		Page 1
1	STATE OF MISSOURI	
2	PUBLIC SERVICE COMMISSION	
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4	In the matter of )	
	Missouri American Water ) File No. WR-2015-0301	
5	Company )	
6		
7		
8		
9	Transcript of Proceedings	
10	Public Hearing	
11	February 1, 2016	
12	Riverside, Missouri	
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		Page 3
1	APPEARANCES (Continued)	
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1	PROCEEDINGS	C
2	* * * * *	
3	(Proceedings commenced at 12:01 p.m.)	
4	JUDGE BURTON: Good afternoon, everyone.	
5	Let's go ahead and go on the record in File Number	
6	WR-2015-0301 in the matter of Missouri American Water	
7	Company's request for authority to implement a general	
8	rate increase for water and sewer service provided in	
9	the Missouri service areas.	
10	Today is Monday, February 1, 2016. The	
11	time is around 12:01 p.m., and we are at the	
12	Riverside Riverside City Hall at 2905 Northwest	
13	Vivian Road, Riverside, Missouri 64150.	
14	The Commission has set this time for a	
15	local public hearing. At this time, I would ask that	
16	the parties enter their appearance for the record.	
17	And we'll begin with Missouri American	
18	Water Company.	
19	MR. LUFT: Tim Luft, Missouri American	
20	Water Company, counsel. The court reporter has my	
21	information.	
22	JUDGE BURTON: Thank you, Mr. Luft.	
23	On behalf of the Office of the Public	
24	Counsel?	
25	MR. OPITZ: Thank you, Judge. On behalf of	

Page 5 the Office of the Public Counsel, my name is 2 Tim Opitz, and my address is Post Office Box 2230, 3 Jefferson City, Missouri 65102. JUDGE BURTON: Thank you. 4 5 On behalf of the Staff of the Missouri Public Service Commission. 6 7 MR. WESTEN: My name is Jacob Westen. counsel on behalf of the Staff of the Missouri Public 8 9 Service Commission. My contact information is PO Box 360, Jefferson City, Missouri 65102. 10 11 JUDGE BURTON: Are there any other parties 12 that are present today that would like to enter their 13 appearance? 14 MR. BEDNAR: Spencer Fane Law Firm, 15 Kansas City, Jefferson City. 304 East High Street. 16 JUDGE BURTON: Thank you, Mr. Bednar. 17 Is there any other party present? 18 All right. My name is Kim Burton. I'm one 19 of six judges with the Missouri Public Service Commission, and there are five commissioners with the 20 21 Commission, and we have two of them here today that I'll go ahead and introduce. 22 23 First, Commissioner Bill Kenney. 2.4 MR. KENNEY: Good afternoon. I appreciate 25 your attendance today. As it was mentioned, there are

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- 1 five public service commissioners. We are appointed
- 2 by the government and confirmed by the Senate.
- 3 Ms. Coleman is our newest. She was just confirmed in
- 4 January, and she is from the St. Louis area. I'm from
- 5 the Kansas City area.
- 6 Our other three judges will have an
- 7 opportunity -- or commissioners -- excuse me -- will
- 8 have an opportunity to read the testimony, because we
- 9 have a court reporter that will provide transcripts
- 10 for this case.
- 11 Again, I appreciate your attendance.
- 12 MS. COLEMAN: Good morning, and thank you
- 13 for being here today. We appreciate hearing from all
- 14 of you.
- 15 JUDGE BURTON: Okay. Now at this time, I
- 16 have a list of individuals who have identified that
- 17 they would like to hear -- or present testimony to the
- 18 Commission.
- 19 And just so you know, the Commission is
- 20 here to hear your testimony. For the record, we will
- 21 be unable to answer any questions that you might ask,
- 22 but the Commissioners, myself, or the parties might
- 23 ask you questions in response to the testimony or any
- 24 issues that you might bring up.
- 25 So what I'll do is I will call you forward,

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- 1 have you come up here. I will swear you in and let
- 2 you provide your testimony. I will go down the list.
- 3 And if your name isn't on here, but you would like to
- 4 testify, I will give you an opportunity to do so at
- 5 the end.
- If your name is on here and you feel like
- 7 someone else has sufficiently provided the statements
- 8 that you would provide, feel free to just identify
- 9 that you no longer wish to testify.
- 10 At this time we'll go ahead and begin with
- 11 Mr. Jason Strohm.
- 12 Please raise your right hand.
- 13 (Witness was sworn.)
- 14 JUDGE BURTON: Would you please state and
- 15 spell your name for the record and identify what water
- 16 sewer district you are located within?
- 17 MR. STROHM: Jason L. Strohm, S-t-r-o-h-m,
- 18 Platte County, Parkville Water.
- JUDGE BURTON: Thank you.
- 20 MR. STROHM: Good afternoon. I'm going to
- 21 go ahead and apologize in advance. This may not be
- 22 the forum -- correct forum to bring up my issues.
- I find it appalling that Missouri American
- 24 Water wishes to submit for a rate increase, and it
- 25 effectively spent \$346 million, whereas their product

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- 1 is woefully dated and harmful to each and every
- 2 individual in these two counties -- or in Platte
- 3 County.
- 4 I've had an issue going on dating back to
- 5 2012. It initially started in February. There are a
- 6 number of representatives in this room that can vouch
- 7 for those concerns, but to streamline the process and
- 8 make this rather quick, I will give you some of the
- 9 highlights of the ongoing documentation as well as
- 10 pictures. And, if need be, I will provide a whole lot
- 11 more in terms of receipts, repair orders, complaints
- 12 and interactions with all parties from Missouri
- 13 American Water.
- 14 It states that Missouri American Water
- 15 provides drink -- quality drinking water, might I add,
- 16 to 5,600 residential, commercial, and industrial
- 17 consumers. I am far from one of the only residential
- 18 customers that is having this problem. There is a
- 19 number of different subdivisions that are experiencing
- 20 the same thing. Apparently, after four and a half
- 21 years, it's time that I actually stood up and made
- 22 this presentation.
- I'm going to go through and I'm going to
- 24 read you some of these e-mails dating back to 2012,
- 25 and I'll present you with the pictures, if you'd like.

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- 1 This is dated February 7, 2012. Now, mind you, this
- 2 goes on up until today.
- "Good morning. I'm writing you this e-mail
- 4 to inform you of an ongoing issue with your water
- 5 quality. Beginning approximately six months ago, our
- 6 dishwasher quit working. We contacted A.B. May to
- 7 come out to our house to determine the issue. At
- 8 first, the representative noted a significant build-up
- 9 of what he thought was detergent on the dishwasher
- 10 filter. We cut back on the amount of detergent used
- 11 to see if this solved the problem. He also noted the
- 12 detergent wasn't being sprayed off the door of the
- 13 dishwasher; rather, it was slowly dripping down,
- 14 concluding that the dishwasher wasn't receiving the
- 15 necessary water flow to operate. He cleaned the
- 16 aerator at the " -- upcoming -- "at the incoming water
- 17 supply and turned to the kitchen sink. Both aerators
- 18 were clogged with sediment."
- 19 And this is where I have pictures if you'd
- 20 like me to bring those up.
- 21 "Approximately, a month later the
- 22 dishwasher quit filling again. The technician stated
- 23 that we had a water problem and to clean out the hot
- 24 water heater."
- Now, I'm going to preface this by telling

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- 1 you I've heard about every excuse as to what the issue
- 2 is you can imagine. First, being that it's strictly
- 3 my hot water, meaning that my hot water heater is
- 4 cooking the water too high, and it's clogging my pipes
- 5 and appliances. I was told that there was a change in
- 6 the pH level, I believe, to bring down the -- break
- 7 down the calcium. That's fine. I don't believe that
- 8 to be the case either, and I believe they can -- we
- 9 had a discussion earlier about that very issue.
- 10 I was told that it was strictly limited to
- 11 my house. Yet, Missouri American Water came out and
- 12 opened the hydrant in front of my house and flushed
- 13 the lines. Every single time there was white sediment
- 14 all over the street and the curb.
- 15 And I have those individual's names. I
- 16 have the representatives from Missouri American Water,
- 17 and I would be more than happy to have them confirm
- 18 that.
- 19 "For the past six months, we've replaced
- 20 water filters on the refrigerators, the flow valves on
- 21 the washing machine, the filter on the dishwasher,"
- 22 which, by the way, never works, because I'm not going
- 23 to put something in just to have it go bad again.
- "Missouri American came to our water [sic],
- 25 looked at the aerators, and offered the following

