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1	STATE OF MISSOURI	1 480 1
2	PUBLIC SERVICE COMMISSION	
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4	TRANSCRIPT OF PROCEEDINGS	
5	LOCAL PUBLIC HEARING	
6	November 19, 2015	
7	Ozark, Missouri	
8		
9		
10	File No. WR-2015-0192	
11		
	In the Matter of the)	
12	Rate Increase Requests)	
	of the Regulated Water)	
13	and Sewer Utilities)	
	Owned and Operated by)	
14	Ozark International,)	
	Inc.)	
15)	
16		
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18		
	DANIEL JORDAN, Presiding	
19	SENIOR REGULATORY LAW JUDGE	
	WILLIAM P. KENNEY, Commissioner	
20		
21	VOLUME 2	
22		
23		
24		
25	REPORTED BY: PAULA C. VOYLES, CCR, RPR, CRR	

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	Page 3
1	PROCEEDINGS
2	
3	(Commencing at 6:30 o'clock p.m.)
4	
5	JUDGE JORDAN: Good evening, everyone.
6	We're going to start the testimonial part of the
7	proceeding. We are now on the record.
8	The Commission is calling the action in
9	file number WR-2015-0192. This is in relation to
10	the rate action for the entities owned by Ozark
11	International, Incorporated.
12	My name is Daniel Jordan. I'm the
13	Regulatory Law Judge assigned to this action. I
14	will be presiding over this proceeding. And with
15	us, to my right, is Commissioner William Kenney from
16	his office in Jefferson City. Commissioner Kenney?
17	COMMISSIONER KENNEY: Yes. I'd like to
18	welcome everybody, and thank you for coming tonight.
19	I am one of five commissioners on the Public Service
20	Commission. And we have a court reporter here, and
21	she's writing typing in everything that's said
22	tonight, so each of the other commissioners will be
23	able to read the testimony that's given tonight.
24	We always try we always have at least
25	one commissioner present. Many states don't do

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- 1 that, but we've always done that in Missouri. So I
- 2 appreciate you coming out tonight. Look forward to
- 3 hearing what you have to say. I cannot answer any
- 4 questions, but I will listen to everything you have
- 5 to say. Thank you.
- JUDGE JORDAN: Thank you, Commissioner.
- 7 And that is correct; not only do certain states not
- 8 only have commissioners attend these hearings, some
- 9 of them just don't have them at all. They just
- 10 don't do local public hearings. They just don't.
- But we do, and we are here to listen to
- 12 your testimony, which as the Commissioner mentioned,
- 13 will be on the record.
- 14 I will administer an oath or
- 15 affirmation, if you prefer, for your testimony.
- 16 That is the purpose of this hearing. The Company is
- 17 not going to presenting evidence. Nobody else is
- 18 going to be presenting evidence. You will give your
- 19 testimony so that the commissioners can consider it.
- Let's go to entries of appearance.
- 21 We'll start with the utility, holding company, Ozark
- 22 International. Is counsel for Ozark International
- 23 present?
- 24 (No audible response).
- Not hearing any, counsel for Staff.

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- 1 MS. MERS: Nicole Mers, Staff counsel.
- 2 JUDGE JORDAN: For the Office of Public
- 3 Counsel.
- 4 MR. OPITZ: Thank you, Judge. My name
- 5 is Tim Opitz. I'm an attorney with the Office of
- 6 Public Counsel. My address is P.O. Box 2230,
- 7 Jefferson City, Missouri 65102.
- 8 JUDGE JORDAN: Thank you. Since the
- 9 purpose of this is to hear what you have to say,
- 10 I've got a few tips on testifying. I'm going to go
- 11 from the sign-up sheet, which has names listed, and
- 12 I will call them in the order in which they are
- 13 written down.
- 14 When I call your name, come on up to the
- 15 podium. I will administer the oath. If someone has
- 16 said something that you agree with already, feel
- 17 free to say that. We want to hear that. You don't
- 18 have to repeat what they have said already, but do
- 19 tell us what you think.
- 20 If something was said during the
- 21 preceding question-and-answer period, that's not on
- 22 the record. The commissioners won't be able to read
- 23 that in the transcript. So come on up and say that.
- 24 Be concise, speak clearly so that other people can
- 25 hear you.

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- 1 I will probably get you started by
- 2 asking you to state your name on the record, maybe
- 3 spell it for the court reporter, and when you're
- 4 done with what you have to say, counsel or I or the
- 5 commissioner may have some questions for you to
- 6 clarify your testimony. So stay until you're
- 7 excused, if you please.
- 8 This is not the only way to have input.
- 9 You can also make comments online. You can contact
- 10 the Office of Public Counsel, who represents the
- 11 ratepayers. You can contact Staff.
- 12 And as we begin this testimony, I hope
- 13 that everybody has come to understand what a
- 14 difficult job the Commission is, and that's why
- 15 commissioners are appointed by the governor. They
- 16 must balance everyone's interest. They must further
- 17 the policy that everyone shall have good, clean
- 18 water to drink and to bathe in, and that becomes an
- 19 expensive process when an infrastructure becomes
- 20 dilapidated and rates have not been examined for
- 21 many, many years. So that's what's going on.
- The Commission wants to make the
- 23 decision that is best for everyone, for everyone,
- 24 and Staff works very hard to advise in that
- 25 capacity, and the Office of Public Counsel advocates

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- 1 on behalf of the ratepayers.
- 2 My job will be to prepare a decision, a
- 3 draft that the commissioners will vote on. They are
- 4 the ultimate decision makers.
- 5 So any questions about our procedure
- 6 before I start calling names for testimony?
- 7 (No audible response).
- 8 Okay. I'm not hearing any, so I'll go
- 9 to the first name on my list, which is Daniel Rock.
- 10 Daniel Rock, would you like to testify?
- 11 MR. DANIEL ROCK: I'm Daniel Rock, down
- 12 at Moore Bend Water Company.
- 13 JUDGE JORDAN: Very good. Please raise
- 14 your right hand.
- Do you solemnly swear that the testimony
- 16 you are about to give will be the truth, the whole
- 17 truth, and nothing but the truth?
- MR. DANIEL ROCK: I do.
- 19 JUDGE JORDAN: Thank you, sir.
- 20 MR. DANIEL ROCK: To the best of my
- 21 knowledge.
- JUDGE JORDAN: Fair enough. And what
- 23 would you like the Commission to know?
- MR. DANIEL ROCK: At Moore Bend, they're
- 25 asking for over 200 percent water rate increase at

Page 8 one time, and I think that is just way out of line. 1 JUDGE JORDAN: Okay. Anything else? 3 MR. DANIEL ROCK: That's it. 4 JUDGE JORDAN: Fair enough. Questions from counsel? 5 6 COMMISSIONER KENNEY: Thank you, sir. 7 JUDGE JORDAN: None for me. Robert Rock. The next name I have is 8 9 Robert Rock. 10 MR. ROBERT ROCK: Robert Rock. I do. 11 JUDGE JORDAN: Do you solemnly swear that the testimony you are about to give will be the 12 13 truth, the whole truth, and nothing but the truth? 14 MR. ROBERT ROCK: Yes, I do. 15 JUDGE JORDAN: Very good. Go ahead. MR. ROBERT ROCK: I noticed two years 16 ago, we had a boil advisory, I believe, and we're 17 wanting rate increases, and at two years if you 18 can't take care of a problem, you shouldn't have 19 20 this kind of, uh, something over the top of people, 21 where, you know, it's not taken care of. And when water breaks are fixed down 22 23 there, he tears up the road and then leaves a big pothole, and every once in a while, you got to drive 24 25 your car, your boat -- I mean, we are, you know --

Page 9 it's a recreational place, and it's kinda hard on 1 things, you know, not repaving after a water break 3 or something. That would be it. 4 JUDGE JORDAN: Thank you. To clarify for the record, which water system? 5 6 MR. ROBERT ROCK: Moore Bend. 7 JUDGE JORDAN: You're Moore Bend. 8 Any questions? 9 COMMISSIONER KENNEY: Thank you, 10 Mr. Rock. 11 JUDGE JORDAN: Thank you, sir. 12 Earl W. Fruits? 13 MR. FRUITS: My name is Earl W. Fruits. 14 JUDGE JORDAN: Spelled just like it 15 sounds. MS. MERS: Spelled like it sounds. 16 JUDGE JORDAN: Do you solemnly swear 17 that the testimony you are about to give will be the 18 truth, the whole truth, and nothing but the truth? 19 20 MR. FRUITS: I do. 21 JUDGE JORDAN: Thank you. Go ahead. 22 23 MR. FRUITS: What I'm looking at here 24 is, as I said in an earlier meeting which you guys 25 weren't part of, is that I don't think there is any

