

In the Matter of:

Carl Richard Mills' Request to Maintain Water System Rate

WR-2021-0177, VOL 1

February 02, 2021



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BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

Public Hearing

February 2, 2021

Jefferson City, Missouri

Volume 1

WebEx

In The Matter of Carl Richard)
Mills' Request to Maintain) File No.
Water System Rate) WR-2021-0177

JANA JACOBS, Presiding
REGULATORY LAW JUDGE

WILLIAM P. KENNEY
JASON R. HOLSMAN
MAIDA J. COLEMAN
COMMISSIONERS

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P R O C E E D I N G S

1
2 JUDGE JACOBS: We are on the record now. Good
3 evening. It is February 2, 2021, at about 6:18 p.m. and
4 we're underway in a virtual public hearing before the
5 Missouri Public Service Commission in File No.
6 WR-2021-0177, which concerns Mr. Carl Richard Mills'
7 Request to Maintain the Current Rate for Service from
8 that Water System.

9 The Commission has set this time for a local
10 public hearing on Mr. Mills' request. My name is Jana
11 Jacobs, and I'm a Regulatory Law Judge assigned to this
12 case. Before I introduce the Commission, I'll address
13 some technical issues, because this hearing is being
14 conducted by telephone conference and via the internet.
15 I appreciate your patience today as we adapt to this new
16 kind of public forum.

17 This is an official hearing which is being
18 transcribed by a court reporter. Witnesses will be
19 asked to give testimony under oath or affirmation that
20 their statements are truthful. Audio of the hearing is
21 also being broadcast on the Commission's website. So
22 please be aware that statements made here are public and
23 are being broadcast online.

24 We need to make sure the court reporter can
25 hear everyone to preserve this hearing for the record,

1 and we need to make sure that the Commissioners can hear
2 the comments. If any of the lines connected to the
3 conference today are too noisy, we will have to mute
4 those lines. When it is your turn to speak, those of
5 you who are connected by phone may need to press *6 on
6 your keypad to take your line off of mute so that we can
7 hear you.

8 Those of you who are connected via the WebEx
9 application online or on a smart phone can mute and
10 unmute your line using the microphone symbol which you
11 should see on your screen. We will all be patient with
12 each other here tonight as we work through any technical
13 problems that might arise. Those of you who are
14 connected via the internet may notice that there's a
15 chat feature on the WebEx program. That chat is not
16 part of the official record in this hearing. So you
17 can't use it to make comments in this case. It may be
18 useful to you to let us know if you're having a
19 technical problem however.

20 Okay. Now that we've covered those technical
21 basics, I would like to introduce the Commission. The
22 Missouri Public Service Commission regulates the rates
23 charged by investor-owned utility companies in Missouri.
24 The purpose of that regulation is to ensure that rates
25 are just and reasonable.

1 The Commission also regulates the quality of
2 service and safety of the operations of investor-owned
3 utilities. The Commission employs a staff of engineers,
4 accountants, attorneys, financial analysts, and other
5 specialists in utility regulation. There are five
6 members of the Commission. Commissioners are appointed
7 by the Governor.

8 The members of the Commission are Chairman
9 Ryan Silvey, Commissioner William Kenney who is here
10 with us this evening, Commissioner Scott Rupp,
11 Commissioner Maida Coleman who is also here with us this
12 evening and Commissioner Jason Holsman who has also
13 joined us this evening.

14 The court reporter is transcribing this
15 hearing so that all of the Commissioners can review and
16 read the comments made here today. The Commission
17 values your comments and input. Finally, I want to make
18 sure that it is understood that the floor is open at any
19 time to the Commission during this process.

20 We will anticipate that Commissioners will
21 speak up with any questions and comments at any time. I
22 will also pause before we take testimony and also at
23 closing to leave time for any Commissioners to speak up
24 and make comments if they would like to do so. So
25 please, Commissioners, feel free to interrupt me as

1 necessary tonight.