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Fax: 314.644.1334

suggestions: Clean out the hot water heater." 1 2 Interesting. As I mentioned before, we had 3 a representative from Missouri American Water there. They witnessed it. They acknowledged it's not limited 4 5 to the hot water heater. It's on the cold water too, which explains the sediment that's ruining my toilet 6 7 as well. 8 We blew out -- or as they called it, "'Blow 9 out the system' by turning on the water for ten 10 minutes and letting it run." We did that. I have to do that monthly now. 11 12 "However, strangely enough the water flow 13 of my hose bib with sprinkler head stopped." So that throws out the window that it's strictly my hot water, 14 15 because my hose bib is no more than 3 feet from where 16 my water line comes in the house. It's strictly 17 straight out, outside, turn on the hose, and now my sprinkler is clogged. Again, it references the 18 19 pictures below. 20 That serves as a proof point that, A, it's 21 not limited to cold water or hot water. It also proves that the sediment that is entering my house is 22 23 also visible in the street before it enters my house. 24 Now, again, I was told from their insurance company

it's not their problem. It's my problem, because it

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- 1 happens inside my house. I have a diagram to show
- 2 you, which is quite laughable as well.
- 3 I can continue on with a number of e-mails.
- 4 I'm not sure how much time you guys have or how much
- 5 you want to listen.
- 6 On April 27, I had a -- a plumber. He
- 7 "arrived to flush out my lines and clean out the hot
- 8 water heater again." That's two months. "He noted
- 9 that there was 'at least 20 years of build-up on a
- 10 five-year old water heater.'"
- In addition to that, I had to go over and
- 12 help my elderly neighbor replace his hot water heater,
- 13 because he couldn't get it up the hill. It was too
- 14 full of sediment, and it wasn't working.
- 15 "Immediately after cleaning out the" hot
- 16 "water" -- hot "water heater, I pulled the aerator at
- 17 the sink, approximately 10 feet from the water heater,
- 18 for Mr. McMillan" -- who is a former employee of
- 19 Missouri American -- I cannot find him, because I've
- 20 tried to contact him as well.
- 21 He witnessed the clean out, "replaced the
- 22 aerator, but the water pressure did not return. I
- 23 asked Mr. Pankey to see if he could flush out the
- 24 lines to get back the water flow. He tried" what was
- 25 called "a 'back flush' by removing the hot water line

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- 1 and placing it in a bucket. He turned on the cold
- 2 water and blocked the tap to force the water out of
- 3 the hot water line and into the bucket."
- 4 "It did not work. He believes that the
- 5 sediment, calcium, and" -- pardon my French -- "crap
- 6 has clogged the check valve in the faucet. So you
- 7 know, the faucet was installed in January." It was
- 8 "not more than four months old."
- 9 "Mr. McMillan informed me that the issue
- 10 could be resolved if I would consider purchasing a
- 11 water softener. To which, I said the issue MAY be
- 12 resolved if YOU would consider purchasing ME a water
- 13 softener, not to mention my five-year-old hot water
- 14 heater that is NOT covered by warranty for your" --
- 15 pardon my French again -- "shitty water conditions and
- 16 significant build-up of calcium and limestone."
- 17 "As I said in my previous e-mail, I will
- 18 NOT purchase a water softener to fix YOUR problem.
- 19 YOUR problem has significantly damaged our appliances,
- 20 and this issue, including the failed appliances, will
- 21 be resolved by YOUR solution."
- 22 Acknowledging that I wasn't going to go
- 23 away and I was going to pester them continuously,
- 24 Missouri American Water did a couple of things to try
- 25 to resolve the issue. Maybe it was just to get me off

Page 14 their back. 1 2 One, they installed a whole house water 3 filter. The whole house water filter is great for 30 days. They are supposed to last 90 days. 4 5 lasted 30 days before all that sed- -- I'm sorry -it's not "sediment." I believe -- what was the term 6 we used? Calcium, scale -- would bypass that, because 8 it's already clogged, and it would go right back in my 9 house and ruin more appliances. This was April 30 of 2012. "Last Friday 10 Mike McMillan with American Water was at my house to 11 12 see the results of the ongoing water issues..." 13 "To be clear, I appreciate the thoroughness of Mr. McMillan and the staff that return to my house 14 15 nearly every other week. As I've told Mr. McMillan 16 and will tell you, I firmly believe that the water 17 main has been cleared of the calcium and the sediment in the lines. Unfortunately, that faith has not 18 resolved the issues I'm currently" experiencing "with 19 my appliances, " my water in general, "faucets, and 20

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pictures and service records in question including two

new items: the hot water heater and the new faucet

installed in the basement. As previously mentioned,

"Should you request, I have hundreds of

internal water lines."

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Page 15

- 1 Mr. McMillan and Mr. Pankey of Pankey Plumbing were at
- 2 my house." Mr. McMillan witnessed that clean-out. "I
- 3 notified Mr. McMillan the previous week that we were
- 4 experiencing poor water flow, significant build-up,
- 5 and a leaking hot water heater. Mr. McMillan
- 6 immediately responded by sending a representative out
- 7 to" -- "enter my house and watch as I pulled the
- 8 screens and water lines off the back of my washing
- 9 machine."
- I have pictures of those as well.
- "He witnessed the process and can verify
- 12 that the screens at the back of the machine were
- 13 clogged." Both hot and cold, mind you, because
- 14 apparently according to them, it's strictly my hot
- 15 water heater.
- 16 "Next, we went to the basement to look at
- 17 the hot water heater. At the pressure relief
- 18 valve" -- "calcium and sediment" -- I presume it's
- 19 "scale" now -- "and water were dripping onto the
- 20 floor. He acknowledged the issue and stated that
- 21 Mr. McMillan would be calling me and contacting a
- 22 plumber to establish a good meeting time and date."
- On the 27th Mr. Pankey arrived to flush out
- 24 my hot water heater and my lines again. I could go
- 25 back into that, but I touched on it already.

Page 16 1 "The pictures below indicate the severity 2 of the problem. The first picture was immediately 3 following the removal of the aerator at the bathroom sink. The second picture was taken approximately ten 4 5 minutes later following another 'blow out.'" So we do it -- we turn on the water -- or 6 7 we turn on the water, on and off, on and off, until it 8 fills up again. We take the aerator off, and there 9 you have it. There's more. 10 My conclusion on that e-mail was, "Please 11 take whatever actions are necessary to resolve the 12 problem before your customers experience more losses, more repairs, and additional actions." 13 14 That was 2012. 15 Additional pictures. 16 This -- and I will provide these to you --17 are from the back of my washing machine, which fails. 18 I can't reset the computer in my washing machine, so I 19 have to call somebody for service to reset it. I've been told -- or asked, "Why don't you I replace it?" 20 21 "I" -- "I appreciate your concern, but I'm 22 not going to replace my appliances every time they're clogged and they fail, because of what is coming 23 through my water lines." 24 25 Additional pictures.

Page 17 I contacted their insurance agent -- I 1 2 contacted their insurance agent at -- with Mike 3 McMillan -- Mike Wood, from American [sic] Water, and Jodi Johnson all copied. 4 5 At that time I was basically told again, "It's not my issue. It happened in your house, so 6 7 it's your problem." "Great. Thank you." 8 9 Daniel Wemhoff, representative of -- oh, what insurance is that -- Travelers Insurance 10 11 indicated to me that the issue is, again, within my 12 house and that there is nothing they can do until it's 13 been proven otherwise. As I mentioned before, they blew out the lines in front of my house at the 14 15 hydrant, and there was stuff all over, which I 16 referenced to him and Mr. McMillan, as well as 17 Mr. Wood confirmed that the water is in their water mains. So it's entering my house from the water 18 19 mains, but it's my fault. 20 He indicated that I should see a copy of 21 the tariffs that the Missouri American Water is requesting -- or I requested -- I'm sorry -- a copy of 22 the tariffs, which Mr. Wemhoff mentioned. And in that 23 24 tariff, it's PSCMO number 13 H. I'm going to read 25 this to you verbatim.