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- 1 problem with an increase, but what I have a problem
- 2 with is that it's larger than what the cost of
- 3 living is currently in the United States.
- 4 A lot of people in my Riverfork Company
- 5 there are on fixed incomes, and I get a COLA every
- 6 year. I'm retired. But now we're asking for
- 7 10 percent. I don't get 10 percent every year. I
- 8 don't mind paying according to the cost of living
- 9 index.
- 10 Now, because the water company doesn't
- 11 have enough money is not my problem. The man
- 12 purchased the business, and with that, he incurs the
- 13 costs that go along with running a business. And
- 14 it's not my position to subsidize it except for a
- 15 cost of living increase, and I'm willing to pay
- 16 that. I know I'm going to pay more because they've
- 17 already had an agreement between the Public Service
- 18 Commission and the water company and it's raising my
- 19 rates 10 percent. Some people, it's 200 percent.
- 20 And, you know, it's just the old thing
- 21 that goes on that the little people are the one that
- 22 end up paying the price for what has to happen in
- 23 the government, and it doesn't work that way
- 24 anymore. I think we all need to start speaking up
- 25 when increases like this are proposed, because we

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1	don't get the raises, somebody else shouldn't get a
2	raise more than what we do.
3	JUDGE JORDAN: Thank you.
4	Questions?
5	(No audible response).
6	COMMISSIONER KENNEY: No questions.
7	Thank you, sir.
8	JUDGE JORDAN: Thank you, sir.
9	John C. Hendricks.
10	MR. HENDRICKS: Your Honor, my question
11	has already been answered earlier.
12	JUDGE JORDAN: Very good. Very good.
13	Then I'll go to Frank Delo.
14	MR. DELO: Frank Delo, D-E-L-O. I'm
15	with the Bilyeu Ridge subdivision.
16	JUDGE JORDAN: Thank you.
17	Do you solemnly swear that the testimony
18	you are about to give will be the truth, the whole
19	truth, and nothing but the truth?
20	MR. DELO: Yes, sir, I do.
21	We've lived there about 13 years, and
22	we've never had a problem with having our fire hoses
23	flushed out, but since Mr. Brower took it over, we
24	have not seen it been flushed out at any time. And
25	so that gives us some concern that there's maybe

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- 1 some problems there, since none of the system has
- 2 been flushed.
- 3 This gentleman right over here, recently
- 4 back in the spring, lost his house. We cannot even
- 5 use our fire hydrants because if we do, it shuts
- 6 down the water system completely is what the fire
- 7 department told us. So, therefore, we really have
- 8 nothing -- no fire protection other than volunteer
- 9 coming in or Nixa come in or some other district
- 10 come in and help us in that situation. So that's
- 11 one of our big concerns there.
- 12 JUDGE JORDAN: Thank you. To clarify,
- 13 you said someone lost their house. You mean they
- 14 lost their house --
- MR. DELO: Yes, sir. This gentleman
- 16 right here (indicating).
- 17 JUDGE JORDAN: -- to fire because of the
- 18 water?
- MR. DELO: Yes. That's correct.
- 20 COMMISSIONER KENNEY: I have a question.
- 21 You said they stopped flushing the fire hoses?
- 22 Would you explain that, please?
- MR. DELO: Fire hydrants.
- 24 COMMISSIONER KENNEY: Thank you. That's
- 25 what I needed.

Page 13 MR. DELO: We have not seen that done at 1 all since these people took it over. Mr. Bilyeu did 3 it regularly monthly, and since the sale has taken 4 place, it has never been taken care of since that time. 5 6 COMMISSIONER KENNEY: Thank you, sir. 7 MR. DELO: Yes, sir. 8 JUDGE JORDAN: Rob Reinke, R-E-I-N-K-E. 9 AUDIENCE VOICE: Ron Reinke? That was 10 the name? They left. 11 JUDGE JORDAN: Very good. Thank you. 12 The next name I have is Dan Hall. 13 MR. HALL: Dan Hall. Please raise your 14 right hand. 15 Do you solemnly swear that the testimony you are about to give will be the truth, the whole 16 truth, and nothing but the truth? 17 18 MR. HALL: I do. We're in the Riverfork Ranch 19 20 subdivision, and we've been there almost five years. Since we've been there, I'm not aware of any repairs 21 have been done. I've heard a lot of people say that 22 23 they've been promised but haven't been done. 2.4 Here probably a little more than a year

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ago, we had a fire up on Highway M. The fire

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1 department came down to get water from us is what I 2 was told, and they couldn't get anything out of the 3 hydrant, so they give up. So they had to haul it 4 from Nixa. So that's a concern to us. If we don't 5 6 have pressure nor volume, all of us are in danger of 7 losing our properties, and that is concerning. 8 Our pressure at our home is not great. 9 We live with it, but it's not great. If I want to 10 water my garden, it doesn't have enough pressure to 11 push anything out of the sprinkler. So, you know, 12 it would be nice to have a little more pressure. I think that's all for right now. Thank 13 14 you. 15 JUDGE JORDAN: Thank you. Questions from counsel? 16 MS. MERS: Do you have an idea of what 17 18 your pressure is? MS. HALL: I don't right now, but I have 19 20 a meter at home. I'm going to go check it. 21 MS. MERS: Thank you so much, sir. 22 COMMISSIONER KENNEY: Thank you, sir. 23 JUDGE JORDAN: Thank you. 2.4 The next name I have is Janis Hall. 25 Okay. Please raise you right hand.

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- 1 Very good.
- 2 Do you solemnly swear that the testimony
- 3 you're about to give will be the truth, the whole
- 4 truth, and nothing but the truth?
- 5 MS. HALL: Yes, your Honor.
- 6 I have two concerns. One is even though
- 7 I live in Nixa, in Stone County and in Riverfork
- 8 Ranch, I also serve on Springfield-Greene County
- 9 Emergency Management Executive Committee. So safety
- 10 is a big issue for me.
- 11 When we moved to our home in Riverfork
- 12 Ranch five years ago, I was excited because we were
- 13 near a fire hydrant, and I thought, well, great,
- 14 we're in good shape here. But as my husband just
- 15 stated, about a year and a half ago or so, a house
- 16 up the road was on fire. They came to Riverfork
- 17 Ranch. They couldn't get water there. They had to
- 18 truck in the water from elsewhere. They lost the
- 19 house. So that's concerning to me. Even though the
- 20 fire hydrant is right outside our front door, would
- 21 it serve us any good at that point?
- 22 Secondly, we've always been told by
- others, and I don't have statistics, but if we have
- 24 a power outage, we may have enough water for all of
- 25 the residents to last maybe 24 hours. And during a

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- 1 power outage, of course, then you run to the store
- 2 and the shelves are empty.
- 3 So my concern there is adequate water in
- 4 an emergency. And yes, we should all have our own
- 5 supplies, but, you know, I would think there should
- 6 be some reserve somewhere for backup in an
- 7 emergency. Thank you.
- 8 JUDGE JORDAN: Questions from counsel?
- 9 (No audible response).
- 10 Commissioner?
- 11 COMMISSIONER KENNEY: Thank you very
- 12 much, ma'am. No.
- 13 JUDGE JORDAN: Thank you for your
- 14 testimony.
- The next name I have is Marilyn
- 16 Cederwall. Is that correct, Cederwall?
- MS. CEDERWALL: My concerns have been
- 18 answered, so I really don't need to speak now.
- 19 JUDGE JORDAN: Very good. Thank you for
- 20 coming out.
- 21 Tony Baggett?
- 22 MR. BAGGETT: Thank you. I am Tony
- 23 Baggett, Moore Bend.
- JUDGE JORDAN: Do you solemnly swear
- 25 that the testimony you are about to give will be the

Page 17 truth, the whole truth, and nothing but the truth? 1 2. MR. BAGGETT: I do. 3 And I'm from Moore Bend. A lot of us 4 are on fixed incomes now. I'm young, but yes, I'm retired. And we're seeing, in my calculations, 5 6 almost a 300 percent increase in our water bill down 7 here. 8 It's been a pitiful system for quite 9 some time. I've been an owner down there for almost 10 20 years. And this is a crazy, crazy increase. 11 need something that's a little more reasonable, you know, a 10 percent, 20 percent, but not an increase 12 13 like that for what we have. There's going to be a 14 lot of us that will need to disconnect. 15 We're only down there a few months out of the year. It's cheaper to just disconnect. 16 hope there will be some consideration on the amount 17 of increase he's asking for, and I really hope 18 19 there's a cap on what he may charge for disconnect 20 and reconnect fee, because it may get very expensive 21 for folks like us. Okay. Thank you. 22 JUDGE JORDAN: Thank you. 23 Questions from counsel? 2.4 (No audible response). 25 COMMISSIONER KENNEY: Thank you, sir.