2 Okay. And now I would like to start with
3 entries of appearance. I'll ask counsel for the parties
4 to enter their appearance for the record and introduce
5 themselves. First I'm going to ask for the record,
6 Mr. Mills, are you present here today and are you
7 represented by counsel? Please try that again.
8 Mr. Mills, if you are here with us on a phone line, you
9 may need to press *6 before speaking. Just pause a
10 moment.

11 MR. MILLS: Yes. This is Richard Mills, and I
12 am not represented by counsel.

13 JUDGE JACOBS: Thank you very much, sir.
14 And do we have for Commission Staff this evening? Thank
15 you.

16 MS. MYERS: Good evening. My name is Jamie
17 Myers with the Staff of the Missouri Public Service
18 Commission. My address is 200 Madison Street, PO Box
19 360, Jefferson City, Missouri 65102.

20 JUDGE JACOBS: Thank you very much, Ms. Myers.
21 And for the Office of the Public Counsel, please?

22 MR. POSTON: Good evening. This is Marc
23 Poston from the Office of the Public Counsel.

24 JUDGE JACOBS: Thank you, sir. All right.
25 The next thing I'm going to do here is explain how

1 comments will be taken on the record. So we'll only be
2 able to hear from one person at a time today. When more
3 than one person speaks at a time, it's difficult for the
4 court reporter to make a record of what people are
5 saying and it's not possible for the Commission to hear
6 from two people at once. Before each person addresses
7 the Commission, I will ask that person to affirm their
8 intent to tell the truth and state and spell their name.

9 After the oath is administered and that person
10 is identified, you can go ahead and make your comments
11 to the Commission. Commissioners may want to ask
12 questions to clarify testimony this evening. So please
13 remain connected until I've had a chance to ask for any
14 questions. Mr. Mills or attorneys for the other parties
15 may also ask questions after folks give their testimony.

16 So the purpose of the hearing today is to
17 allow the Commission to hear from the Company's
18 customers and other members of the public.
19 Commissioners won't be able to answer your questions
20 about this case, because the Commissioners have to
21 remain impartial until after the evidence is presented
22 to the Commission in this rate case.

23 However, if you have questions, there is
24 information available to you. There's information
25 posted on the Commission's website about this case,

1 including information about how to submit any questions
2 that you may have. In this particular case, the case
3 file indicates a letter was mailed to customers on about
4 January 10. That letter provided some basic information
5 including instructions about how to get more information
6 about the case on the Commission's website.

7 In addition, there was information provided in
8 that letter about how to submit comments in writing. If
9 you have additional questions about how to get
10 information about this case, you can also call the
11 Commission's customer service line at 1.800.392.4211.
12 Okay. Unless there are any initial comments from the
13 Commission at this time, we will get started with taking
14 testimony once I've been able to determine if
15 Commissioner Coleman's technical issues have been
16 resolved.

17 Commissioner Coleman, if you want to speak up
18 and let us know if you wanted to or perhaps Jackie is
19 aware of whether those issues have been managed.

20 MS. KEELY: Yes, Commissioner Coleman is on.
21 She can hear everything.

22 JUDGE JACOBS: Okay. So unless any
23 Commissioners have comments at this point, I will go
24 ahead and take comments from our first witness here
25 tonight. So the floor is open for any Commissioner

1 commentary. And unless we have a Commissioner speak up,
2 I will be taking volunteers to make statements to the
3 Commission this evening. I don't have a list of folks
4 who have registered because the number of customers
5 served by the system is so small that we figured even if
6 all those customers wanted to make comments tonight we
7 would be able to hear from them.

8 Okay. So do we have any volunteers? The only
9 way to do this is basically to simply speak up. If
10 you're on a phone line, you can speak up.

11 MR. MORGAN: This is John Morgan.

12 JUDGE JACOBS: Mr. Morgan, I can see that you
13 actually have a video, a feed available to us this
14 evening.

15 MR. MORGAN: I have prepared a statement I'd
16 like to make.

17 JUDGE JACOBS: Okay. So before we can hear
18 from you, I will have to ask you to raise your right
19 hand if you're able.