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- 1 "Repairs or maintenance necessary on the
- 2 Customer Water Service Line or on any pipe or fixture
- 3 in or upon the Customer's premises, including the
- 4 connections to the Company's meter installation, but
- 5 excluding the Company-owned meter, shall be the
- 6 responsibility of the Customer. Such pipe and
- 7 fixtures shall be kept and maintained in good
- 8 condition, protected from freeze, free of all leaks.
- 9 Customer service failures" -- on and on.
- 10 I responded naturally with, "Sir, none of
- 11 that's been an issue. Absolutely none of it."
- 12 There's a Ms. Karen Fueglein, I believe,
- 13 that also works with Travelers Insurance. I mentioned
- 14 this before, and I know that Jodi back there is aware
- of it. She, effectively, told me to go pound sand.
- 16 Again, it's not our issue. It's in the water lines.
- 17 It gets into your house. Once it gets into your
- 18 house, it's your problem.
- 19 So here's my response to Mr. Wemhoff, and
- 20 Karen Fueglein: "I am in receipt of your letter dated
- 21 July 3" -- "However" -- now, this is another few
- 22 months after that -- "However, within the text of your
- 23 letter, you have made some significant errors with
- 24 regards to the date of loss, the degree of loss, and
- 25 the validity of Rule 6, Item H, (Company, Missouri

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- 1 American Water) to this claim. Unfortunately, this is
- 2 representative of how carelessly your investigation
- 3 was conducted."
- 4 "To begin, I will start with the dates of
- 5 loss. My claim initiated on February 7, 2012.
- 6 However, severe water quality issues began
- 7 approximately six months prior to that" -- "Simple
- 8 math would indicate that the first approximate date
- 9 of " -- loss and the "water quality concerns began"
- 10 somewhere in "September 2011. Therefore, the date of
- 11 loss on your letter, May 1, 2011, is incorrect."
- 12 "Travelers Insurance claims, 'Under the
- 13 terms of our contact of insurance, we had obligated to
- 14 pay on behalf of our insured only if the facts clearly
- 15 show that our insured to be primarily responsible for
- 16 the damages.'" -- "The facts, as discussed with local
- 17 representatives, Mike McMillan, Mike Wood, and Wally
- 18 Williams are as follows:"
- 19 And I quote them -- actually, I quote Mike
- 20 McMillan.
- 21 "The introduction of higher concentrate of
- 22 phosphate into the purification cycle began in late
- 23 2009, earlier 2010. It has been changed from a
- 24 50/50 percentage to a 90/10 percentage."
- 25 "Beginning approximately six months ago our

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- 1 dishwasher quit working. We contact" -- them. I gave
- 2 them the same e-mail that I initially sent when this
- 3 all began.
- 4 Again, I got the response that it is my
- 5 issue. By flushing my internal house lines no less
- 6 than three times in the past five months and agreeing
- 7 to install a filter to prevent the sediment from
- 8 entering my home, Missouri American Water Company,
- 9 has, by action, claimed responsibility for the poor
- 10 water quality within my house. In fact,
- 11 representatives of Missouri American have entered,
- 12 witnessed, and apologized on numerous occasions for
- 13 the damages and effort required to maintain our water
- 14 pressure and appliances.
- 15 I have to leave work to go do this with
- 16 them. It hasn't happened in quite some time, because
- 17 I've given up, because I can't fight the four lawyers
- 18 that are representing them right now.
- 19 "The water quality" -- this is my response
- 20 back to Travelers still. "The water quality and
- 21 deposits within, as acknowledged by local
- 22 representatives, are indeed responsible for the
- 23 build-up and failure of the appliances and faucets
- 24 identified. If this was not the case, why is there so
- 25 much effort to clear the water lines or open the mains

Page 21 and flush them out? Why are representatives entering 2 and witnessing the damage within? Why have they spent 3 so much time and effort cleaning out my hot water heater? Why am I not an isolated case? If I were an 4 5 isolated case, I could understand any claims that the problem is within my home. However, that's not the 6 7 case. And why, if it is not the water quality causing 8 the damage, are they installing a filter to prevent it 9 from entering my home?" 10 MR. KENNEY: Mr. Strohm, have -- have you ever filed a complaint with the Missouri Public 11 12 Service Commission? 13 MR. STROHM: I have -- I have contacted them and sent, basically, a brief complaint to --14 15 MR. KENNEY: Have you discussed this with the Office of the Public Counsel? 16 17 MR. STROHM: No, sir. 18 MR. KENNEY: So you have not gotten any -any -- your -- your issue has not been resolved by the 19 Company; correct? 20 21 MR. STROHM: That is correct. 22 MR. KENNEY: I would suggest that you talk to the Office of the Public Counsel today and you also 23 24 talk to the Staff of the PSC, because they can probably help you investigate the scenario. That's 25

Page 22 what I would suggest you do. 2 Second, is the water quality drinkable? 3 MR. STROHM: Without any science to say that it's safe, I assume so. 4 5 MR. KENNEY: You can also contact the Department of Natural Resources, and they will come 6 7 out and check the water quality coming out of your faucet. 8 MR. STROHM: I do have contacts within the 9 city of Olathe, and I tried to take a sample out 10 11 there, but because it was out of their jurisdiction, 12 and I didn't have the proper authority --MR. KENNEY: But you don't have to do that 13 yourself. I mean, the State -- I know firsthand, the 14 15 State will come out and check your water for you --16 the quality. 17 And, also, just -- I just wanted to find out -- before you continue, you can also offer that --18 19 all your information into the record, and you can present that to the Judge. She'll put all your 20 21 information into the record, including the photos and 22 anything you have today. 23 MR. STROHM: I was going to leave this information. 2.4 25 I read to you Item 6 -- Rule 6, Item H.

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- 1 "The applicability of Rule 6, Item H, to my claim,
- 2 does not reflect the nature or the cause of the
- 3 failures. My Customer Water Service Line is in proper
- 4 working condition. All of my fixtures" -- with the
- 5 exceptions of "the items damaged by water quality are
- 6 and have been maintained in good working condition.
- 7 My Customer Water Service Line has been protected from
- 8 freezing and is free of all" -- "is free of all
- 9 leaks."
- 10 "What Rule 6, Item H, fails to address is
- 11 the quality of the service provided by Missouri
- 12 American Water. Again, we've acknowledged that there
- 13 is a problem. However, the problem lies within the
- 14 hands of the Owner/Operator of the water mains. It is
- 15 not and it should not to be construed as the fault of
- 16 the customer."
- 17 Ms. Fueglein, conveniently located on the
- 18 other side of the state and relatively unaware of the
- 19 issue in Parkville, has attempted to absolve all
- 20 responsibility for quality by pointing the finger and
- 21 blaming the customers for service issues to which they
- 22 do not control."
- This is Figure 1, which is their diagram.
- 24 "Figure 1 identifies the responsibility of the Company
- 25 and the Customer." In short, it actually determines

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- 1 liabilities. "If an item or line indicated by yellow
- 2 highlight fails, I am the responsible" and liable
- 3 person "for all costs associated with the repairs.
- 4 Conversely, all items in blue are the responsibility
- 5 of the Company. Although, this diagram fails to
- 6 identify the party that is responsible for the quality
- 7 of water that actually travels the system. Otherwise,
- 8 there would not be a need to flush the system and the
- 9 hydrants, and Mr. Williams would not be finding the
- 10 cause of the problem in the street."
- "My conversation with Wally Williams on
- 12 July 10, 2012, indicates" --
- 13 JUDGE BURTON: Mr. Strohm -- Mr. Strohm, I
- 14 understand you probably have a lot of information that
- 15 you'd like to provide, but I do want to make sure we
- 16 have ample opportunity for other people to testify.
- 17 MR. STROHM: Absolutely.
- JUDGE BURTON: So I'm going to give you
- 19 about two more minutes to finish up, and then you'll
- 20 have an opportunity to submit your exhibits for the
- 21 record, and then we'll ask you some questions, and
- then I'd like to move on. And we can see, after the
- 23 remaining people testify, if there's additional time
- 24 for you.
- 25 MR. STROHM: I'll close with the following.

Page 25 Just get this -- I think that the evidence -- or the 1 2 concern is sufficiently voiced. 3 They are seeking, I believe, it's \$346 million for capital improvements. That's a small 4 5 drop of water for Missouri American Water. Imagine having to fix your infrastructure, every week having 6 7 to clean out your faucets and aerators, having to have somebody come out because you can't get to the back of 8 the dishwasher. I can't. I'm not a serviceman. 9 can't clean out my refrigerator water filter. Once 10 11 they are shot, they are shot. Missouri American Water 12 even provided me seven water filters knowing that it 13 was not my problem; that it came from their water. 14 I'll leave it at that. 15 JUDGE BURTON: Thank you. Mr. Strohm, why 16 don't you hand me your exhibits? 17 MR. KENNEY: And, Mr. Strohm, please wait. JUDGE BURTON: Just need to -- wait for --18 19 are there additional questions? 20 MR. KENNEY: I have one other question for 21 you. How many of your neighbors are experiencing 22 23 the same problem? 2.4 MR. STROHM: There's quite a few. 25 surprised that there's not more of them here.