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1 JUDGE JORDAN: Thank you. 2. Jim Heiman. And I hope I pronounced 3 that correctly. 4 MR. HEIMAN: Yes. Excuse me. When you get old, it's hard to get up and get everything 5 6 moving. 7 JUDGE JORDAN: Do you solemnly swear 8 that the testimony you're about to give will be the 9 truth, the whole truth, and nothing but the truth? 10 MR. HEIMAN: I do. 11 JUDGE JORDAN: Thank you. 12 MR. HEIMAN: H-E-I-M-A-N. Well, I live 13 in Riverfork Ranch subdivision, and I feel like my 14 problem is kind of pale compared to some of the 15 issues here. But I guess I have two issues: One is 16 17 the quality of the water that we get seems to vary 18 from drinkable to non-drinkable, and it just -- and it really varies by just, not only the smell but 19 also the taste. I've checked it for sediment, and I 20 can't seem to get any sediment out of it, but 21 22 sometimes it is so bad that when my wife does the 23 laundry, we can't even hardly use the clothes. She 24 has to rewash 'em and rewash 'em. In fact, she's

almost considered taking them to town several times

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- 1 to try to get some good, clean water.
- 2 The other is just the low pressure that
- 3 we have to deal with. And I did measure my pressure
- 4 the other day, and it was -- turned out to be about
- 5 32 pounds, 34 pounds, somewhere in there, which as I
- 6 now understand, that is the legal limit.
- 7 But like everybody has said, it seems to
- 8 be pretty insignificant -- or pretty insufficient in
- 9 a case of a hose or any type of -- if you ever had
- 10 to put out any type of fire, it would be practically
- 11 negligible.
- The other thing is, going along with
- 13 what everybody else has said, I haven't seen
- 14 anything -- I've lived there about three years now,
- and I've never seen anybody do any work with the
- 16 fire hydrants or any type of maintenance.
- 17 And it looks like to me that -- I mean,
- 18 when I drive by the tank every day, the fence around
- 19 it last year was dented in, and a car ran off the
- 20 road and dented the fence, and there's never even
- 21 been a -- pretty -- insufficient funds to even
- 22 repair the fence around this thing. It's still
- 23 knocked down where anybody can walk into the -- to
- where the tower is and everything, let alone the
- 25 site of the tower.

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1	And that's about all I have.	
2	JUDGE JORDAN: Thank you. Any questions	
3	from counsel?	
4	(No audible response).	
5	Commissioner?	
6	COMMISSIONER KENNEY: Thank you, sir.	
7	JUDGE JORDAN: Thank you for your	
8	testimony.	
9	Kelly Krauch? I hope I'm reading that	
10	correctly.	
11	MS. KRAUCH: Hi. How are you?	
12	JUDGE JORDAN: Do you solemnly swear	
13	that the testimony you are about to give will be the	
14	truth, the whole truth, and nothing but the truth?	
15	MS. KRAUCH: I do.	
16	JUDGE JORDAN: Thank you. Please spell	
17	your name for the court reporter.	
18	MS. KRAUCH: My name is Kelly Krauch,	
19	K-R-A-U-C-H. I live in Valley Woods, and I do	
20	understand that there is not a proposed rate	
21	increase, but there are many concerns that we have	
22	that we wanted to kind of address as the community	
23	in itself.	
24	One of the bigger problems we have is	
25	that the there are I was informed tonight	

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- 1 during the question-and-answer -- at least ten
- 2 properties in our subdivision that do not pay for
- 3 the sewer. So our sewer bill is \$59 a month, and
- 4 ten people -- yes -- ten people in our subdivision
- 5 who are on the sewer system utilize the sewer system
- 6 and even have maintenance done at their homes, and I
- 7 was just informed of this as well, the guys actually
- 8 came out and did maintenance at these homes on the
- 9 sewer systems, but they don't pay the \$59 for the
- 10 sewer.
- 11 So I find it very concerning that
- 12 someone can say, oh, we need to -- we don't have
- 13 enough money to maintain your system when they
- 14 failed to collect what money they would need. If
- 15 they would have collected the money for the sewer
- 16 system, they would have had a surplus to possibly
- 17 help these other folks out who are having other
- 18 issues.
- 19 Our septic tanks, we don't know if
- 20 they're pumped ever. We don't know -- we're never
- 21 told if they're pumped. When we call, I'm rudely
- 22 hung up on, the staff is nasty. They -- when asked,
- 23 I need proof, I need proof that you've done this
- 24 because it will be my responsibility if something
- 25 happens inside the home, we are told that, well, it

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- 1 was done. We can't give you proof. So I have
- 2 not -- I purchased my home in 2012, and I have not
- 3 seen one piece of paper saying that anything has
- 4 been pumped.
- 5 Boilers. The boilers are a big one. We
- 6 are not notified that there is a boil advisory. So
- 7 a little, tiny sign, probably no bigger than this
- 8 (indicating) is placed up at the very front of the
- 9 neighborhood. Now, my neighborhood is nice, little
- 10 windy area, and there's a restaurant, a hair salon,
- 11 a gas station, all sorts of stuff in that -- that's
- 12 all connected. And the restaurant doesn't know
- 13 about the boil order because they place the sign
- 14 just at the stop sign in the very front where
- 15 there's also homes for that sale signs and other
- 16 signs. So if you drive the back way in, you don't
- 17 see the sign.
- We have been -- we were -- in 2014, we
- 19 had over 90 days' worth of boil advisories because
- 20 this broke, that broke, this broke, that broke. And
- 21 that's a huge problem, again, is nothing is fixed,
- 22 nothing is maintained. So it's not fixed until it's
- 23 broken, and then it puts us on a boil advisory.
- Once the advisory is lifted and DNR says
- okay, which takes some time -- I've actually had to

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- 1 call DNR myself and say, what's going on? I've
- 2 received a copy of our file, spoken to them. I've
- 3 had them come out personally and test my water at my
- 4 house to tell me that there were issues with the
- 5 water and that they've had to contact Mr. Brower
- 6 since.
- 7 The system doesn't get flushed, so once
- 8 the system is fixed and they have to flush the
- 9 bleach through to make sure the water is clean, the
- 10 system is not flushed and it's not flushed properly.
- 11 So my street, Water Lane, which is right
- 12 by the well, we have so much bleach and chlorine in
- our water that it's causing our children to get
- 14 chemical burns. So we have one young lady down the
- 15 street who is severely allergic to it, and she can't
- 16 bathe. So when we're on an 18-day boil order, we
- 17 have to take them somewhere else to bathe the kids
- 18 because the system isn't flushed. There is so much
- 19 chemical, it literally causes burns on her skin
- 20 which require medical attention.
- 21 The broken material is not replaced
- 22 until the last second. The property is not
- 23 maintained. So we have a well system in this area
- that Mr. Brower owns. He's supposed to maintain
- 25 that, you know. Snakes, all sorts of nasty animals

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- 1 can get in there. We live in the country. And the
- 2 grass will get as tall as me, 5, 6 feet before it's
- 3 trimmed, before it's cut, and then we have to call
- 4 and complain.
- 5 There is property that is nowhere near
- 6 the well or the septic system that Mr. Brower
- 7 recently bought from Lance, the developer. What is
- 8 that property for? What is it being used for? Am I
- 9 paying for it? Because I don't -- I shouldn't be
- 10 paying for property just to have, that isn't being
- 11 utilized for anything, that is taking more of my
- money.
- I mean, my -- between my sewer and my
- 14 water, I pay \$95 a month. I wasn't disclosed that
- 15 when I purchased the home. I didn't find out until
- 16 I called and was told that I needed to come in, pay
- 17 a deposit, and I was only allowed to come in between
- 18 the hours of 9 and 12. Now, I'm a full-time mom,
- 19 two small kids and, I work full time. So that made
- 20 my life a little bit difficult.
- 21 We, just like other people in here, we
- 22 have to buy water. We don't -- it's not safe.
- 23 Sometimes it's safe to drink, but for the most part,
- 24 it tastes like bleach. So we buy our own bottled
- water because we're afraid, what's going to happen

Page 25 if we drink it? Is it contaminated with something? 1 2 I think that's probably all I have. 3 Thank you, guys. 4 JUDGE JORDAN: Thank you. Questions from counsel? 5 6 (No audible response). 7 Commissioner? 8 COMMISSIONER KENNEY: I have a question. 9 Do those 11 homeowners that don't pay for their 10 sewer bills, are they on well water? 11 MS. KRAUCH: They are. They pay water. They just don't pay sewer. 12 13 COMMISSIONER KENNEY: Are they on their 14 own system? 15 MS. KRAUCH: No. No. We are --COMMISSIONER KENNEY: What does Staff 16 tell you about that? 17 18 MS. KRAUCH: I've been told it's being worked on and that some people need to come out 19 20 there, the city or Christian County needs to come out there and actually take a look to make sure that 21 22 they are into our system. 23 But prior to -- prior to Brower's owning this system, it was owned by a gentleman by the name 24 25 of Lance. Lance had everybody paying a certain