20 (Witness sworn.)

21 JUDGE JACOBS: Okay, sir, could you please
22 state your name and spell your name for the record,
23 please?

24 MR. MORGAN: My name is John Derald Morgan,
25 J-o-h-n D-e-r-a-l-d M-o-r-g-a-n.

1 JUDGE JACOBS: Thank you very much, sir. You
2 can go ahead with your comments, please.

3 MR. MORGAN: Okay. Well, I have a prepared
4 statement that I'd like to read. I'm a customer of the
5 water system that we're talking about today for many
6 years prior to this past year when it was under the
7 auspices of the Public Service Commission. I was
8 intimately involved in the establishment of the
9 conditions around this water system and the criteria by
10 which it was to operate.

11 I attended all the previous hearings, and I
12 testified before the Commission. The rate request of a
13 continuation of the flat rate is not in keeping with all
14 the discussions with the staff and the owner regarding
15 the establishment of the certificate of convenience as
16 follows.

17 This rate was established because the owner
18 testified that he did not have volumetric data that
19 would allow for a volumetric setting of rates. The
20 people being served disputed this testimony at the time
21 it was given as he was seen often going from house to
22 house reading the meters.

23 In discussions, since the owner would or could
24 not produce volumetric data for analysis, it was agreed
25 that a flat rate for one year would work and that data

1 would be collected for a year and then a rate would be
2 set on a connection fee and volumetric usage. The owner
3 wants to pass on costs of water to others through this
4 flat rate as he's a major user of water with the largest
5 lot in the subdivision that is irrigated and a swimming
6 pool that the other users do not have. This clearly
7 leaves most lot owners at a disadvantage subsidizing the
8 water usage of probably the largest water user, the
9 owner of the system.

10 It's imperative to have a fair rate and it be
11 based on volume of water used and the Commission should
12 deny the request for a continuation of a flat rate. The
13 owner agreed to engage a water management firm to assure
14 that the system was properly maintained, and he failed
15 to engage this firm. In fact, he fired the firm even
16 before the Commission issued its order that required
17 that the firm be engaged to operate the system. This is
18 a clear violation of the Commission order.

19 The Commission should find the order for his
20 failure to follow the Commission's orders. I've
21 submitted a brief to the Commission on this matter, a
22 violation of the Commission's direct order that the
23 owner agreed to in his testimony.

24 The owner fails to chlorinate the water during
25 the periods of time when a vented two-air tank is

1 utilized to store water. Chlorination is required by
2 safe water procedures and practices during times when
3 this tank that is vented to air is in use. To our
4 knowledge, the owner has failed to flush the lines as
5 the users have never been informed that the lines were
6 being flushed so they would know that low water pressure
7 existed when the lines are flushed. This was discussed
8 at length in early hearings, and the owner made claims
9 he diligently flushed the lines to eliminate the buildup
10 of iron sediment in the lines.

11 Apparently he does not flush the lines as
12 there is no evidence of this occurring and it should be
13 required by the Commission in future orders. The
14 Commission ordered testing at specified intervals and
15 information about the test to be provided to the users.
16 As of this date, no water test information has been
17 provided. The owner clearly violates at will the
18 Commission orders and should be fined for failure to
19 follow the Commission orders.

20 Further, the flow rates are not adequate for a
21 proper water supply system due to improper installation
22 and the wellhouse that restricts flow. There are
23 numerous sizes of pipes that are small compared to the
24 line into which the water is fed. In addition, there's
25 a major constriction from the water tank for water

1 flowing into the system that needs to be modified.

2 These complaints over many years have fallen
3 on deaf ears. The Commission should order that changes
4 be made that all houses should receive adequate water
5 flow and pressure. The Commission allowed the
6 depreciation of the system to be a part of the rates. I
7 object to the method used to allow depreciation of a
8 system that serves 35 lots when the users are only 20
9 percent of the system.