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- 1 been fighting this, again, for four years. There's an
- 2 entire Facebook web page devoted to what do we need to
- 3 do to resolve this. I can't tell you how many times
- 4 Missouri American has been out to my house as well as
- 5 my neighbors' houses.
- 6 MR. KENNEY: Do you live in a subdivision?
- 7 MR. STROHM: Yes, sir. Thousand Oaks.
- 8 MR. KENNEY: How many homes are in the
- 9 subdivision?
- MR. STROHM: 750, but they're building,
- 11 probably, 800 or more.
- MR. KENNEY: All right. She has to do
- 13 some -- (inaudible.)
- 14 COURT REPORTER: I'm sorry. What's that,
- 15 Mr. Kenney?
- 16 MR. KENNEY: There may be other questions,
- 17 but the judge is busy right now.
- MS. COLEMAN: Mr. Strohm, I'd just like to
- 19 mention that the two people that Commissioner Kenney
- 20 mentioned are sitting there in the front -- right
- 21 there behind you, the Office of the Public Counsel and
- 22 Staff.
- 23 MR. STROHM: I look forward to speaking
- 24 with you.
- JUDGE BURTON: I'm going to have this

	Page 27
1	marked as LPH6-1, and I have 46 pages. And I'll have
2	the court reporter mark this.
3	(Exhibit LPH6-1 was marked for
4	<pre>identification.)</pre>
5	JUDGE BURTON: And at this time, I'll ask
6	if there are any objections to the admission.
7	Mr. Strohm, what is the name of your
8	subdivision?
9	MR. STROHM: Thousand Oaks.
10	JUDGE BURTON: Thousand Oaks?
11	MR. STROHM: Yes.
12	JUDGE BURTON: And is that located in
13	Riverside, Parkville?
14	MR. STROHM: Parkville.
15	JUDGE BURTON: Parkville.
16	And so the issues you've had with your
17	water are continuing?
18	MR. STROHM: Yes. Yes, ma'am. I would
19	invite everybody to come to my house for my weekly
20	cleaning.
21	JUDGE BURTON: Any questions from Missouri
22	American?
23	MR. LUFT: I have no questions for
24	Mr. Strohm.
25	JUDGE BURTON: OPC?

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1	MR. OPITZ: No thank you, Judge.
2	JUDGE BURTON: Staff?
3	MR. WESTEN: No questions.
4	JUDGE BURTON: Platte County?
5	MR. BEDNAR: None.
6	MR. KENNEY: Mr. Strohm, thank you.
7	MR. STROHM: Thank you for your time.
8	JUDGE BURTON: At this time I would ask
9	that we give counsel, if they'd like, an opportunity
10	to review the exhibit LPH6-1.
11	MR. LUFT: No objection.
12	MR. OPITZ: I have no objection.
13	MR. WESTEN: Staff has no objection.
14	MR. BEDNAR: None.
15	JUDGE BURTON: There are no objections.
16	LPH6-1 is admitted into the record.
17	Next, the Commission will hear from Anthony
18	Shores.
19	Mr. Shores, would you please raise your
20	right hand?
21	(Witness was sworn.)
22	JUDGE BURTON: Would you please speak into
23	the microphone? You can lift it up a little bit so we
24	can hear you better.
25	MR. SHORES: All right.

Page 29 JUDGE BURTON: And would you please state 1 2 and spell your name for the record and identify your 3 water and sewer district? MR. SHORES: I didn't hear the second part. 4 5 JUDGE BURTON: Your water and sewer district. 6 7 MR. SHORES: Oh. My name is Anthony 8 Shores. Last name is spelled S-h-o-r-e-s, Platte 9 County. I reside in Platte Woods, Missouri, with commercial property in Riverside, Missouri. 10 11 JUDGE BURTON: Thank you. You may begin. 12 MR. SHORES: I just have three basic comments to present to the council here. Thank you 13 for allowing me to share. 14 15 First of all, my biggest concern is we are asking for an overall rate increase, as I read it. 16 17 The current water structure and pricing in Riverside 18 and Platte Woods and Parkville is the more you use, the less you pay. 19 20 My background is water, water management, 21 water auditing. I work across the country. I have 22 not seen this before. Typically, I'm used to using 23 the large accounts that use anywhere from, minimum, a 24 million gallons a month to -- a million gallons a month, to 3 million gallons per night. And the more 25

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- 1 they use, the more they pay. They do get a reduced
- 2 rate. But at the end of the day, their water bills
- 3 don't go down, making their cost per thousand more
- 4 than the initial residential, commercial.
- 5 With that being said, it just concerns me
- 6 that we have the same water company within the same
- 7 state utilizing the same river, and on the eastern
- 8 side of the state, their water is \$3.31 a thousand.
- 9 And on the western side of the state, we get our water
- 10 before them. So, in my mind -- kind of sarcastic,
- 11 we're going to run out of water before they do. We're
- 12 triple them. We are \$7.85 a thousand currently.
- I find that kind of concerning for the same
- 14 river, same state, same water company. I understand
- 15 the demographic of the customers being served, but in
- 16 relation to other cities and water boards that I work
- 17 with throughout the country, it is some of the highest
- 18 priced water in the entire country based on its per
- 19 capita size.
- 20 For instance, I'll use the city of
- 21 Minneapolis, 80 cents a thousand. Fort Worth, \$2.70 a
- 22 thousand. I will tell you in Atlanta, Georgia, I have
- one that's \$29 a thousand. In the entire city, our
- 24 neighbors next to us, are anywhere from \$2.70 a
- 25 thousand, one mile away from the commercial property

Page 31 in Riverside, to the highest price in Platte County in 2 Belton, Missouri, of \$5.75 a thousand. I found no one 3 in the city that was over \$6 per a thousand gallons. Hopefully, my research is correct, and I 4 5 just kind of -- I just -- I've been in this residence and commercial property for over 25 years, and our 6 7 water bills have gone up 3- and 400 times. 8 With that all being said, I'd like to 9 present that it is some of the highest water in the 10 city, in the entire region. There is -- and this time of green sustainability, conservation, there is no 11 12 water rebate program at all. Nothing at all. 13 I find that that disturbs me because, if we're going to have some of the highest priced water, 14 15 shouldn't we be doing something about reducing the overall exposure? And that's pretty much the extent 16 17 of my comments and testimony. Thank you. 18 JUDGE BURTON: Thank you, Mr. Shores. 19 MR. KENNEY: Thank you, Mr. Shores. 20 MS. COLEMAN: Thank you. 21 JUDGE BURTON: Next, the Commission will 22 hear from Stacy Bucky [phonetic]. 23 MS. BUCKY: I'm going to let Tim Churchill make my comments since we have the same 24 25 ones.

		Page 32
1	JUDGE BURTON: Okay, thank you.	
2	Since Ms. Bucky has declined, we're going	
3	to go ahead and move on to Nan Johnston.	
4	MS. JOHNSTON: Thank you. My name is	
5	Nan	
6	JUDGE BURTON: Could you please raise your	
7	right hand?	
8	MS. JOHNSTON: Oh, I'm sorry.	
9	(Witness was sworn.)	
10	JUDGE BURTON: Will you please state and	
11	spell your name for the record and identify your water	
12	and sewer district?	
13	MS. JOHNSTON: Nan Johnston. N-a-n.	
14	Johnston is J-o-h-n-s-t-o-n, and I'm a resident and	
15	mayor of Parkville.	
16	We'd like to speak today in favor of the	
17	rate consolidation the district consolidation. As	
18	you've heard in previous testimony, Platte County has	
19	the highest water rates in the state. We feel that if	
20	we were allowed to be part of a larger district and	
21	have those operational costs spread across like	
22	other utilities are, that it would be a more fair and	
23	equitable situation for us.	
24	If the rate consolidation goes through as	
25	proposed, our customers will actually see a slight	

Page 33 increase in their rates; however, no one is able to 2 tell me what will happen to the rates if the 3 consolidation is not approved. I've stood up here for a couple years or so for more rate increases. It 4 5 seems like this is very frequent that we have to do this, and our residents are -- are tired of it. 6 7 They're angry about the rates, and they're angry about the water quality. As you've heard, Mr. Strohm's 8 9 situation, while extreme, is not unique. 10 I don't have a number, and it is odd in 11 that it is sporadic across the system. I know that 12 Riss Lake in addition to Thousand Oaks is experiencing these issues as well. 13 14 Thank you very much. Do you have any 15 questions? 16 JUDGE BURTON: Commissioners, do you have 17 any questions? 18 MR. KENNEY: No. 19 JUDGE BURTON: Thank you, Ms. Johnston. 20 MS. JOHNSTON: Thank you. 21 JUDGE BURTON: Next, the Commission will 22 hear from Tim Churchill. 23 Can you raise your right hand? 2.4 (Witness was sworn.) 25 JUDGE BURTON: Would you please state and

	Page 34
1	spell your name for the record and identify your water
2	and sewer district?
3	MR. CHURCHILL: Tim Churchill, 4542 Verona
4	Drive, Riverside, Missouri.
5	JUDGE BURTON: Would you spell your last
6	name for us?
7	MR. CHURCHILL: C-h-u-r-c-h-i-l-l.
8	JUDGE BURTON: Thank you.
9	We've been a resident of the Montebella
10	subdivision for almost six years. I will shorten
11	this. The gentleman from Thousand Oaks, we have
12	shared some identical problems with Missouri Water and
13	the blockage of the sediment.
14	May I approach?
15	JUDGE BURTON: You may.
16	MR. CHURCHILL: Here's a pop-off valve from
17	my water heater.
18	JUDGE BURTON: If you could just return to
19	the microphone, Mr. Churchill.
20	I'm going to mark this as LPH6-2.
21	(Exhibit LPH6-2 was marked for
22	<pre>identification.)</pre>
23	MR. CHURCHILL: The little cup, that's a
24	spokesman from American or Missouri American Water
25	came out and suggested that I drain my hot water

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- 1 heater to free it up. Well, when we looked at it, the
- 2 pop-off valve was leaking. I couldn't release the
- 3 pressure, and there was residue forming on top of the
- 4 thing. And I was told to call a plumber, so I did. I
- 5 called a plumber, and he came out and replaced the
- 6 valve and explained that, you know, that was a danger
- 7 kind of issue.
- 8 Okay. So we got that fixed. I couldn't --
- 9 he couldn't get the drain loose. Missouri American
- 10 Water came out and had another company -- a certified
- 11 licensed plumber come out and rinse down my house --
- 12 or, you know, drain everything out. The gentleman was
- 13 very professional. He did all that.
- Okay. They opened and flushed the valve --
- 15 or -- the valve in front of the house several -- at
- 16 least twice. That little cup -- they also told me
- 17 that, you know, there was some problems between the
- 18 PEX and the copper, that there was a possible
- 19 contamination, you know, between the two products.
- 20 And I -- and that was hot water-generated
- 21 only. I informed them that, "Gee whiz. All my
- 22 toilets are cold water, and they are clogging, and
- 23 they are running and taking a lot longer time to
- 24 fill." I have pictures of the residue in the toilets.
- 25 You can do it with the regular toilet.