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- 1 amount. He then did a rate increase, increased the
- 2 rates, which those -- I know of one of the
- 3 homeowners personally, they were paying that rate,
- 4 the increased rate. Then when Brower bought it,
- 5 their rate just dropped down to just the water rate
- 6 and they no longer were paying the sewer rate.
- 7 And I know that where my home is,
- 8 there's, what, seven homes on my street. Three of
- 9 them -- and I'm smack dab in the middle of 'em --
- 10 they don't pay for sewer at all. So they get a bill
- 11 that's \$25 a month when mine is 90, 95.
- 12 COMMISSIONER KENNEY: I'm curious -- the
- 13 Office of Public Counsel and Staff will look into
- 14 that for you if they already haven't. Thank you.
- 15 MS. KRAUCH: You're welcome. Thank you.
- JUDGE JORDAN: Thank you.
- 17 The next name on my list is Ethel
- 18 Allison. Ethel Allison.
- 19 MS. ALLISON: Ethel Allison, Riverfork
- 20 Ranch.
- 21 JUDGE JORDAN: Do you solemnly swear
- 22 that the testimony you are about to give will be the
- 23 truth, the whole truth, and nothing but the truth?
- MS. ALLISON: Yes.
- 25 And my concerns have probably been

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- 1 spoken of already this evening. Mine is a
- 2 particularly perceived attitude of the owner.
- We moved into Riverfork Ranch in 2002,
- 4 and in January 29 of '13, there was somebody at my
- 5 meter pit, and I went out to ask what it was about,
- 6 and they said the meter needed to be switched out.
- 7 Okay. We had a severe storm warning
- 8 that day, and it seems unusual for January, but it
- 9 must have been a warm one. We also were under a
- 10 tornado threat. And I don't know if this is
- 11 something that's contracted out to be done or if
- 12 it's done by the water Company. I do not know that.
- This was done without any warning to me
- 14 as a homeowner. My water was shut off at 10:30, and
- 15 with multiple calls throughout the day, I did not
- 16 get water until 7:15 that night.
- 17 When I finally reached the owner of the
- 18 water company at that time to let him know my
- 19 situation, he said, "You have the River" and
- 20 laughed. And that's my perceived attitude of the
- 21 owner of the company. Thank you.
- JUDGE JORDAN: Thank you.
- 23 Questions from counsel?
- 24 COMMISSIONER KENNEY: Thank you, ma'am.
- JUDGE JORDAN: Thank you.

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Carolina Kahl. 1 2 MS. KAHL: I have -- things have been 3 said that I wanted to say. I don't have to speak at 4 this time. 5 JUDGE JORDAN: Thank you. And thank you 6 for coming out. 7 Carolyn Delaney. MS. DELANEY: Carolyn Delaney, Riverfork 8 9 Ranch. 10 JUDGE JORDAN: Do you solemnly swear 11 that the testimony you are about to give will be the 12 truth, the whole truth, and nothing but the truth? 13 MS. DELANEY: Yes. 14 JUDGE JORDAN: Thank you. Go ahead and 15 tell the Commission what you want them to hear. MS. DELANEY: There are some things that 16 we talked about before, but you didn't hear this. 17

- 10 0 7 01 1 0015
- 18 On January 21st, 2015 we received a letter from
- 19 Riverfork Water Company, and I just want to read
- 20 just a few -- I mean, if you can make a copy. I
- 21 don't know if you've seen this.
- 22 But one of the things on the first page
- 23 says, "We are also told by the Missouri Department
- of Natural Resource that our boosters are illegal."
- 25 And then it goes on about putting in a new well and

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- 1 so forth.
- 2 And then it says -- it goes through all
- 3 kinds of stuff about new wells, and he's going to
- 4 put in two and so forth. But in 2008 when he got
- 5 the rate increase, he was supposed to do certain
- 6 things, and he sent in an independent person to look
- 7 inside the well, and they said -- and I can't
- 8 remember the name of their -- some kind of steel and
- 9 some kind of liner or something, that it needed to
- 10 be replaced, that it was deteriorating. And that's
- 11 seven years ago.
- 12 Then on the last page, it said, "DNR is
- 13 threatening us with enforcement action if we do not
- 14 agree to reinstall a booster pump. This would be a
- 15 cheaper option than drilling a new well."
- And then it goes on the next paragraph,
- 17 "We know that we take a chance in obtaining
- 18 recognition by the Missouri Public Service
- 19 Commission for the money spent by their granting
- 20 rate increases for the improvement."
- "We're going to sign the DNR order," it
- 22 says. "We want to go on record as to the effort we
- 23 have made to finally implement a long-term solution
- 24 to supplying adequate water."
- 25 And then while the -- then it says,

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- 1 "While all this was going on, Missouri Department of
- 2 Natural Resources has been issuing violations for
- 3 not being able to comply with their directives. We
- 4 have been ordered to notify Riverfork Water
- 5 customers that the water system has failed to
- 6 address the significant deficiencies for widespread
- 7 low pressure."
- 8 The other thing is the increase.
- 9 According to the federal government, there wasn't a
- 10 cost of living increase. We're not getting one.
- I mean, if you'd like to have a copy of
- 12 this, if it would make a difference.
- JUDGE JORDAN: If you'd like the
- 14 Commission to examine that letter and use it in
- 15 making its decision, we can put that into the
- 16 record. I can mark it as an exhibit.
- 17 MS. DELANEY: Okay. I kind of scribbled
- 18 on it.
- 19 JUDGE JORDAN: Let's take a look.
- 20 MS. DELANEY: It's three pages. There
- 21 are several letters.
- JUDGE JORDAN: Okay. So we have a
- 23 couple letters. I'm looking at the first one, which
- 24 is on the letterhead of Riverfork Water Company.
- 25 And I see three pages, one side.

Page 31 MS. DELANEY: And these are other 1 letters that we got, March 10th. JUDGE JORDAN: This looks like it ends 3 4 like in the middle of the sentence, so that's not the entire document. 5 MS. DELANEY: This is the last page. 6 7 JUDGE JORDAN: This is the page 3. And 8 There's no signature on it. 9 MS. DELANEY: It's on the letterhead. 10 It's pretty difficult to read, but you have a nice, 11 neat one. 12 JUDGE JORDAN: Okay. Thank you, ma'am. 13 COMMISSIONER KENNEY: Thank you very 14 much. 15 MS. DELANEY: Thank you. JUDGE JORDAN: We'll mark that as this 16 hearing's Exhibit No. 1. 17 18 MS. DELANEY: We've been here -- well, we built our own home, and it took us a while to 19 build it. It's been nine years. I've never seen a 20 hydrant flushed. 21 22 JUDGE JORDAN: I'm going to enter 23 Exhibit 1 into the record. Do I hear any objection 24 to that? 25 (No audible response).

Page 32 1 Thank you. (Exhibit 1 marked and admitted.) 3 JUDGE JORDAN: The next name on my list 4 is Stephen Randall [sic]. Stephen Randall, would you like to come testify? 5 6 Do you solemnly swear that the testimony 7 you are about to give will be the truth, the whole 8 truth, and nothing but the truth? 9 MR. RANDOLPH: So help me God, I do. 10 JUDGE JORDAN: Thank you. 11 MR. RANDOLPH: My name is Steve Randolph. I am the president of the Riverfork Ranch 12 Homeowners Association, so I'm here to speak not 13 14 only on behalf of myself but also the victims of 15 Mr. Brower's mismanagement of his water system. We have submitted about a 60-page 16 objection to the rate increase to the Missouri 17 18 Public Service Commission in May. We also submitted a copy, both electronically and hard copy, to the 19 20 Office of Public Counsel. So to make things brief, I'll submit 21 this as an exhibit, if you wish. You already have a 22 copy, but if you don't, I'll be happy to give you 23 24 that. I also took the liberty of preparing a 25 PowerPoint presentation, which is a distillation of

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- 1 the comments in the 60 pages, which are replete with
- 2 photographs.
- 3 Our first objection is that Riverfork
- 4 Water Company has failed to comply with item 18 in
- 5 the Missouri Public Service agreement of
- 6 November 8th, 2008. As a part of that agreement,
- 7 Riverfork Water Company was required to conduct a
- 8 water storage tank inspection, which they did on and
- 9 submitted their report on July 29, 2008.
- The objections and inspection comments
- 11 of the inspector were that there were numerous OSHA
- 12 violations, primarily ladder and lack of railings,
- 13 inadequate roof venting, modifications that were
- 14 made that weakened the roof of the water tank
- 15 structurally.
- It has an inadequate overflow pipe,
- 17 which, to my own observation as to well as to
- 18 numerous residents, has resulted in Highway M-140
- 19 receiving overflows of water both in the summer and
- 20 the winter, which have frozen, and caused numerous
- 21 traffic problems.
- 22 The inspection report in 2009 -- and let
- 23 me remind you, this is six years later -- pointed
- 24 out that the interior tank failing -- interior tank
- 25 lining had totally failed. Six years later, we know