10 Additionally, the system is 20 years old and
11 should be depreciated out to zero by now and not
12 included in the setting of rates. Further in his
13 presentation of costs he not only included the entire
14 cost of the system for a 35-lot system, but the cost of
15 the tank and pumps that the invoice shows were paid by
16 caring Americans and not by Mr. Mills himself. While
17 the tank and pumps are part of the system, they are not
18 required by the DNR filing that Mills submitted for DNR
19 approval of the system until more houses were put
20 online. This material is available in the DNR filing.
21 I'd be happy to provide the Commission with this
22 material.

23 In short, the value of the tank and pump
24 should not be incorporated into the rates for two
25 reasons. He didn't pay for it and it was not needed

1 according to the DNR permit for the number of houses
2 being served.

3 Since the Commission incorporated the cost of
4 a water management system, Ozark Clean Water, into the
5 rates and this firm was not engaged, a refund is due the
6 users from Mills Water System, as well as a fine for a
7 violation of the Commission's orders. The cost of using
8 Ozark Clean Water was significantly higher than what he
9 paid for a person to manage the water system.

10 To summarize, the Commission should fine the
11 owner for violation of several direct Commission orders.
12 The Commission should not allow flat rate as it is not
13 in keeping with the prior agreements nor in keeping with
14 the proper allocation of cost to users since there's a
15 major dissimilarity of usage among the users connected
16 to this system.

17 The Commission should reevaluate the value of
18 the system and its components as a part of the rate
19 setting process. The Commission should order that fines
20 be -- that the lines be properly flushed on a regular
21 schedule beginning immediately. The Commission should
22 order immediate testing of the water at appropriate
23 locations one of which is to be at the end of the lines
24 and the results provided to the users.

25 I would like these comments to be incorporated

1 into the Commission's order for consideration. Thank
2 you.

3 JUDGE JACOBS: Thank you for your statement,
4 Mr. Morgan. Does anyone have any questions for
5 Mr. Morgan this evening? I will give obviously
6 Commissioners can speak up at any point and then I would
7 ask if any attorneys for the parties would have any
8 follow up questions for Mr. Morgan. Once again, if
9 anyone has any questions for Mr. Morgan, now is your
10 opportunity to speak up.

11 I did hear someone saying something. Okay.
12 I'm going to ask a clarifying question of Mr. Morgan.

13 MR. MILLS: This is Carl Mills. Can you hear
14 me?

15 JUDGE JACOBS: Okay. So this is Mr. Mills?

16 MR. MILLS: Yes, ma'am.

17 JUDGE JACOBS: Okay. Did you have a question
18 for Mr. Morgan based on his testimony?

19 MR. MILLS: Yes, many.

20 JUDGE JACOBS: So I would caution you that
21 while parties generally do have an opportunity to ask
22 questions of those who testify, I want to make sure that
23 we focus the purpose here this evening on informing the
24 Commission and allowing the Commission to get the
25 information that it needs to get in a public hearing

1 from the customers of the system. So I am going to
2 allow you to ask some questions, but I would ask that
3 they would be focused on providing additional
4 information to the Commission rather than an
5 argumentative stance. And before I let you do that,
6 Mr. Mills, there's one clarifying question I want to ask
7 Mr. Morgan.

8 Mr. Morgan, do you have a complaint pending at
9 this time with the Commission in regard to whether the
10 system employed a third-party management company or
11 other company to take care of the system?

12 MR. MORGAN: Yes, I did file one.

13 JUDGE JACOBS: Okay. And that is pending at
14 this time before the Commission and has not been
15 resolved; is that right?

