just waiting for the Commission then to make a ruling on
20 that?

21 MR. COOPER: Judge, the company has a reply
22 that it would like to submit. I guess because there was
23 no special order we were working off the idea that there
24 would be ten days to file that reply, which I think
25 would run out on Thursday the 6th. I guess barring

1 adjustment on your part, our plan would be to file that
2 reply by --

3 JUDGE DIPPELL: Okay. This is the time for
4 the dog to go crazy. So if you'll give me just a
5 second.

6 MR. COOPER: Yes.

7 MR. HALL: Hey, Dean, this is Caleb. Could
8 you repeat what you just said at the end? You cut out a
9 little bit on my end.

10 MR. COOPER: Sure. What I was saying is that
11 the company will have a reply or would like to file a
12 reply in regard to the future test year motion. It was
13 working off of the assumption that it would have ten
14 days until the 6th of August to file that just given
15 that there wasn't any special order ordering a shorter
16 fuse than that, and I guess that would be our plan
17 unless the Judge wants us to adjust that plan in which
18 case we would do so.

19 JUDGE DIPPELL: At this point I think I'll
20 allow the ten days and then the Commission can still
21 have time to address that at next week's agenda
22 hopefully. That will give you guys a little bit -- I
23 assume you probably need an answer to that before you
24 can really make up your procedural schedule. Is my
25 understanding correct there?

1 MR. COOPER: I don't know how others feel. I
2 think from Missouri-American's perspective we probably
3 can move forward with discussion of a procedural
4 schedule, but that's our opinion. I'll let others
5 express theirs.

6 MR. JOHNSON: Judge, from the Staff's
7 perspective, I think we can begin to work on a
8 procedural schedule regardless of the eventual ruling on
9 a future test year. However, I do believe some ruling
10 on that matter would be better sooner rather than later.

11 JUDGE DIPPELL: All right. Are there any
12 other matters to take up on the record with regard to
13 the procedural schedule or any questions about issues or
14 anything that need to be brought to either mine or the
15 Commission's attention?

16 MR. JOHNSON: Judge, this is Mark Johnson with
17 Staff again. The only question I would have at this
18 point is whether there are certain dates or certain
19 parameters the Commission would like the parties to pay
20 certain attention to in coming up with a procedural
21 schedule.

22 JUDGE DIPPELL: Well, please keep in mind that
23 especially with the way things are now with everyone
24 working remotely the Commission needs sufficient time to
25 make a decision and a report and order needs to have a

1 30-day effective date on it. So when you're selecting
2 hearing dates, I know you'll need time to work. It
3 helps to work out all the issues the more time you have,
4 but please keep in mind on the far end the Commission is
5 going to have to have plenty of time or we're going to
6 find ways to shorten your time for you. So I'm certain
7 that you would rather figure that out for yourselves
8 than have me figure it out for you.

9 Otherwise, I don't think -- If you need to
10 know about hearing dates or so forth, I can look those
11 up. I don't think there's anything that wouldn't
12 already be on the Commission's calendar, the public
13 calendar, that would interfere with hearing dates, and
14 so forth.

15 What else? It would be helpful if you're
16 talking local public hearings to have as much specifics
17 about those as you can give me, locations, dates, that
18 kind of thing.

19 I can't think of anything else that
20 specifically is going to affect this case. Are there
21 any other questions about the procedural schedule?

22 Okay. Any other issues that need to be on the
23 record? Okay. Someone is typing and it would help if
24 you'd mute your microphone. Okay. Well, I'm hoping
25 that by the time this hearing comes into play we can do

1 it in person. If not, we'll be adapting because of the
2 COVID pandemic. Hopefully by the time the hearing dates
3 roll around this will be able to be resolved in person.

4 After we go off the record, I can turn this
5 conference over to Mr. Johnson as host and then you all
6 -- I can leave it and you all will be in a private
7 conference and you can just continue with this if you
8 like unless you've made other arrangements. Does that
9 sound acceptable? Mr. Johnson, are you able to do that
10 if I give you the host duties?

11 MR. JOHNSON: That sounds perfectly
12 acceptable.

13 JUDGE DIPPELL: Okay. All right then.
14 Anything else before we go off the record? All right.
15 I'm not hearing anything else. I appreciate you guys
16 calling in this morning and hopefully this handoff will
17 go smoothly, and we can go ahead and go off the record.

18 (Off the record.)
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CERTIFICATE OF REPORTER

I, Beverly Jean Bentch, RPR, CCR No. 640, Certified Court Reporter with the firm of Tiger Court Reporting, LLC, within 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 full, true and correct transcript of such Stenotype notes so made at such time and place.

Beverly Jean Bentch

Beverly Jean Bentch, RPR, CCR No. 640

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