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- 1 it's worse because it's now resulting in iron oxide
- 2 sludge and mold in residents' water. The residents
- 3 of Davis Drive, being downhill and the street
- 4 closest to that, are most impacted, but we're
- 5 starting to see the sludge move throughout the
- 6 subdivision slowly.
- 7 A lot of people know full well that the
- 8 exterior tank paint has totally failed with mold and
- 9 algae everywhere. The inspector pointed out that
- 10 there's an inappropriately dimensioned influent
- 11 pipe, which causes residual chlorine problems, and
- 12 by the way, this has also been the subject of
- 13 numerous Missouri DNR inspection reports. There are
- 14 overgrown trees and a fence problem. Somebody ran
- 15 into the fence two years ago, and it has yet to be
- 16 corrected.
- 17 Riverfork Water Company has also failed
- 18 to comply with item 20 in the Missouri Public
- 19 Service Commission agreement of November 8th, 2008.
- 20 These are all taken from appendix G in that report.
- 21 They were required to establish an 8 to 5, Monday
- 22 through Friday office hours. They have failed to do
- 23 so as the lady previously testified.
- 24 They claim that they lock inactive
- 25 meters. Anyone who goes to any of the residents'

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- 1 water meters in the subdivision knows that's not
- 2 true.
- 3 There have been numerous problems with
- 4 Riverfork Water Company falsely shutting off water
- 5 service to its customers who have, in fact, paid
- 6 their bills.
- 7 Bookkeeping function, which was the
- 8 subject of some pages of discussion in that Missouri
- 9 Public Service Commission agreement, required better
- 10 bookkeeping. I'm here to tell you that as recently
- 11 as July of this year, when I went into the office to
- 12 talk to the bookkeeper, even she admitted that their
- 13 accounting is in total disarray.
- 14 Appendix G required an emergency
- 15 telephone number to be established. It was.
- 16 Unfortunately, no one, including myself, has ever
- 17 been able to do anything but leave a phone message.
- 18 More often than not, it just rings and rings. They
- 19 did get a number, but what they didn't tell the
- 20 Commission was they don't answer it.
- 21 Appendix G also talked about customer
- 22 service. One of the most common complaints that
- 23 Riverfork Ranch residents have -- and I have
- 24 interviewed about 80 percent of the 114 customers --
- 25 are that the staff at Riverfork Water Company are

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- 1 consistently rude. They almost always deny
- 2 legitimate complaints.
- And in particular -- and, by the way,
- 4 this was the second most common complaint that
- 5 residents had this summer -- Mr. Brower, when you
- 6 talk to him on the phone, is consistently profane.
- 7 That's not only offensive to a lot of people, it is
- 8 simply extremely poor business practice.
- 9 Appendix G required written service
- 10 applications for their customers. To the best of
- 11 our knowledge, they still don't do it. I've talked
- 12 to some residents of Riverfork Ranch who established
- 13 some service, being new move-ins, in 2015. They had
- 14 problems even getting bills from Riverfork Water
- 15 company. They just established service. There was
- 16 no indication that there was any sort of written
- 17 format. Again, this is sloppy housekeeping.
- There's no customer rights and
- 19 responsibilities documentation that I'm aware of,
- 20 which was also required by Appendix G.
- 21 A summary of Riverfork Water Company
- 22 customer complaints are consistently low water
- 23 pressure, erratic residual chlorine in the water,
- and I have two subpoints for that.
- 25 Missouri DNR has, in fact, cited

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- 1 Riverfork Water Company within the past couple years
- 2 for excessive residual chlorine, and as you folks
- 3 probably know, excessive residual chlorine is known
- 4 to cause health problems. But Missouri DNR has
- 5 admitted that it doesn't bother to test for low
- 6 residual chlorine except when it receives
- 7 complaints, and that's in violation of state law.
- 8 I've taken it upon myself -- as by the
- 9 way, I am a licensed professional engineer. I have
- 10 taken it upon myself at my own expense to do various
- 11 grab samples and test for residual chlorine.
- 12 They're grab samples, yes. I've never found any
- 13 residual chlorine, which also is a violation of
- 14 state law.
- But I also know that they have a
- 16 chlorination system, but in this document, which
- 17 I've already submitted, one of Missouri DNR's
- 18 consistent complaints is that the chlorination
- 19 system that Riverfork Water Company has uses the
- 20 wrong chlorine analyzer, and Riverfork Water Company
- 21 has admitted that. It constantly overshoots and
- 22 undershoots, so you either get very low residual
- 23 chlorine or very high residual chlorine. Neither of
- 24 which is acceptable nor legal.
- Mold, black sludge, and organics in

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- 1 water, as I've already said, are an increasing
- 2 problem. We are well aware that hydrogen sulphide
- 3 in groundwater is not regulated, so I'm not here to
- 4 complain about hydrogen sulphide. The mold and
- 5 algae have been noted in previous inspection
- 6 reports, not only by the tank inspector in 2009, but
- 7 Missouri DNR inspection reports generally mention
- 8 this as well. It's getting worse because of the
- 9 deteriorating water storage tank.
- 10 Whenever anyone, including myself, talks
- 11 to Riverfork Water Company, they consistently deny
- 12 everything. There must be something wrong in your
- 13 house. Not true.
- 14 Gross lack of maintenance of facilities.
- 15 This hearing is for Riverfork Ranch about an
- 16 increase for maintenance costs. Gentlemen, we have
- 17 yet to see that Riverfork Water Company does any
- 18 maintenance at all. And like the other residents,
- 19 we know that the water system has never had hydrant
- 20 flushing. I've talked to some people who have lived
- 21 there over 20 years. They can never recall fire
- 22 hydrants being flushed.
- There's also a refusal or a dismissal by
- 24 Riverfork Water Company to even assist construction
- 25 contractors who want to build new houses and want to

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- 1 contact them about River hookups. Well, they claim
- 2 they don't know anything about that.
- 3 Eventually these hookups have been made,
- 4 although there's one house in our subdivision that's
- 5 presently under construction where the owner was so
- 6 frustrated, they simply drilled their own well so
- 7 they don't have to deal with Riverfork Water
- 8 Company.
- 9 Missouri DNR inspectors and water
- 10 section managers, such as Marc Grater (ph), have
- 11 told me point blank they're consistently frustrated
- 12 with Riverfork Water Company's failure to comply
- 13 with their many inspection reports over the years.
- 14 It's my opinion that Mr. Brower has
- 15 learned that Missouri DNR is, in fact, a toothless
- 16 agency. Whenever I have talked to Missouri DNR,
- 17 which is more than 13 times this year alone,
- 18 sometimes in person, they're frustrated, claiming
- 19 they're only partially responsible for enforcement
- 20 and the real power lies with Missouri Public Service
- 21 Commission. I've talked to Missouri Public Service
- 22 Commission, and they claim it's Missouri DNR. So
- 23 it's the old bureaucratic shuffle.
- 24 I've also talked to four of our elected
- 25 representatives, our two state senators and our two

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- 1 representatives, because Riverfork Ranch is in a
- 2 different legislative district than the home office
- 3 of Ozark International.
- 4 And as an anecdote, I will tell you it's
- 5 Senator Sater's office that told me point blank,
- 6 we're well aware of your systems' problems and all
- of the companies that Mr. Brower owns. Our advice,
- 8 frankly, is that ultimately after all of these
- 9 hearings, your best advice is to file a class action
- 10 lawsuit against both the State and Mr. Brower.
- We don't want to do that, but we're
- 12 prepared to do so if that's what it takes.
- 13 Missouri DNR's Marc Grater's (ph) most
- 14 recent comment to me about a month ago was that as
- 15 long as Riverfork Water Company maintains 20 psi
- 16 minimum pressure and it passes an annual water test
- 17 for safety, we don't care. Thanks, Mr. Grater (ph).
- 18 Missouri DNR has yet to agree to test
- 19 water quality more than either once a year or
- 20 whenever they get a complaint. So we're going to do
- 21 their testing for them. And you gentlemen will hear
- 22 deficiencies in the water quality from us.
- 23 Riverfork Water Company failed to comply
- 24 with items 18 and 20 of the Public Service
- 25 Commission agreement of November the 8th, 2008. It

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- 1 consistently fails to do so. Even the most
- 2 rudimentary maintenance is ignored.
- 3 Our question to you, gentlemen, is why
- 4 should a rate increase for maintenance be granted
- 5 when maintenance isn't performed? Neither Missouri
- 6 Public Service Commission nor Missouri DNR will
- 7 accept responsibility for doing much other than
- 8 writing reports. To be honest with you, we believe
- 9 that the reason is financial on both the State and
- 10 Riverfork Water Company's part.
- 11 We believe that not only is the rate
- 12 increase requested by Riverfork Water Company is not
- 13 legitimate, but we also believe that Missouri Public
- 14 Service Commission should consider rescinding at
- 15 least part of the rate increase granted in 2008
- 16 since Riverfork Water Company has failed to comply
- 17 with the agreement.
- If you would like more details,
- 19 (indicating). I would like both documents to be in
- 20 the record.
- JUDGE JORDAN: I will mark those. I
- 22 have document -- (Applause).
- 23 I have the Riverfork Homeowners
- 24 Association letterhead on the cover page of a
- 25 report, not report -- a letter addressed to the