16 MR. MORGAN: That's correct. I asked that
17 that be incorporated into this case that they be
18 combined.

19 JUDGE JACOBS: A decision on that has not been
20 made at this time; is that correct?

21 MR. MORGAN: To my knowledge, that's correct,
22 yes.

23 JUDGE JACOBS: Thank you, sir. Now, Mr.
24 Mills, you can go ahead with questions that you have for
25 Mr. Morgan.

1 MR. MILLS: I don't think it's necessarily a
2 question for Mr. Morgan.

3 JUDGE JACOBS: So if you don't have questions
4 for Mr. Morgan, then it wouldn't be appropriate. Okay.
5 So it doesn't sound like we have questions for Mr.
6 Morgan which means we can go on to any other folks who
7 are present here this evening who wanted to make a
8 statement to the Commission about the system and the
9 request to maintain the flat rate.

10 Is there anyone else in attendance here this
11 evening that wanted to address the Commission on that?
12 If you've called in using your phone, you may need to
13 press *6 in order to unmute your line so that you can
14 speak.

15 DR. STEWART: This is Dr. Marian Stewart. I'm
16 part of the Carl R. Mills water system. We assist
17 Mr. Mills with maintaining and running the water system.

18 JUDGE JACOBS: Okay. So did you want to give
19 some testimony this evening?

20 DR. STEWART: Yes, I do.

21 JUDGE JACOBS: Okay. Could you please raise
22 your right hand if you're able, ma'am.

23 DR. STEWART: Yes.

24 (Witness sworn.)

25 JUDGE JACOBS: Could you please state and

1 spell your name for the record, please, ma'am?

2 DR. STEWART: My name is Dr. Marian,
3 M-a-r-i-a-n, last name S-t-e-w-a-r-t.

4 JUDGE JACOBS: Okay. You can proceed. Thank
5 you very much.

6 DR. STEWART: Yes. I was listening to the
7 comments that Mr. Morgan has stated. He stated that
8 Mr. Mills is the largest consumer of water and he's the
9 only one who has a swimming pool, which is incorrect
10 because we have another customer who has a pool in the
11 subdivision as far as water usages and also the seven
12 users that use the water in the system here, you know,
13 from the Company, we have contacted and requested from
14 the Department of Natural Resources regarding the
15 chlorination and it was advised since we only have seven
16 houses the chlorination was actually not recommended
17 until we have additional houses built and usages up to
18 about 15 to 25.

19 And as far as his claims the lines were not
20 flushed, which is yeah, we have been doing the line
21 flushing twice a year. And one time Mr. Morgan was
22 adamant that we were not flushing the line and we did
23 not know how to flush the line. We videotaped and sent
24 him as we were flushing to make sure he was informed
25 that we are flushing the lines twice a year. As far as

1 the flow rates that he mentioned, that's -- I mean, the
2 complaints of the flow rates, there has been no
3 complaints made to the Company regarding the flow rates,
4 and we have always followed the Commission's rules and
5 regulations and been in constant communication with the
6 PSC regarding with this rate case.

7 And everybody has irrigation systems as well
8 that irrigate with no issues of flow rates in irrigating
9 and watering their lawns and using of the water. That
10 are all my comments.

11 MR. MORGAN: May I comment?

12 JUDGE JACOBS: Is that, I'm sorry, Mr. Morgan?

13 MR. MORGAN: Yes, I'd like to respond to that.

14 JUDGE JACOBS: Hold on, hold on.

15 MR. MORGAN: Sure.

16 JUDGE JACOBS: We are not going to engage in a
17 back and forth argument this evening.

18 MR. MORGAN: Okay.

19 JUDGE JACOBS: So you've given your testimony
20 and now we've heard from another witness who has
21 provided some additional testimony. The next step would
22 be to allow others with the Commission or counsel to ask
23 questions of that witness. So that's where we are in
24 the process. Thank you, sir.