Page 36 We have high-pressure -- high-flush toilets 1 2 in the house, and those have a big inner tube or 3 plastic thing where it goes in. So you can change the water supply, but you can't clean it out of the filter 4 5 that's there in the bottom of the toilet. It -- it's iust -- --6 7 JUDGE BURTON: If you can hold on one 8 moment. 9 MR. CHURCHILL: -- very frustrating. JUDGE BURTON: If you can hold on one 10 11 moment, Mr. Churchill. 12 I also have what's going to be marked as 13 LPH6-3.MR. CHURCHILL: That was done after the --14 15 to flush out of my house in a week, I ran the bathtub 16 in the main bathroom, filled it, let it drain, and 17 that's the sediment I got from cold water. 18 JUDGE BURTON: Hold on one moment, please. Give the court reporter an opportunity to mark this, 19 20 and I'll see if there are any objections to the 21 admission of this exhibit into the record. (Exhibit LPH6-3 was marked for 22 23 identification.) 24 JUDGE BURTON: Are there any objections to the admission of LPH6-2 or -3? 25

		Page 37
1	Hearing none. Both exhibits are admitted	
2	into the record.	
3	You may begin.	
4	MR. CHURCHILL: There are approximately, at	
5	least, 55 or 60 homes in Montebella from the first	
6	section of it. There is approximately 30 people that	
7	have responded to the HOA the homeowners	
8	association on Facebook have made comments about the	
9	water quality, the water pressure, whether they have	
10	installed filters and/or water softeners, because	
11	that's what they were told to do. I'm not really sure	
12	where that came from, but they are having mixed	
13	results.	
14	Most of these people have young children,	
15	like back there. I questioned the representative from	
16	Missouri Water about having an independent lab check	
17	this. Well, he said, "No, we know what it is."	
18	And I said, "Well, what are the long-term	
19	effects?" You know, "What are the side effects? Can	
20	we at least do that so we can feel confident?" Our	
21	children are grown, but there are a lot of young	
22	babies and children there. And they have no desire to	
23	alleviate or to show us that in good faith that	
24	that sediment was not going to hurt anyone. The	
25	questions are endless.	

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- 1 The safety, I asked about the fire
- 2 hydrants. Now, the fire department comes out and
- 3 flushes them. Mike from Riverside has been very
- 4 helpful. You know, maybe, in two years they are going
- 5 to have that same deposit in the fire hydrants. Is
- 6 the drinking water -- it just goes on and on and on.
- 7 They flush the lines.
- 8 Everything they've done so far has been a
- 9 Band-Aid, the long and the short. They put a Band-Aid
- 10 on it. They have been polite. They have been
- 11 relatively professional. The people who come out are
- 12 good employees, but the beat goes on. This has been
- 13 two years. I spend time and money. The toilets run
- 14 longer. I have no water pressure. I just keep using
- 15 more water. I'm the star customer of the month.
- 16 And just one final thing. I think all of
- 17 us with our retirement accounts, wouldn't you like to
- 18 have a 10.7 percent projected return on your
- 19 retirement program? End of story.
- JUDGE BURTON: Thank you. If you could
- 21 hold on, I'll ask the Commissioners.
- 22 Would any of the Commissioners like to have
- 23 a look at the exhibits offered or ask questions?
- MR. KENNEY: I just have one question
- 25 Mr. -- excuse me -- Mr. Churchill.

		Page 39
1	You mentioned in your subdivision	
2	Montecello [sic] subdivision?	
3	MR. CHURCHILL: Montebella, yeah.	
4	MR. KENNEY: Montebella. You said there	
5	were 60 homeowners that did an online response. 30 of	
6	them responded that they were having some issues?	
7	MR. CHURCHILL: 30 of them were concerned	
8	about water pressure. A lot of them are young	
9	first-time homeowners that if if they did call	
10	somebody or their uncle, brother, father said, "Oh,	
11	just put in a water softener, and that will take care	
12	of it" well, a lot of them have done that, but they	
13	still aren't those are newer homes. We've been	
14	there six years. Stacy has been there	
15	MS. BUCKY: Seven.	
16	MR. CHURCHILL: Yeah. Seven six,	
17	seven years.	
18	So we're experiencing that. And as those	
19	houses mature, they age. You know, why the you	
20	know, we're in the middle of the block. Why do I get	
21	it and the two houses on either side of me really	
22	don't? They get some residue.	
23	MR. KENNEY: Okay. My next question was	
24	it was it American Water or a plumber that talked	
25	to you regarding the PEX and the copper joints?	

	Page 40
1	MR. CHURCHILL: It was a representative
2	from American Water.
3	MR. KENNEY: Missouri American Water told
4	you that what did they tell you, again?
5	MR. CHURCHILL: He said that it could be a
6	contamination between the copper and the PEX. And
7	that's you know, it was hot water related, and
8	that's why we
9	MR. KENNEY: That would be interesting,
10	because almost every home built now is built with
11	copper fittings and PEX.
12	MR. CHURCHILL: Correct.
13	MR. KENNEY: They changed that in about
14	2008 when everybody started stealing copper. Good to
15	know.
16	Okay, thank you.
17	MS. COLEMAN: I'd like to see the second
18	exhibit.
19	JUDGE BURTON: Oh, Mr. Churchill, would you
20	please return to the podium?
21	MR. CHURCHILL: Oh, I'm sorry.
22	MS. COLEMAN: Exhibit 3.
23	Okay. Mr. Churchill, when you first
24	brought this up, I was trying to see the sediment, but
25	I see now that the reason I couldn't, it's fallen out

		Page 41
1	of the cup. So you had this, that's loose in the	
2	bottom, in the cup; right?	
3	MR. CHURCHILL: Right. That's what I took	
4	out of the bathtub	
5	MS. COLEMAN: Okay. Thank you.	
6	MR. CHURCHILL: with the cold water.	
7	MS. COLEMAN: Thank you, Mr. Churchill.	
8	MR. CHURCHILL: You know, how do we get	
9	this resolved?	
10	JUDGE BURTON: Thank you.	
11	Any questions from Missouri American?	
12	Office of the Public Counsel? Staff? Platte County?	
13	All right. Thank you, Mr. Churchill.	
14	MR. KENNEY: Thank you.	
15	JUDGE BURTON: Next the Commission will	
16	hear from Mary Churchill. Your name is identified in	
17	this list. Would you also like to testify as well?	
18	MRS. CHURCHILL: Pardon me?	
19	JUDGE BURTON: I have Mary Churchill	
20	down	
21	MRS. CHURCHILL: Yeah. That's I	
22	JUDGE BURTON: Okay. Moving on, the	
23	Commission will hear from Kathy Rose.	
24	Please raise your right hand.	
25	(Witness was sworn.)	

Page 42 JUDGE BURTON: Would you please state your 1 2 name and identify your subdivision and your -- which 3 water and sewer district you're located in? 4 MS. ROSE: Sure. My name is Kathleen Rose, 5 R-o-s-e. I'm the mayor and resident of the City of Riverside. 6 7 And, first of all, I want to welcome you all to the City of Riverside, and thank you for being 8 9 here for this hearing. I understand that Missouri American is 10 11 asking for a rate increase, which really involves a 12 small decrease for our district. I can tell you that, 13 even though it is welcome, is it really not enough? This is the fifth rate increase in nine years sought 14 15 in this district. The City of Riverside has intervened every single time -- four or five -- four 16 17 out of the five or every single time, we've 18 intervened, and we have been successful in our 19 intervention. 20 Missouri American, in the past, has come in 21 and asked for 40 percent, 30 percent rate increase, and we've been able to get them cut down to the low 22 23 20s. Like, that's a big win, but at least we didn't have to pay -- at least because of our intervention, 24

Fax: 314.644.1334

we didn't have to be dealt a 40 percent increase.