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1	Missouri Public Service Commission. It is dated May	-
2	16th, 2015. I am going to mark that Exhibit 2.	
3	Any objections to entering this into the	
4	record?	
5	(No audible response).	
6	(Exhibit 2 marked and admitted.)	
7	JUDGE JORDAN: And as Exhibit 3, that	
8	will be the summary, the PowerPoint summary of what	
9	I understand to be this is a summary number 3	
10	will be the summary of number 2. Is that correct?	
11	MR. RANDOLPH: Yes.	
12	JUDGE JORDAN: And I will enter that	
13	into the record. Do I hear an objection?	
14	(No audible response).	
15	(Exhibit 3 marked and admitted.)	
16	JUDGE JORDAN: Very good. Questions	
17	from counsel?	
18	(No audible response).	
19	JUDGE JORDAN: Commissioner?	
20	COMMISSIONER KENNEY: Thank you, sir.	
21	JUDGE JORDAN: Thank you.	
22	The next name on my list is Tom Lovato.	
23	Please raise your hand.	
24	Do you solemnly swear that the testimony	
25	you are about to give will be the truth, the whole	

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1 truth, and nothing but the truth? 2. MR. LOVATO: I do. 3 JUDGE JORDAN: Thank you. 4 MR. LOVATO: I'd like to make mention I'm from the Valley Woods subdivision, and there are 5 6 at least three families represented today in this 7 room from Valley Woods. I concur with what was 8 shared earlier concerning the many difficulties and 9 problems with the high-chlorinated water, as well as 10 the frequent and often water boils and contacting 11 the Valley Woods agency for clarification and not getting any satisfactory answers, as well as the 12 13 neglect to have the systems -- our systems serviced 14 on a regular basis. 15 I just happened to be home when it was most recently the filters were being cleaned, and it 16 was at that point that I got to see for myself who 17 was doing the work. They did tell me that they were 18 understaffed, and I asked about having the systems 19 20 pumped, and I was told that that would probably 21 happen every five years, three to five years. I don't know if that's adequate or not, but I have 22 23 actually lived in this subdivision for about eight years, and I don't know of it having been pumped at 24

all. And I also worked with Lance, who was

25

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mentioned earlier, for a short time cleaning those 1 filters myself. So he was pretty good at doing 3 that. 4 We had some major increases over a short period of time, which I thought was ridiculous, and 5 6 as you know, not too long ago, those rate increases 7 were brought to the attention, I think, of some 8 counsel, and they ruled in favor of the 9 neighborhood. So it's not a rate increase I'm 10 referring to, but only that there's still a lot of 11 work that needs to be done and is not getting done on behalf of the residents, particularly here on 12 Water Lane, where I also live. 13 14 Just in reference to what has been 15 spoken today about hydrants, we don't even have a hydrant on Water Lane, not one. In fact, the only 16 one in the whole neighborhood I've ever seen is at 17 the top of Tolbert Hill. And so that's just a minor 18 issue to all the other complaints, but I'd like to 19 20 have that added to the record. 21 JUDGE JORDAN: Thank you. 22 Anything from counsel? 23 (No audible response). 2.4 COMMISSIONER KENNEY: Thank you, sir. 25 JUDGE JORDAN: Thank you for your

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testimony.

The next name on my list is Allan Kulka.

- 3 Allan Kulka. I hope I said that right.
- 4 MR. KULKA: My name is Allan Kulka.
- 5 JUDGE JORDAN: Do you solemnly swear
- 6 that the testimony that you are about to give will
- 7 be the truth, the whole truth, and nothing but the
- 8 truth?
- 9 MR. KULKA: I do.
- JUDGE JORDAN: Go ahead.
- 11 MR. KULKA: Steve Randolph really has
- 12 covered most of what I was going to bring to your
- 13 attention, but I think the one thing that I would
- 14 like to get on the books is that -- a memo that was
- 15 submitted to the area residents of Riverfork Ranch
- 16 back in January of this year, and in that memo there
- 17 were a number of very disconcerting items that I
- 18 think reflect on the issue of raising rates.
- 19 What I would like to mention is, is in
- 20 the Riverfork Ranch area, apparently there are 148
- 21 homes now, and that represents 370 people. So a
- 22 fair number of those have got to be kids, and that's
- 23 very disconcerting, when you consider that water
- 24 quality can have a major impact on people.
- 25 The other thing that I wanted to bring

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- 1 out is that in this January memo written by the
- 2 Riverfork Water Company, I would assume it was
- 3 Mr. Brower or somebody on his staff, they admit to
- 4 the fact that the existing facility lacks the
- 5 capacity to handle the residents that now exist, and
- 6 yet more homes are being built and nothing is being
- 7 done to the water company -- by the water company to
- 8 their current service. Now, that doesn't make any
- 9 sense to me.
- 10 Like Steve Randolph a few minutes ago, I
- 11 am a chemical engineer. I was in the business for
- 12 about 40-some-odd years building chemical plants all
- 13 over the country. And, you know, a lot of things
- 14 will jell and a lot of things don't, and that just
- 15 doesn't work. I mean, you don't ask for an increase
- 16 without providing anything to your customer.
- 17 I mean, no customer in their right mind
- 18 is going to pay for something that he's not happy
- 19 with and the issue -- and the person that's selling
- 20 it is not going to do anything about it.
- 21 I wrote a letter in 2008 when Mr. Brower
- 22 and his company requested a water increase for
- 23 Riverfork Ranch, and at that time I summarized a
- 24 number of items. It's -- it was sent to the DNRC
- 25 and to the public service people, et cetera, and

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- 1 again, I wrote a letter this year in which I, again,
- 2 summarized the issues that really need to be
- 3 addressed.
- 4 If the man wants or if the company wants
- 5 an increase, which is not unreasonable, if a man
- 6 wants an increase, then do something to encourage
- 7 the people to be able to live with the increase, and
- 8 that's not happening.
- 9 Gentlemen, if you lived in Riverfork
- 10 Ranch, I guarantee you, you and your families would
- 11 not tolerate this kind of nonsense. We're not in a
- 12 position that we can do anything about it. We have
- 13 to rely on folks in the government in Missouri, in
- 14 DNR and other agencies that handle this, to defend
- 15 us, to look after our needs. We're the public. We
- 16 pay taxes. You know, why can't we get some kind of
- 17 action that will cause these folks, instead of
- 18 promises, start delivering.
- 19 In this memo that I've deviated from a
- 20 second ago, there is a mention in here that the
- 21 Missouri Department of Natural Resources has been
- 22 issuing violations.
- Now, this is DNRC -- or I mean, this is
- 24 Riverfork Ranch that's writing this. They're
- 25 admitting to the fact that they're getting violation

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- 1 orders from DNR. They're not doing a darn thing
- 2 about it. You know, what's wrong here?
- 3 Something -- you know, that's what I would call
- 4 convoluted logic.
- 5 The other issue is there's a mention in
- 6 here that the Riverfork Water Company is going to
- 7 sign an order, but there's -- has it ever been
- 8 signed? And if it has been signed, has anything
- 9 been done? You know, talking about needing
- 10 increases to add staff to the Riverfork Water
- 11 Company when the services are pathetic?
- 12 You've heard from Mr. Randolph and
- 13 others: water pressure, quality of water, condition
- 14 of equipment, the fact that a power failure will
- 15 knock out the service and we'll be without water for
- 16 as long as it takes for it to be restored. There's
- 17 no backup. There's nothing. You know, there's got
- 18 to be more to it than that, gentlemen, I'm sorry,
- 19 your Honor.
- I can't say anything more than that. I
- 21 get a little upset over this whole issue because
- 22 I've been in the area for, like I say, 13 years, and
- 23 I've seen nothing, absolutely nothing.
- You know, I mean there's been promises
- 25 after promises, and nothing has been done. So we

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- 1 just -- we need your help, folks. We really do. We
- 2 need your help to get things done to the water
- 3 system. And from what I understand, there are other
- 4 water systems that are owned by the same company
- 5 that are having similar problems. You don't reward
- 6 people for poor performance. I'm sure you
- 7 understand that. Nobody gets a raise in today's
- 8 environment in the business world unless they
- 9 perform.
- 10 AUDIENCE VOICE: That's right.
- MR. KULKA: And that's what you need.
- 12 If we get performance, then come to us and talk
- 13 about an increase, but until you get the
- 14 performance, forget it.
- 15 Unfortunately, there's nothing, like I
- 16 say, we as the people are able to do anything about
- 17 it, but you gentlemen and others, your associates,
- 18 can do something about it, and we need that done.
- 19 That's all I have to say, and I thank
- 20 you for allowing me.
- 21 COMMISSIONER KENNEY: I will make one
- 22 statement, since you brought it up. One of the most
- 23 difficult things as a commission we have are the
- 24 small water and sewer companies in the state of
- 25 Missouri, because there are so few customers and