25 So I do have some questions for Dr. Stewart.

1 So first of all, forgive me, I'm just curious, you've
2 referred to yourself as Dr. Stewart. You've also
3 provided some technical testimony here about apparently
4 how the system is run. Is there any relationship
5 between your title as doctor and that technical
6 information? Are you a physician? Are you a scientist?
7 What's your qualification in regard to doctor, ma'am?
8 As I said when we started this hearing, please, the
9 court reporter can only take down the comments of one
10 person at a time. So we all have to wait for each
11 person to finish and then you can give your response.
12 So that was my first question for you, please.

13 DR. STEWART: I am a medical surgeon and I am
14 a lot owner and a part of the homeowners association
15 here, and I have been here for almost about 11, even
16 longer than that in the subdivision and know the
17 dealings of what has been going on with the utilities.
18 I assist Mr. Mills in maintaining and running this water
19 system as a volunteer.

20 JUDGE JACOBS: So are you also a customer of
21 the system, ma'am?

22 DR. STEWART: No, because I'm a lot owner and
23 I have not built the house that I plan on building yet
24 on the lot.

25 JUDGE JACOBS: Okay. So you own property in

1 the subdivision that could at some point be served by
2 the system, but you don't currently receive service?

3 DR. STEWART: That's correct.

4 JUDGE JACOBS: And you have indicated that you
5 assist Mr. Mills in operating the system but you do not
6 receive compensation for that. You do it as a
7 volunteer?

8 DR. STEWART: That's correct.

9 JUDGE JACOBS: Okay. Thank you very much. So
10 were there any questions for Dr. Stewart? Okay. I'm
11 going to open the floor to see if there are any
12 additional people present here this evening, customers
13 of the system or other members of the public who wanted
14 an opportunity to make a statement to the Commission
15 this evening. Is there anyone else present who wanted
16 to make a statement?

17 MR. PHIPPS: Yes, ma'am. Bill Phipps.

18 JUDGE JACOBS: Okay, sir. Could you please
19 raise your right hand if you're able, sir.

20 MR. PHIPPS: Yes, ma'am.

21 (Witness sworn.)

22 JUDGE JACOBS: Thank you very much. Will you
23 please state your name for the record, sir, and spell it
24 for us?

25 MR. PHIPPS: My name is Bill A. Phipps,

1 P-h-i-p-p-s.

2 JUDGE JACOBS: Thank you very much, sir. You
3 can proceed with your statement.

4 MR. PHIPPS: Okay. We are currently users of
5 the water system at Carriage Oaks. We live at 132
6 Falling Leaf Court. And it was our understanding when
7 we built our house that it was a major concern for the
8 developer Carl Mills that all residents have a meter
9 installed so that we could measure our water, and then
10 it's my understanding too, with all due respect to
11 Mr. Mills, it was asked by the Commission if he had
12 meter readings and he denied that he had them. We and I
13 have observed him reading on occasion. That was over a
14 year ago prior to our original hearing. And so this
15 year I have measured my water. I had a reading on 1/5
16 of '20, and I read it again on 1/2 of '21. And we used
17 a total of 13,369 gallon of water. That also includes a
18 part-time living at the residence and also using our
19 sprinkler system in the months of June through, well,
20 sometime in September. And so I wanted that usage to go
21 on record, please.

22 JUDGE JACOBS: Okay. Thank you, sir. Your
23 comments are part of the record in this proceeding. Was
24 that all the comment that you wanted to make this
25 evening?

1 MR. PHIPPS: That's all I have this evening.
2 Thank you.

3 JUDGE JACOBS: Thank you very much. Does
4 anyone have any clarifying questions for Mr. Phipps
5 about his testimony this evening?

6 MR. MORGAN: I would like to ask Bill if he
7 has any --

8 JUDGE JACOBS: Hold on for one second. I
9 can't exactly tell who's asking questions. Who is
10 speaking up?

11 MR. MORGAN: Excuse me? Can you hear me?

12 JUDGE JACOBS: Is this Mr. Morgan?

13 MR. MORGAN: Yes.

14 JUDGE JACOBS: Okay. Thank you. So
15 Mr. Morgan, I am going to give everyone present who
16 would like to make comments an opportunity to do so.