25

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- 1 Clearly, the rate increases have exceeded
- 2 far and away the income increases of the citizens of
- 3 the Platte County district. The City of Riverside,
- 4 even though we have newer subdivisions, like
- 5 Montebella and Briarcliff and Gate Woods III coming
- 6 online, we have been basically --
- 7 We are an older community with older
- 8 residents. In the next five years, that's probably
- 9 going to change greatly, but these are people that
- 10 have been here for a long time and are on fixed
- 11 incomes, and this is very difficult for them to have
- 12 another increase.
- The present rates in Platte County are the
- 14 highest in the state, as you've heard. We're almost
- 15 50 percent higher than St. Louis, 60 percent higher
- 16 than Jefferson City, 70 percent higher than both
- 17 Mexico and Joplin, 100 percent higher than St. Joe,
- 18 and 140 percent higher than Warrensburg.
- 19 If the Company is successful and the rate
- 20 design remains as they proposed, Platte County rates
- 21 will still be 28 to 68 percent higher than other
- 22 metropolitan areas in the Missouri American Water
- 23 districts.
- 24 As the Commission determines the district
- 25 realignment, there must be sufficient evaluation of

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- 1 the impact on the one ratepayer who does not have the
- 2 opportunity to recover their cost of water, and that's
- 3 the resident. Industrial and commercial consumers can
- 4 recover their cost through the prices for their
- 5 products. The resident cannot, nor does the resident
- 6 have the ability to go to the Commission to make a
- 7 case that their salary or pension or Social Security
- 8 be increased. The resident ratepayer has been
- 9 forgotten in the rate case of the last decade. If
- 10 there is going to be a true redesign of rates, the
- 11 resident ratepayer should be held firmly or receive a
- 12 reduction. So some kind of multi-class structure of
- 13 the rates where the resident pays a lesser rate than
- 14 commercial/industrial is definitely something that
- 15 would be helpful.
- 16 A district-specific rate structure like we
- 17 have held in this district has not been beneficial for
- 18 us, because there are so few of us. And I can tell
- 19 you that I know that in this district, 6,500 gallons
- 20 of water -- and this gentleman in the back there, he
- 21 said this -- it's what the average is spread across
- 22 the board.
- It's just my husband and I. He has
- 24 retired, and we don't even use 3,000 gallons of water
- 25 a month in my home, but I'm being charged and have to

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- 1 pay for a minimum of 6,500 gallons. It does not seem
- 2 fair.
- 3 So the cost is one thing that -- that we
- 4 bring to the table, but learning about all of the
- 5 issues in Montebella and Thousand Oaks, it really is
- 6 much bigger than what I thought it was with you coming
- 7 here today. Because I don't care if it's just one
- 8 resident in Montebella. If they are having these kind
- 9 of problems, it's a problem. It's a problem. 30 is a
- 10 big problem. Montebella is a growing subdivision with
- 11 big, beautiful new homes, and I don't want any one of
- 12 them to have to suffer with some of the things I heard
- 13 today. And the gentleman back from Thousand Oaks,
- 14 I -- I just felt sympathy for him. That is just
- 15 absolutely ridiculous that he has to deal with that.
- 16 I -- as the mayor of the city, I can tell
- 17 you, I work with the mayor of Platte Woods and the
- 18 mayor of Parkville closely. We try and meet and talk
- 19 about these concerns for our communities and try to
- 20 make sure that we are doing the best for our
- 21 communities in addressing these issues. And so I do
- 22 want the citizens to know that we are trying with our
- 23 interventions to be able to bring the best that we can
- 24 bring to them, but somebody has got to listen, and I
- 25 really encourage public counsel -- the Office of the

Page 46 Public Counsel, I hope that they are listening today, 2 so they can hear what the residents are saying to 3 them. 4 Thank you. 5 JUDGE BURTON: Thank you. MS. ROSE: Any questions? 6 7 MR. KENNEY: No questions. Thank you, 8 Mayor. 9 JUDGE BURTON: Thank you. Next, the Commission will hear from Leland 10 11 Finley. 12 Please raise your right hand. 13 (Witness was sworn.) 14 JUDGE BURTON: Would you please state and 15 spell your name for the record and identify your 16 subdivision or water and sewer district? 17 MR. FINLEY: I'm Leland Finley, L-e-l-a-n-d 18 F-i-n-l-e-y. I live in the Indian Hills division in 19 Riverside, and I have a couple of concerns. 20 Number one, it would appear as though, in 21 the combining of Riverside and Mexico and Jefferson City, that they would experience, in some 22 cases, quite an increase, and we would experience a 23 24 decrease in rates, but my concern is why those 25 particular areas are being considered as merging

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- 1 rather than other areas. It would seem as though --
- 2 in light of the problems that are being addressed and
- 3 spoken to today in this hearing, it would appear to me
- 4 that maybe there needs to be some serious
- 5 consideration of where water is coming from and how
- 6 they can address that problem in a better way than
- 7 raising the rates, overall.
- 8 It would appear also as though some of
- 9 these areas in the state, maybe they need to check and
- 10 see where their water is coming from to determine if
- 11 that can reduce some of the costs that they are
- 12 talking about in this \$51 million increase for
- 13 whatever it's going to be used for.
- 14 My other concern is more of a -- maybe a
- 15 statement than a concern. I've lived in the
- 16 Indian Hills subdivision for over 25 years, and one of
- 17 the first things we did was put in a water softener,
- 18 and it reduced a lot of our problems. We still get
- 19 sediment, and I still get collection at the faucets,
- 20 but I think part of that is because it's coming off of
- 21 old, iron pipes, because I have cleaned out all the
- 22 residue, and I now get fairly pure water from our
- 23 water softener. That's mainly my concern.
- 24 It does appear that Riverside would get a
- 25 reduction, but at what distance is this going to

Page 48 serve, and how long is it going to last? That would 2 be my main concern. Okay. We get a reduction this 3 time, but what about next time? JUDGE BURTON: Thank you, Mr. Finley. 4 5 Any questions? Thank you, Mr. Finley. 6 MR. KENNEY: No. 7 MS. COLEMAN: Thank you, sir. JUDGE BURTON: The Commission will hear 8 from Sue Johnson. 9 10 Please raise your right hand. 11 (Witness was sworn.) 12 JUDGE BURTON: Okay. Please state and 13 spell your name for the record and identify your water 14 and sewer district. 15 MS. JOHNSON: Sure. I'm Sue Johnson, and my last name is spelled J-o-h-n-s-o-n. My water 16 17 district would be Riverside, but my sewer district is 18 Platte County Regional. 19 JUDGE BURTON: Okay. Ms. Johnson, could 20 you please speak into the microphone? 21 MS. JOHNSON: Sure. Can you hear me 22 better? Yes? Okay. 23 What I'd like to say today is, first of all, in reference to the water rates. I don't know if 24 25 you guys have a copy of this water rate or not, but

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- 1 when you look at it -- and I was really surprised when
- 2 I looked at it today to see that Platte County -- we
- 3 are an outlier. We are an outlier on the top, and a
- 4 lot of the people here that live here are in
- 5 single-family dwellings, like myself. I live there
- 6 with my husband and two children. I couldn't imagine
- 7 that we would ever use anything near 6,500 gallons.
- 8 I also see the rate increase and understand
- 9 that they have asked for five rate increases over nine
- 10 years. That, to me, given how high our rates are in
- 11 the district, I hope that someone would look into
- 12 that.
- 13 In reference to the sewer rates, the sewer
- 14 rates are twice as much as what I would pay -- or what
- 15 I currently pay with Platte County Regional. I don't
- 16 understand why they would be twice as much as what I
- 17 pay.
- In reference to the sediment issue, there
- 19 are many residents just like we have -- I've lived in
- 20 Montebella for six years. I had no idea what this
- 21 problem was. Have I replaced the seals of my toilets?
- 22 Yes. Do we have five toilets in our house? Yes.
- 23 Have we replaced all of them? Yes. Do I have a
- 24 dishwasher that seems to have some problems? Yes. Do
- I have a hot water tank that may have problems? I

Page 50 1 don't know. 2 My washing machine, I just bought it. It's 3 a front loader, but after listening to some of the testimony here and seeing the sediment in my toilet 4 5 tanks, I'm certainly going to be researching that, but I would ask the Commission to consider the rate 6 increases -- we're all about the rate decreases for 7 8 Platte County. I would certainly support that, but I 9 would hope that anyone involved in these hearings 10 today would take a look at the rates as a -- as we're such an outlier to the high margin. And, also, that 11 12 someone would really look into the sediment issue, 13 because it is way more widespread than maybe what's in 14 evidence here today. 15 And that's all I need to say. 16 JUDGE BURTON: Thank you, Ms. Johnson. 17 Any questions? 18 MR. KENNEY: No. But I have one 19 suggestion. You could talk to Staff also regarding that sediment issue. 20 21 MS. JOHNSON: Thank you. And thank you for the comment regarding the Department of Natural 22 23 Resources to test our water. 2.4 MR. KENNEY: Water quality. 25 MS. JOHNSON: Yeah.