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- 1 things cost so much money, that rates would go up
- 2 dramatically, and we don't have in place in our laws
- 3 that we allow a company to borrow so much money or
- 4 even for acquisitions. It's a very difficult -- I
- 5 understand it doesn't -- you have this issue, and I
- 6 thank the Office of Public Counsel for calling for
- 7 us to have this hearing today. That's why we are
- 8 here.
- 9 But I know it's -- you have an issue in
- 10 front of us that we will make a decision on, but
- 11 it's a problem that we're dealing with around the
- 12 entire state.
- MR. KULKA: I can appreciate that, but,
- 14 you know, the legislature -- I assume that's the
- 15 right terminology for Missouri -- has the ability to
- 16 write rules and regulations, and if you don't do it
- 17 now, it will never happen.
- 18 If you're going to address the issue,
- 19 you got to do something. Now, it's easy for me to
- 20 say. I'm not in your position, and I'm certainly
- 21 not in the government. But like I say, the public
- 22 are the ones that you represent, and we need your
- 23 help. We need to have these things resolved. We
- need to get things done, and the only way we're
- 25 going to get things done is by making certain

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- 1 individuals do what they have promised.
- I have -- like I say, I was on that
- 3 board Mr. Randolph is now president of. I was on it
- 4 for years, and I have heard every promise you can
- 5 imagine funnel down from the Riverfork Water
- 6 Company. And, you know, they were going to do this,
- 7 they were going to do that, they were going to do.
- 8 Well, 13 years later, they haven't done anything,
- 9 nothing. And they want more money.
- 10 And it's my understanding that one of
- 11 the reasons they want more money is to add more
- 12 Staff. They don't need more Staff. Get what
- 13 they've got out there and get the problem fixed.
- 14 And if you can't get it fixed overnight, then work
- 15 on it.
- You know, I've heard that, oh, gosh
- 17 that's a long-term solution. Well, I got news for
- 18 you. Every solution is completed by starting at the
- 19 beginning and working through it, and that's what
- 20 needs to be done. I don't need to sound like I'm
- 21 lecturing or preaching or anything like that. I'm
- 22 just trying to get the point across that you guys
- 23 will do something.
- 24 COMMISSIONER KENNEY: You've done a good
- job, and I appreciate it. Thank you very much.

Page 52 1 JUDGE JORDAN: Thank you. Did you have 2 a document that you wanted entered into the record? 3 MR. KULKA: It's the same one that 4 you've got right there. 5 JUDGE JORDAN: So we've already got 6 this? 7 MR. KULKA: Yeah. You're welcome to 8 this one, but I've scribbled all over it. 9 JUDGE JORDAN: We don't need an extra 10 one. AUDIENCE VOICE: Allow me. 11 MR. KULKA: They don't work like they 12 13 used to, but that has nothing to do with the water. 14 (Applause). 15 JUDGE JORDAN: The last name on my list has two names: Ritt and Angie Enderson. 16 17 MS. ENDERSON: Hi. I'm Angie Enderson. 18 JUDGE JORDAN: Please raise your right hand. 19 20 Do you solemnly swear that the testimony you are about to give will be the truth, the whole 21 truth, and nothing but the truth? 22 MS. ENDERSON: I do. 23 24 These gentlemen obviously have all kinds 25 of information, which is incredible. I'm glad that

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- 1 they do. But I'm standing up here as a stay-at-home
- 2 mom, and this is a quality of life -- this is kind
- 3 of a quality of life issue.
- 4 My kids can't shower in upstairs shower.
- 5 There's just not enough water pressure. You know,
- 6 you can't run the dishwasher or the washing machine
- 7 or take a shower or water outside, any of it. You
- 8 can only do one at a time because there's not enough
- 9 water pressure for more than one thing.
- 10 AUDIENCE VOICE: Right.
- 11 MS. ENDERSON: I did a load of laundry
- 12 the other day, and I realized it was still in the
- 13 washer. It took two and a half hours for a whole
- 14 load of laundry to do, it took so long to fill with
- 15 water, for the wash cycle, for the rinse cycle, but
- 16 it took two and a half hours for a load of laundry.
- 17 And I'm just saying, I guess that's that's not any
- 18 kind of legal thing or whatever.
- But I'm telling you, I don't want to
- 20 drink our water. I don't want our kids to drink our
- 21 water. It goes from smelling so foul that it smells
- 22 like there are rotten eggs all around your home to
- 23 tasting so horrible that even if you make like a
- lemonade or an iced tea or something, you would
- 25 taste the bad taste through that.

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- 2 confidence in the water quality even if the test
- 3 come back okay, and I know there's a lot more
- 4 information about that. But they've given us
- 5 nothing to have any confidence at all that they're
- 6 providing us with anything, because there's been
- 7 nothing. I mean, there has been nothing.
- In our kitchen, you know, you have a
- 9 little square thing, and you pull this little thing
- 10 so the water squirts outside. We don't even have
- 11 enough water pressure for that to turn on. Like
- 12 doing dishes is a ridiculous, long process and stuff
- 13 because of this.
- 14 Riverfork Ranch, it's a nice
- 15 neighborhood, we take pride in it. And they told us
- 16 five to seven years ago that they were going to --
- 17 and this is just cosmetic, but yes, they were going
- 18 to paint the water tower and clean up around it. It
- 19 looks horrible. It is -- that's the first thing you
- 20 see when you come into our neighborhood. Right to
- 21 our left is our water thing, and it is not
- 22 maintained at all. It's awful.
- I actually shower at the gym because I
- 24 don't want to shower at home. I actually haul all
- 25 my stuff with me to the gym and shower there,

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- because it's so much easier than showering at home
- 2 because it takes forever to rinse and wash,
- 3 And it affects the housecleaning.
- 4 It's -- it's just really -- I mean, it really is --
- 5 it's -- I believe it's a quality of life issue. It
- 6 affects the way that I can clean, that I can take
- 7 care of my family, the water that we drink.
- 8 It's -- and, you know, the rate
- 9 increase? You know what? If we were getting plenty
- 10 of clean, fresh water, that's a whole other issue
- 11 but for what we're getting now, um, no, it's not.
- 12 Also, I was wondering, is there somebody
- 13 that I could send -- I was thinking about doing an
- 14 email. I wanted to do video.
- 15 I can tell you our water checked out at
- 16 35 psi, which I realize now is above the minimum,
- 17 but I'd like for the people who are involved in this
- 18 to actually see how much water pressure that is when
- 19 just filling up the coffee pot or filling up the
- 20 dog's water bowl. I mean, it's crazy. It's not --
- 21 it's not acceptable.
- 22 If I were to look at a home to purchase
- 23 in that area, I would not buy a house that had our
- 24 water. Never. It's horrible. And we moved into
- 25 Riverfork 12 years ago, and it's just slowly

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- 1 declined. It's never been awesome, but it's been
- 2 going downhill rapidly, I think. It's pretty bad.
- 3 It's really -- really is a real life daily issue
- 4 that we're -- that many of us are living with.
- 5 And I believe that's all I have to say.
- 6 JUDGE JORDAN: If you have materials
- 7 that you want the Commission to see and you don't
- 8 have them with you --
- 9 MS. ENDERSON: Yes.
- 10 JUDGE JORDAN: -- Office of Public
- 11 Counsel and Staff would be interested in seeing
- 12 those.
- 13 MS. ENDERSON: Okay. I will speak to
- 14 you after.
- JUDGE JORDAN: Thank you very much.
- MS. ENDERSON: Thank you.
- 17 JUDGE JORDAN: That's the last line on
- 18 my list. Did anyone else want to testify?
- 19 MS. McCROSKEY: I didn't get a chance to
- 20 sign in. I came in a little bit late. Do you mind?
- JUDGE JORDAN: Well, then, come on up
- 22 and --
- MS. McCROSKEY: Okay. I won't take up
- 24 much time. I just -- my concern --
- JUDGE JORDAN: Hang on one second.