17 MR. MORGAN: I was going to ask Mr. Phipps a
18 question.

19 JUDGE JACOBS: Right. And then the way that
20 we typically do this is the parties and their attorneys
21 have an opportunity to ask clarifying questions. Okay?
22 And so I understand that you have a pending complaint
23 and you will be a party in that proceeding. So your
24 ability to insist on asking questions and things like
25 that will be somewhat different in that setting. Okay?

1 All right. So is there anyone else who wants
2 to ask a question of Mr. Phipps? Okay. Is there anyone
3 else present who is a customer of the system or a member
4 of the public who wants to ask questions -- I'm sorry --
5 who wants to make a statement to the Commission this
6 evening? I'm trying to make sure that all of those
7 people have an opportunity to do so before we engage in
8 any additional back and forth.

9 If you're participating today by dialing in on
10 the phone, you may need to press *6 to make sure that
11 your line is not muted. Okay. It doesn't sound like at
12 this point we have additional -- any questions for
13 Mr. Phipps. It doesn't sound like we have any
14 additional testimony from any folks we haven't heard
15 from yet. I believe, if I'm following along here, Mr.
16 Morgan wanted to make some additional comments. We do
17 have time for that. So I'm going to open the floor and
18 allow Mr. Morgan to make the additional comments that he
19 wanted to make. Mr. Morgan, you may proceed, sir.
20 Thank you.

21 MR. MORGAN: Yes. I didn't say that no one
22 else had a swimming pool. I said that Mr. Mills has a
23 swimming pool and most of the rest of us do not have a
24 swimming pool. Just to correct the situation there.
25 Secondly, we've had no notification of any flushing of

1 the lines, and all of the videotapes and other stuff was
2 submitted in 2019, not in 2020.

3 We're actually discussing a situation of how
4 the system was operated during the only period of time
5 when it was under Commission control, which is 2020. We
6 had no notification that the lines were being flushed.
7 It would only be appropriate for a water system to
8 notify customers if there was going to be a water
9 pressure change while the lines were being flushed.
10 This never occurred. If it did happen, then the people
11 who run this water system were not diligent in assisting
12 the people who are receiving the water supply that there
13 is a problem or there's going to be an issue with regard
14 to flow and water pressure.

15 I may be the only one who has water flow
16 problems that has commented on it in a public hearing,
17 but other people have from time to time indicated that
18 they have low water pressure. For example, two members
19 in the system have actually installed pressure tanks in
20 their house to try to get sufficient water flow and
21 pressure in their house from the system.

22 Now, turns out that according to DNR they were
23 not supposed to do that. But the flow in water pressure
24 was so bad that two people in the system actually have
25 pressurized water tanks to get the proper pressure and

1 water flow in their houses. So while it may not have
2 been complained a lot about or people want to reject the
3 fact that there's a discussion about it, it is a fact
4 and it is represented by the fact that they had to
5 install special systems in their house to get the
6 pressure and water flow that they wanted to have that is
7 normal for a properly operating system.

8 JUDGE JACOBS: Okay. Thank you, Mr. Morgan.
9 As it appears that we have some time here, what was the
10 question that you wanted to ask of Mr. Phipps and then
11 I'll give him an opportunity to respond if you'd like to
12 share that with us.

13 MR. MORGAN: Well, I was going to ask
14 Mr. Phipps if he had a water pressure tank at his house
15 to correct pressure and flow. I've already given you
16 some information about that. I'll let him comment.

17 JUDGE JACOBS: Mr. Phipps, are you still with
18 us, sir?

19 MR. PHIPPS: Yes. Am I on?

20 JUDGE JACOBS: Yes, we can hear you, sir.
21 Did you hear Mr. Morgan's question about whether you
22 have a pressure regulation tank or something like that
23 in your home?