		Page 51
1	MR. KENNEY: Thank you.	
2	MS. JOHNSON: Thank you.	
3	JUDGE BURTON: Next, the Commission will	
4	hear from Arlo VanMeter [phonetic]. No Arlo VanMeter?	
5	Okay.	
6	There is an individual who signed his name,	
7	and I can't identify it.	
8	So we'll move on from there to Russ	
9	Wojtkiewicz?	
10	MR. WOJTKIEWICZ: Close. It was a good	
11	try.	
12	JUDGE BURTON: Please raise your right	
13	hand.	
14	(Witness was sworn.)	
15	JUDGE BURTON: Please state and spell your	
16	name for the record, and identify your water and sewer	
17	district.	
18	MR. WOJTKIEWICZ: Sure. Russ Wojtkiewicz,	
19	W-o-j-t-k-i-e-w-i-c-z. I live in a little section of	
20	unincorporated Platte County between Riverside and	
21	Parkville. We are on the Missouri American Water	
22	system and on the Platte County Regional sewer	
23	district	
24	JUDGE BURTON: Thank you.	
25	MR. WOJTKIEWICZ: I rise against any rate	

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- 1 increase, but I support and commend Mayors Rose and
- 2 Johnston for being dutifully here at these meetings.
- 3 They seem to be the only elected that choose to show
- 4 up and be advocates for their constituents on these
- 5 meetings, and their advocacy is for lower water rates.
- 6 Our water rates have gone -- are some of
- 7 the highest, as you've heard, around. We need to
- 8 lower that so it can be more affordable, especially
- 9 for all of those on fixed income. We -- personally, I
- 10 do. I'm sure a lot of other people do -- will put in
- 11 water conservation, electric -- lower our electric
- 12 bills, our electric usage, lower our gas usage.
- 13 All we get is the utilities companies
- 14 coming back and saying, "Oh, they're doing what we
- 15 want, so we need higher rates, because we're not
- 16 making as much money." You can't -- you can't do it
- 17 both ways. That has to stop.
- 18 There is an easy solution, but it means
- 19 competing with each of the utility companies. And in
- 20 this particular instance, every time it rains, most of
- 21 us have a house big enough that we can probably get
- 22 right at about 7- to 800 thousand gallons of water off
- 23 of that runoff. It would be very easy and cost
- 24 effective to put in a filtering system and use our own
- 25 water.

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- 1 The problem there is -- is severalfold and
- 2 I think the resistance and the pushback for that would
- 3 be water companies not being able to pay for their
- 4 infrastructure, deliver the water. And all the
- 5 government entities are not collecting a single dime
- 6 or penny on taxes when -- if I collect and use my own
- 7 water, and I'm sure the Department of Natural
- 8 Resources has some huge rulings about, "Oh, we can't
- 9 do that, because the water might be unsafe."
- 10 Well, I've heard a lot about water quality
- 11 here today, and it concerns me. And it concerns me
- 12 very much, because of what's been in the news lately,
- 13 Flint, Michigan. I hope to hell we're not heading
- 14 there. Please, don't even go there.
- Are we just pumping a \$51 million rate
- 16 increase to do capital expenditures and maybe help out
- 17 the shareholders? It's absolutely ridiculous. We
- 18 need to reward our residents for conserving water and
- 19 trying to lower their bill.
- Two years ago at the rate hearing, the
- 21 snowbirds said, "We can't hardly afford to go south
- 22 for the winter like we used to, that we planned in
- 23 retirement and saved up, because we'd just turn the
- 24 water heater off, secure the house, wouldn't have a
- 25 bill for two or three months, come back, turn it on

Page 54 and have a bill." They can't do that anymore. 2 Half of the water bill is a customer 3 service charge. We're not really even paying for the water. Whether they -- we buy a drop of water or not, 4 5 the water company still makes money. That -- those charges need to -- we need to roll back to the days 6 7 when we bought the product, be it gas, electric, or 8 water, and we paid for the product. And, frankly, 9 they were a lot lower, and efficiency and 10 deliverability and quality was actually better. 11 So that would be my testimony at this time. 12 Oh, before the consolidation, if it does actually lower us -- but -- and the scale of economy 13 would say that it would, but I'm very suspect of that 14 15 happening and that we're just going to get overall 16 raised and we're going to subsidize -- the western 17 side is going to subsidize the eastern side of the 18 state. 19 Thank you. 20 JUDGE BURTON: Thank you. 21 Any questions? 22 Thank you. 23 MR. KENNEY: Thank you. 2.4 JUDGE BURTON: Next, the Commission will 25 hear from John Smedley.

		Page 55
1	Please raise your hand	
2	MR. SMEDLEY: I'm John Smedley	
3	JUDGE BURTON: Could you please raise your	
4	hand?	
5	(Witness was sworn.)	
6	JUDGE BURTON: Please state and spell your	
7	name for the record and identify your subdivision and	
8	water and sewer district.	
9	MR. SMEDLEY: I'm John Smedley,	
10	S-m-e-d-l-e-y. I'm a resident of the City of Platte	
11	Woods and the mayor of the City of Platte Woods, and	
12	I'm here before the board to testify on the opposition	
13	to the current water exchange rates and the proposed	
14	increase, not sure if the consolidation is going to go	
15	in.	
16	This is the fourth time in five raises that	
17	I've testified, and I just wanted to make sure that on	
18	behalf of my residents and the rest of the Platte	
19	County district that I can reiterate what we have	
20	heard mostly tonight, partly because the City of	
21	Platte Woods is a very small age community.	
22	60 percent of our residents are retired.	
23	40 percent of them are over 75, and they are on fixed	
24	incomes. The rates we pay make it very difficult to	
25	continue to operate and to live. And then I have four	

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- 1 bullet points that I wanted to focus on, mainly as it
- 2 relates to services and cost control and quality.
- 3 The first one was -- I heard this morning
- 4 that it's much cheaper for the Missouri American
- 5 Platte County plant to produce water, yet we have the
- 6 highest rates. There seems to be a lot of issues that
- 7 we look at from the city from cost control that don't
- 8 seem to get put into effect or don't get noticed when
- 9 we are looking at why rates are increased, et cetera.
- 10 Some good examples of that are when we have
- 11 our own public service department and I have them go
- 12 around and look for things that are out of the
- 13 ordinary, if we have water running in the streets or
- 14 we have -- (inaudible) -- that are not in the city.
- 15 So we get a daily report on what's going on
- 16 in the city, and so I make it a point for our police
- 17 chief to report anything like that. When we see water
- 18 running down or open storm water drains or something
- 19 like that, we immediately call in during the daytime,
- 20 normal business hours, to the Parkville plant or after
- 21 hours to the 800 line.
- 22 And just over the last 24 months, a couple
- 23 examples I'd like to cite are:
- 24 In February 2014, we called on a Tuesday
- 25 morning stating that the top of a hill by City Hall,

Page 57 we saw water running down a storm water drain. 2 days later, we had them come out and look at it. They 3 said, "No. That's storm water runoff or it's coming out of somebody's sewer." There is no storm water 4 5 runoff. There is no sewer within 50 feet of that location. 6 7 And we said, "It's your water." 8 And they're saying "No, it's not." We said, "Well, we'll see." 9 10 Four days later it blew through the street. 11 So it cost additional manpower. It cost additional 12 materials to do it. It also cost me more to fix our 13 street by waiting and having ten-foot hole dug, instead of catching it immediately. 14 15 Then another example is, in October of 16 2014, we reported the same thing. We had open storm 17 water -- water running down Prairie View Road -- which is on the north end of Platte Woods -- ran under 18 19 Prairie View Road, and we had a collection pond that 20 was 18 inches deep in water. And we happened to have 21 a duck habitat there for six weeks during the flyover 22 from, again, an area that's the highest point in our 23 city that's got no other sources for water. 2.4 So then March 30 of 2015, it finally blew 25 through the street, which was the access to City Hall,

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- 1 and they finally decided to come and take a look at
- 2 it, again, inconveniencing us, tearing out 80 percent
- 3 of the width of that street and causing us to have to
- 4 detour.
- 5 And, again, when we call in -- we'll call
- 6 in on a Monday, like on May the 5th, 2015, and they
- 7 finally call Dig Rite on Thursday to do a site repair.
- 8 So they have been very slow in doing. It's the same
- 9 situation a week later. We call it in on Tuesday. On
- 10 Thursday, they call Dig Rite for an emergency service
- 11 repair and do service. And just this year, we've had
- 12 five different events in 2016, three of which were
- 13 repetitive.
- 14 On the 4th of January, I noticed that the
- 15 water was flowing out of the Platte Woods tower,
- 16 running across our commercial area and going into the
- 17 street and freezing. So our restaurant, bars, our
- 18 marketing people, and our haircut and dance studios
- 19 are having to deal with ice in the parking lot,
- 20 because the tower continued to overflow.
- 21 That must have had something to do with
- their pumping problem, because then on the 8th, they
- 23 blew a hole through the main Prairie View Road, which
- 24 is the main supply from the Parkville plant into our
- 25 water tower, and they dug that up.

