

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Local Public Hearing

January 5, 2012

St. Joseph, Missouri

Volume 12

In The Matter Of)
Missouri-American Water)
Company's Request For)
Authority To Implement A)
General Rate Increase For)File No. WR-2011-0337,
Water And Sewer Service)et al.
Provided In Missouri)
Service Areas.)
)

HAROLD STEARLEY, Presiding
SENIOR REGULATORY LAW JUDGE

KEVIN D. GUNN, Chairman
PUBLIC SERVICE COMMISSION

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A P P E A R A N C E S

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PROCEEDINGS

JUDGE STEARLEY: We're ready to go on the record. Good evening. It is Thursday, January 5th, 2012. The Commission has set this time for a public hearing, File Number WR-2011-0337, which is captioned as In the Matter of Missouri-American Water Company's Request for Authority to Implement a General Rate Increase for Water and Sewer Service provided in Missouri Service Areas.

My name is Harold Stearley. I'm the Regulatory Law Judge presiding over tonight's hearing. With me tonight is Commissioner Gunn. Would you like to make an opening statement?

CHAIRMAN GUNN: I would. First of all I want to thank everybody for coming out tonight. We will be here until everybody that has a chance to testify, testifies. We are a commission of five, but we're essentially two down. That's why I'm the only one here tonight.

We have one confirmed and one that just has a matter of days left on the Commission. And we had a hearing in Jefferson City today on a separate land issue that effects this side of the state. But we appreciate you all coming out.

A couple things: We want to hear you

1 testify. Don't be afraid if someone has said what you
2 want to say. Just say I agree. That's perfectly
3 fine. We'll get you on the record. And after we're
4 done here we'll do a call to make sure that everybody
5 that's got to say something has gotten to say it.

6 And we'll tell you at the end, too, all the
7 other ways that if folks couldn't make it here
8 tonight -- I understand the interstate was closed for
9 a while because there was an accident. So if you know
10 folks that turned around or couldn't be here tonight,
11 we'll give you a couple other ways for people to
12 comment.

13 So I just want to thank you all for coming
14 out, and I look forward to hearing what you have to
15 say.

16 JUDGE STEARLEY: All right. We will begin
17 by taking entries of appearance from counsel starting
18 with Missouri-American Water Company.

19 MR. REICHART: Thank you, Judge. Appearing
20 on behalf of Missouri-American Water Company, my name
21 is John Reichart. My address is 727 Craig Road, St.
22 Louis, Missouri 63141.

23 JUDGE STEARLEY: Thank you, Mr. Reichart.
24 For the Office of Public Counsel.

25 MS. BAKER: Thank you. Christina Baker, PO

1 Box 2230, Jefferson City, Missouri 65102, appearing on
2 behalf of the Office of the Public Counsel and the
3 rate payers.

4 JUDGE STEARLEY: Thank you, Ms. Baker. And
5 from the staff of Missouri Public Service Commission.

6 MS. KLIETHERMES: Thank you, Judge. Sarah
7 Kliethermes, 200 Madison Street, Jefferson City,
8 Missouri 65101, of an on behalf of the staff of the
9 Missouri Public Service Commission.

10 JUDGE STEARLEY: Thank you, Ms.
11 Kliethermes. Are there any counsel present for
12 intervenors in this case? Hearing none, we're going
13 to start with public comments momentarily. Chairman
14 Gunn, did you have a comment?

15 CHAIRMAN GUNN: I forgot one thing that I
16 always like to say. It can be frustrating for some of
17 you and it's certainly frustrating for me, but the law
18 does not allow me to answer questions. Because this
19 is the evidentiary part, the presentation is not over.
20 If I answer questions, I may be viewed as prejudging
21 before all the facts are in.

22 So it may be frustrating. I assure you it
23 is for me, but I can't answer any kind of specific
24 questions. If you do have specific questions, we have
25 members of the company, we have members of the Public

1 Service Commission staff, and you're aware you're very
2 ably represented by Christina over here from the
3 Office of Public Counsel. They do a great job in
4 front of us, and they can help me with some of the
5 substantive questions that you have.

6 I'm just not at this point allowed to
7 respond substantively. And I may have questions for
8 you, however. So after you make your statement, if
9 you could just stay at the chair for a little bit so
10 in case I have any follow-up questions, I would
11 appreciate it. Thanks.

12 JUDGE STEARLEY: And the way we're going to
13 proceed, I'm going to call the names of the people who
14 have signed up. I'm going to ask you to step forward
15 and have a seat at this table right in front here. We
16 have a microphone there, and as I've been cautioned,
17 you don't want to get the microphone too close to your
18 mouth or it becomes loud and distorted. So I'm
19 keeping it a little bit away from my mouth to speak
20 into the microphone.

21 I'm going to have you, when I call you to
22 come down here, state and spell your name so our court
23 report can enter it into the record correctly. I will
24 then swear you in and then you will give us your
25 comments. So starting at the top of the list I have

1 Jeraldine Smith. Please come down and have a seat.
2 I'll have you first state and spell your name so we
3 can enter it into the record.

4 MS. SMITH: Jeraldine Smith,
5 J-E-R-A-L-D-I-N-E Smith.

6 JUDGE STEARLEY: Would you please raise
7 your right hand.

8 JERALDINE SMITH,
9 of lawful age, was sworn and testified as follows:

10 JUDGE STEARLEY: Please proceed.

11 MS. SMITH: 50 years ago the husband and I
12 purchased from disabled parents the farm where I was
13 born, and we set up our own water system from a spring
14 that was on that farm. And we've had some problems
15 with it, naturally, but not a lot of problems.