24 MR. PHIPPS: Yes.

25 JUDGE JACOBS: If you wanted to address that,

1 I'm yielding the floor to you. Thank you.

2 MR. PHIPPS: Thank you. Yes, we do have a
3 system that has been there for quite some time trying to
4 relieve our low water pressure. And matter of fact, we
5 have a proposal at our house for an update to that to
6 try to improve it. So yes, we are very aware of that.
7 I have a booster pump and a pressure tank.

8 JUDGE JACOBS: Okay. And just to clarify,
9 could you explain why you have that equipment just to
10 elaborate?

11 MR. PHIPPS: Because we had low water
12 pressure, and it's still not what we feel is adequate.
13 So we're trying to improve that and we have a proposal
14 to do that.

15 JUDGE JACOBS: Was the water pressure making
16 it difficult for you to use certain equipment in your
17 house or what exactly was the issue with the water
18 pressure?

19 MR. PHIPPS: The water pressure issue is when
20 you take showers or you have other washings, et cetera,
21 and you don't have the water pressure you feel you need
22 and you try to improve that. So that's what we tried to
23 do.

24 JUDGE JACOBS: It sounds as though you might
25 be getting some instruction from someone else. So if

1 there's someone else with you who would like to give
2 testimony, that would be the proper way for that person
3 to make their statements to the Commission, sir.

4 MR. PHIPPS: Yes, thank you. That's all I
5 have. Thank you.

6 JUDGE JACOBS: Thank you. When did you
7 install the equipment to deal with the low water
8 pressure?

9 MR. PHIPPS: Approximately 2009.

10 JUDGE JACOBS: Okay. Thank you very much.

11 MR. PHIPPS: When we built the house. That's
12 when we put in right after that.

13 JUDGE JACOBS: Okay. I think I missed the
14 date you said when you built your house.

15 MR. PHIPPS: 2009.

16 JUDGE JACOBS: Okay. So basically your
17 testimony is you built your house in 2009 and shortly
18 thereafter you decided the water pressure was low and
19 you added some equipment to improve the water pressure;
20 is that right?

21 MR. PHIPPS: That's correct.

22 JUDGE JACOBS: Okay. Okay. Mr. Phipps, did
23 that complete your statement on that?

24 MR. PHIPPS: Yes, it did. Thank you.

25 JUDGE JACOBS: Thank you very much, sir. We

1 appreciate your comments. Was there anyone else with us
2 this evening that wanted to make a statement to the
3 Commission about this case? I want to make sure that
4 the Commissioners have had an opportunity if they wanted
5 to make any comments or ask any questions. Once again,
6 I'll just invite the Commissioners to speak up if they
7 had anything they wanted to say.

8 COMMISSIONER HOLSMAN: I'm good, Judge. Thank
9 you.

10 JUDGE JACOBS: Thank you very much. That was
11 Commissioner Holsman.

12 COMMISSIONER KENNEY: This is Commissioner
13 Kenney. I would just like to thank those who gave
14 testimony and let them know that we do have a hearing on
15 this and Office of the Public Counsel represents you,
16 Staff is involved as a neutral party, and we will take
17 into account everything you have said in this part of
18 the record. So I appreciate your attendance tonight.

19 JUDGE JACOBS: Thank you very much,
20 Commissioner Kenney. Okay. So I will be getting ready
21 to close the proceeding here. If anyone has anything
22 additional that they wanted to add, now would be your
23 opportunity to speak up and make sure that you've had a
24 chance to address the Commission on this case. If you
25 didn't feel comfortable speaking up this evening for

1 some reason, it is possible to make written comments and
2 so you can go to the Commission's website psc.mo.gov and
3 get more information about how to do that. You can also
4 contact the Office of the Public Counsel for more
5 information. There are various ways that you can make
6 comments if you're not comfortable with this particular
7 setting. Okay. On behalf of the Commission, I would
8 like to thank everyone who attended this evening for
9 their comments. This hearing is now adjourned. Thank
10 you all for being here. Have a good evening.

11 (Off the record.)
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