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- 1 And, again, they had, on January 19, same
- 2 place, same problem: broken valve, still continuing
- 3 to run across the street.
- 4 Finally, on January the 28th, they finally
- 5 figured out where that valve was and how they broke it
- 6 and decided to fix it.
- 7 A similar example happened on May the 8th,
- 8 where we had a main break on a residential street, and
- 9 they didn't call in to Dig Rite until three days later
- 10 to fix that.
- 11 And then the last example I'd like to cite
- 12 is on Maple Lane. It happened twice where -- I have
- 13 to read my notes -- on the 25th, they finally called
- 14 in to Dig Rite to locate it, and we had noticed it the
- 15 following -- the preceding Monday, and they finally
- 16 got around to fixing it four days later, and it's
- 17 still not fixed.
- So there's just a lot of the inconsistency,
- 19 a lot of hiring contractors over the weekend when
- 20 they're being paid extra duty, so it drives the cost
- 21 up. There doesn't seem to be a lot of cost control.
- 22 And the third point I wanted to make is
- 23 that there is inconsistency on notifications. When we
- 24 had that main break from the water tower flowing over
- 25 and it shut our city plus the city of Lake Waukomis,

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- 1 because we are on a connected main, we were given no
- 2 notification. We had to call our residents, because
- 3 we noticed that the water pressure at City Hall was
- 4 dying. So we're not getting consistent communication
- 5 and notification when we are getting main breaks,
- 6 particularly when we've identified ahead of time and
- 7 they've called in Dig Rite ahead of time to let us
- 8 know that there is something going on.
- 9 And then the fourth item I want to bring up
- 10 is that at the last hearing I was at, which was the
- 11 third or fourth that I've been to -- and I'm curious
- 12 why back then I asked specifically what the new plant
- 13 was going to cost. It was going to be \$8- to
- 14 \$9 million, and now I'm looking at a \$20 million cost
- 15 to serve essentially the same service area.
- 16 So I want the Commission to kind of look
- 17 and really see is there something that can be done to
- 18 ensure that, you know, even though they are a monopoly
- 19 and a private company, that there is some sort of cost
- 20 control like all the cities have to do and residents
- 21 have to do. Everybody has to manage their own budget.
- 22 We just can't pass things on.
- Thank you.
- JUDGE BURTON: Thank you.
- 25 Any questions?

		Page 61
1	MR. KENNEY: I just have one quick	C
2	question.	
3	You mentioned the city the Parkville	
4	station; right?	
5	MR. SMEDLEY: Yes. We are in Platte Woods,	
6	and we are one of	
7	MR. KENNEY: I've been to that station.	
8	That station needs replacing.	
9	MR. SMEDLEY: Well, I don't doubt that.	
10	MR. KENNEY: And you mentioned losses	
11	you've had caused by a lot of infrastructure	
12	problems would you agree within the district?	
13	MR. SMEDLEY: I can say that I would agree	
14	that between the Parkville plant and the Platte Woods	
15	water tower, it's probably the second oldest line, and	
16	it's been, to my knowledge, replaced about 80 percent.	
17	MR. KENNEY: Okay. Thank you.	
18	MR. WESTEN: Staff has one quick question.	
19	JUDGE BURTON: Wait. We have a question.	
20	MR. WESTEN: Sorry, Mr. Mayor. I have one	
21	quick question.	
22	JUDGE BURTON: Mr. Smedley, please return	
23	to the podium.	
24	MR. WESTEN: You mentioned two periods	
25	time periods. You mentioned January of this year; is	

		Page 62
1	that correct?	
2	MR. SMEDLEY: Yes.	
3	MR. WESTEN: January 16.	
4	And then the May dates, are those May 2015?	
5	MR. SMEDLEY: Those are 2015.	
6	MR. WESTEN: Thank you.	
7	JUDGE BURTON: Thank you.	
8	Are there any other individuals who would	
9	like to testify for the Commission?	
10	You, sir, are	
11	MR. WHEELER: Apparently, you couldn't read	
12	my writing.	
13	COURT REPORTER: I'm sorry. Sir	
14	MR. WHEELER: (Inaudible) Missouri	
15	technical (Inaudible.)	
16	COURT REPORTER: Sir sir, I need you to	
17	speak into the microphone and speak up. Okay? I	
18	can't understand you.	
19	JUDGE BURTON: Please raise your right	
20	hand.	
21	MR. WHEELER: Can you hear me now?	
22	JUDGE BURTON: I can hear you now.	
23	MR. WHEELER: All right.	
24	JUDGE BURTON: Please raise your right	
25	hand.	

Page 63 1 (Witness was sworn.) 2 JUDGE BURTON: Would you please state and spell your name for the record and identify your 3 subdivision and your water and sewer district? 4 5 MR. WHEELER: First name John, J-o-h-n. Wheeler, W-h-e-e-l-e-r. I live in Indian Hills 6 7 subdivision in Riverside. 8 JUDGE BURTON: Thank you. You may testify. 9 MR. WHEELER: At any rate, my issue is with water consumption and water usage. During the growing 10 11 season, which would be May through September, I grow 12 quite a few tomatoes, and I have a lot of flowers, so obviously I irrigate. 13 Well, the months from October through 14 15 January, I'm using anywhere from 1,000 to 3,000 16 gallons more water per month than I was using back in 17 the growing season. Now, this doesn't add up. I have a single-family dwelling, probably about 3,000 square 18 19 feet. I take a shower every morning, run maybe three 20 loads of laundry a week, run the dishwasher a couple 21 times a week, and that's it. It's me. 22 And so I've registered a complaint with 23 them a time or two, and they sent somebody out to take 24 a look at the meter. Well, they said there was no 25 leak between the meter and the house, and I've had the

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- 1 plumber over. There's no leaks in the house, no
- 2 toilets running, no leaky faucet. So I'm getting
- 3 billed for a lot more usage than I'm actually using.
- And my neighbor, Mr. Finley, we were
- 5 comparing notes. He's using 4,100 here this last
- 6 billing cycle, and they've got me for 6,600. Totally
- 7 ridiculous. You know, I want to pay what's owed,
- 8 but -- well, obviously, the problem needs to be fixed.
- 9 So that was -- that was the only complaint I -- I have
- 10 is, but it's certainly a legitimate complaint.
- 11 So, anyway, I hope you will not grant
- 12 another increase. Mayor Rose testified, and Mayor
- 13 Johnson too. They've had five rate increases in five
- 14 years. That's ridiculous. You know, they need to --
- 15 I'm sure they got a budget, but, you know, they need
- 16 to cut back on things like everybody else has to. So,
- 17 you know, I can't go to the Public Service Commission
- 18 and ask for an increase in commission rates.
- But at any rate, why, thank you for
- 20 allowing me to testify.
- JUDGE BURTON: Thank you.
- I'm going to see if there are any questions
- 23 from the Commission.
- MR. KENNEY: No.
- Thank you.

		Page 65
1	JUDGE BURTON: Oh, wait. Hold on one	C
2	moment.	
3	MR. LUFT: Mr. Wheeler, will you meet with	
4	our people after the meeting so we can see your bill?	
5	MR. WHEELER: I will. Sure.	
6	JUDGE BURTON: Thank you.	
7	Are there any other individuals who would	
8	like to present testimony for the Commission? Okay.	
9	Then that will conclude the testimony portion of the	
10	hearing.	
11	The Commission will be holding an	
12	evidentiary hearing on this matter in March. It will	
13	begin March 14, which is a Monday. It goes through	
14	that Friday, the 18th, and then resumes the next	
15	Monday, the 21st. That will be in Jefferson City,	
16	Missouri, at the government office building, which is	
17	the location for the Public Services Commission's	
18	office.	
19	But it also will be available, streaming,	
20	through the Public Service Commission's website. So	
21	any individual who would like to watch the hearing may	
22	do so for free through the Internet.	
23	Thank you, everyone.	
24	And we will go off the record.	
25	(Proceedings concluded at 1:16 p.m.)	

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Page 67 CERTIFICATE OF REPORTER 1 I, Lauren Lawrence, a shorthand reporter 3 and Notary Public within and for the State of Missouri, do hereby certify that the witness whose 5 testimony appears in the foregoing deposition was duly 6 sworn by me; that the testimony of said witness was 7 taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any 10 of the parties to the action in which this deposition 11 was taken, and further that I am not a relative or 12 employee of any attorney or counsel employed by the 13 parties thereto, nor financially or otherwise 14 interested in the outcome of the action. 15 16 James surence 17 18 19 Lauren Lawrence Court Reporter Notary Public, State of Missouri 20 21 22 23 24 25

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