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- 1 First, let's get your name for the record.
- 2 MS. McCROSKEY: Amber McCroskey. It's
- M-C-C-R-O-S-K-E-Y.
- 4 JUDGE JORDAN: Thank you. And do you
- 5 solemnly swear that the testimony you're about to
- 6 give will be the truth, the whole truth, and nothing
- 7 but the truth?
- MS. McCROSKEY: I do.
- JUDGE JORDAN: Go ahead.
- MS. McCROSKEY: My concern is that he's
- 11 owned our water company for two to three years, and
- 12 we're not that bad yet, but he's been a very poor
- 13 steward of the companies he has had, and what's even
- 14 more disconcerting is that the building very next
- 15 door to our water company is a water purification
- 16 company that I believe he also owns.
- 17 So I believe he has the resources to fix
- 18 some of these problems or maybe possibly even the
- 19 knowledge, and he either doesn't through -- he just
- 20 doesn't care or he has such poor management of his
- 21 company that he can't.
- 22 And many times I pay my water bill, I
- 23 have to go pay it in person because if I mail it,
- 24 they don't go to the post office box enough that
- 25 it's not late and I have to call and ask them to

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- 1 remove the late fee.
- 2 If I call and pay it over the phone with
- 3 my credit card, I watch my statement. Sometimes
- 4 it's not charged until seven or eight days later.
- 5 When I call them about it, oh, we bet busy, and we
- 6 write it down and put it in when we have time.
- 7 I'm an insurance agent. If I did that,
- 8 I would lose my license for writing down a credit
- 9 card number. It's unacceptable. And his rate
- 10 increase is unacceptable until he can learn how to
- 11 professionally run his business.
- 12 Thank you.
- 13 JUDGE JORDAN: Thank you.
- 14 COMMISSIONER KENNEY: Thank you.
- MS. MERS: What company are you with?
- 16 MS. McCROSKEY: Oh, I'm sorry. I'm with
- 17 Rockaway Beach, Taney County Utilities.
- MS. MERS: Thank you.
- 19 JUDGE JORDAN: Would anyone else like to
- 20 testify tonight?
- 21 Come on forward and be sworn in. We'll
- 22 start with your name, please.
- MR. MANIS: I'm Danny Manis with Moore
- 24 Bend Water Company.
- JUDGE JORDAN: Can you spell that for

Page 59 the reporter? 1 MR. MANIS: Yeah. M-A-N-I-S. 3 JUDGE JORDAN: Please raise your right hand. 4 Do you solemnly swear that the testimony 5 6 you're about to give will be the truth, the whole 7 truth, and nothing but the truth? 8 MR. MANIS: I do. JUDGE JORDAN: Go ahead. 9 10 MR. MANIS: I guess my comments kind of 11 go along with a number of the people have already 12 talked. 13 We used to have prior owners, and we've 14 never really had that much trouble with the water 15 until Mr. Brower has taken it over. The comments about him not returning 16 phone calls, I can testify I called him. He's never 17 returned. I can't get ahold of him. I don't know 18 what the problem is. I don't know of anybody that 19 20 has. The road condition, when he comes down 21 and fixes something, he doesn't repair it. I mean, 22

Fax: 314.644.1334

it's still coming across. We develop pot holes.

hadn't come in and put chip and seal, it would still

know there's one spot there that if the county

23

25

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- 1 have cones setting around after nine months to a
- 2 year.
- I was down there the other day for
- 4 another water line. It goes all the way across the
- 5 road. The barriers on both sides, barely enough
- 6 room for a car to go through, and it's out in the
- 7 middle of the road as far as where you can turn
- 8 around. There's no place to turn around. So people
- 9 that come down there with boats or trailers or
- 10 something, they can't back up that far.
- To me, these are simple things that if
- 12 he was interested in being a good steward to the
- 13 water companies, these are easy things: making
- 14 phone calls, returning phone calls, fixing the
- 15 roads, taking care of the business.
- 16 We had boil orders. I've never seen a
- 17 notice of boil order as long as he's owned it.
- 18 Other owners prior to that, when we would go down to
- 19 the lake, there would be a notice stuck in the door.
- 20 Every house around would get noticed. I've never
- 21 seen that. He says he puts up signs at the
- 22 beginning. I have never seen signs. I have never
- 23 heard of anybody that's said anything about signs.
- These are simple things that he's not
- doing, and so I'm concerned that we're going to be

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- 1 giving him this increase and nothing is going to
- 2 happen. It's not going to make him any better.
- 3 It's not going to make him any more reliable as far
- 4 as taking over the company and doing the right
- 5 thing.
- 6 He's asked for an increase to the third
- 7 highest rate of all the companies he has for a
- 8 thousand gallons of water usage for the Moore Bend.
- 9 A thousand gallons. The next highest up is in the
- 10 5,000-gallon range.
- 11 We have people living down there that
- 12 are on very low fixed income. If they use \$2,000 --
- or 2,000 gallons, they're talking about \$40 -- or
- 14 \$80 a month water bill. To me, that's outrageous
- 15 for 2,000 gallons. That can't be right. You know,
- 16 5,000, 6,000 gallons at 37, 38, \$46, and then 1,000
- 17 gallons at \$38. Something's not right. Something's
- 18 definitely not right with this.
- 19 If we could see something happening down
- 20 there. He's not doing the things that are free and
- 21 easy. Why would I expect he's going to do something
- when we give him this kind of money?
- You know, it's very poor performance.
- 24 People have talked about that in other water
- 25 companies around. We did not have the problems

Page 62 until he took that on. So I think it's relayed 1 2 everything. I think somebody needs to make him 3 stand up before he gets these kind of increases and 4 prove himself more than just going out and spending the money and coming to the State and say, okay, I 5 6 spent this money; now I need to be reimbursed for 7 it. To me, that's not the way to do business. That may be how he does it as a public utility, but 8 9 that's not the way you do business. 10 Thank you. 11 JUDGE JORDAN: Thank you. 12 COMMISSIONER KENNEY: Thank you, sir. 13 JUDGE JORDAN: Who else would like to 14 testify today while we're here? 15 (No audible response). 16 Anyone? 17 MS. GRAY: I do. 18 Melanie Gray from Moore Bend. 19 JUDGE JORDAN: And is that Gray, 20 G-R-A-Y? 21 MS. GRAY: Yes. 22 JUDGE JORDAN: Please raise your right 23 hand. 2.4 Do you solemnly swear that the testimony 25 you are about to give will be the truth, the whole

Page 63 1 truth, and nothing but the truth? 2. MS. GRAY: I do. 3 JUDGE JORDAN: Thank you. 4 MS. GRAY: I attest, again, agree with everything everybody else has said. I have the same 5 6 issues. I do want to add that I did have my water 7 tested and the residual chlorine was .12, which is less than a tenth of what is recommended. I also 8 9 had trouble with the staff. 10 And the thing that I really want to 11 inject into your notes, though, is that if you would please reconsider the thousand gallon amount for 12 13 Moore Bend, because they said that that thousand 14 gallon was based on the average use, but there are 15 so many -- we have -- I was told there was over 300 meters, and a vast majority of those are 16 weekenders, and so that throws our average very low, 17 so that the people that are there full time that use 18 a normal amount of water, if they use the 19 20 6,000 gallons like the other companies, as he said, would be \$88 a month, and that's very unreasonable. 21 So I would appreciate if you would 22 reconsider that amount. So that's all. 23 2.4 JUDGE JORDAN: Thank you. 25 COMMISSIONER KENNEY: Thank you very

Page 64 1 much. MR. OPITZ: I have one question. 3 Ms. Gray, that thousand gallon amount, is it your understanding that that's related to the amount of 4 the customer charge that? 5 6 MS. GRAY: Yes, they told us that that 7 was based on the average usage and that we would 8 only be allowed a thousand gallons before it would 9 increase every month as well. 10 MR. OPITZ: Thank you. 11 JUDGE JORDAN: Thank you for your testimony. Who else would like to testify tonight? 12 13 (No audible response). 14 I am not seeing anyone. Thank you for 15 speaking and for listening. Hard as Staff works, it's impossible to gather all the information that 16 it would like to have. That's part of why we do 17 18 what we do. Any closing remarks, Commissioner? 19 COMMISSIONER KENNEY: Just thank you. 20 JUDGE JORDAN: Then on behalf of the Commission and all the commissioners, thank you for 21 coming out tonight. I will adjourn this hearing and 22 we will go off the record. 23 2.4 25 (Concluded at 7:50 o'clock p.m.)

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	STATE OF MISSOURI)	
3) ss:	
	COUNTY OF WEBSTER)	
4		
	RE: STATE OF MISSOURI	
5	PUBLIC SERVICE COMMISSION	
	In the Matter of the Rate Increase Requests of the	
6	Regulated Water and Sewer Utilities Owned and	
	Operated by Ozark International, Inc.	
7	File No. WR-2015-0192	
8	Date Taken: NOVEMBER 19, 2015	
9	I, Paula C. Voyles, a Registered Professional Reporter,	
10	Certified Real-Time Reporter, Certified Court Reporter,	
11	do hereby certify that the matter appearing in the	
12	foregoing transcript was recorded by me to the best of	
13	my ability and was thereafter reduced to written form	
14	under my direction.	
15	I further certify that I am not a relative or employee	
16	of counsel of any of the parties, nor a relative or	
17	employee of the parties involved in said action, nor a	
18	person financially interested in the action.	
19		
20		
21		
22	PAULA C. VOYLES, RPR, CRR,	
	CCR No. 750	
23		
24		
25	MLS-192525/PCV-15182	

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