16 But when he had a 45-year brain injury plus
17 two strokes and then myself not too well, either, we
18 felt that we could build a home that would have
19 accommodations for disabled people closer to V Highway
20 that comes from South St. Joseph, Missouri down and
21 past -- it crosses over 116 Highway going towards
22 Weston.

23 And we thought that we would set this up
24 with Missouri-American Water and be better off than us
25 trying to keep up our own water system. But we have

1 found that nobody told us that there was -- seems to
2 be inadequate pressure up and down V Highway in this
3 section.

4 And yet a friend that lives in Wallace,
5 Missouri has adequate pressure. Another man that just
6 lives over about two miles from us east, and he seems
7 to have adequate pressure. Several in Wallace,
8 Missouri do not have adequate pressure. And there
9 seems to be quite a problem there that with all the
10 headaches of disabled rent and having to build a home,
11 that we would have to face something like this.

12 We were not told when the water mains and
13 all were put in as to this and that that had to be
14 done, or that there was low pressure which had been
15 complained of for quite some time. That was not
16 complained to us ahead of time from these different
17 people on V Highway.

18 It seems as though one time out here the
19 water supply comes from one area of the road, and from
20 over on 22nd Street, and I don't actually know where
21 the water is coming from that we get at our house. I
22 just know that watering flowers or trying to get water
23 into the washer to wash with, you have to wait quite
24 an amount of time.

25 I have some nice windows that only the type

1 that the builder would put on, but any dust or dirt
2 that blows up I cannot have pressure that I can spray
3 these windows real good and clean them.

4 I've even tried different ends on the water
5 hose, and some of them will warn that maybe the
6 pressure is not adequate or such, so you may not be
7 able to get much pressure out of the appliance that
8 you put on the end of the hose.

9 And we just feel like that with the
10 disablement and more or less having to build a home,
11 that we shouldn't have this much problem with the
12 water supply.

13 JUDGE STEARLEY: Do any of the counsel
14 present have any questions for this witness? Mr.
15 Chairman, do you have anything to say?

16 CHAIRMAN GUNN: I have a couple. Thank you
17 very much for coming out. When the house was built,
18 was there water service ready to be connected, or were
19 all those mains put in when you built the house?

20 MS. SMITH: No. We had to have them put in
21 when we built the house.

22 CHAIRMAN GUNN: And did Missouri-American
23 put those in for you?

24 MS. SMITH: Well, between Nels and the
25 builder it seems like the builder arranged and had

1 different talks with different ones, according to what
2 he felt or they felt was necessary at this house.

3 CHAIRMAN GUNN: And is the pressure problem
4 constant? Is it at every time of the day, or is it
5 only on certain times of the day?

6 MS. SMITH: It seems like it's up and down,
7 but I can't stand out there all day, you know, to
8 check it out as to what it is. Now, is it proper to
9 sometimes during the day that there can be that --
10 that they can regulate the pressure?

11 CHAIRMAN GUNN: I don't know. And that's
12 why I'm asking some of the questions, to try to get a
13 little bit more information. And then maybe after we
14 talk, pass you off to a staff member that might be
15 able to help talk to you a little bit more in detail.

16 So is the pressure problem with every kind
17 of -- everywhere in the house? Is it with showers as
18 well as the washer as well as the outside, or is it
19 only on certain --

20 MS. SMITH: Well, as far as the -- if a
21 person takes a shower, I don't know as I think that
22 pressure goes up and down. Now, whether it would --
23 there again, whether it'd be different times in the
24 day or just what, but it seems like you can adequately
25 take -- Now the only place I would see where it takes

1 a long time is to get into a washer which would have,
2 what, about 21 gallons of water or such?

3 CHAIRMAN GUNN: Okay. I don't have
4 anything further, but I'm going to suggest, we've got
5 some staff members in the room and some outside. So
6 the ones in the room, if you could raise your hand.
7 And then there's folks outside at that table.

8 And if you wouldn't mind going and talking
9 to them and letting them know what the problem is.
10 And there's some company representatives here tonight.
11 They can help you talk to those folks as well. Thank
12 you very much for your testimony. This will go on the
13 record. But I would encourage you to talk to one of
14 those, and maybe we can figure something out or get
15 you a little bit more information.

16 MS. SMITH: Thank you.

17 CHAIRMAN GUNN: All right. Thank you.

18 JUDGE STEARLEY: All right. The next
19 witness will be Danny Dankof. Is Mr. Dankof present
20 or I guess he left. BJ Lawton?

21 MR. LAWTON: That would be me.

22 JUDGE STEARLEY: Mr. Lawton, if you'd
23 Please state and spell your name for us.

24 MR. LAWTON: Bobby Lawton, B-O-B-B-Y
25 L-A-W-T-O-N.

1 JUDGE STEARLEY: If you'd raise your right
2 hand, sir.

3 BOBBY LAWTON,
4 of lawful age, was sworn and testified as follows:

5 JUDGE STEARLEY: Please proceed.

6 MR. LAWTON: I've got basically comments
7 that are facts. And as I already stated here before,
8 and I testified back in 2009 when Missouri-American
9 Water Company applied for a rate increase, people just
10 haven't got the money anymore. And here we are two
11 years down the road.

12 And I already brought the issue up about
13 the bill, the billing cycle and so forth like that,
14 and I'm aware of it. And I'm aware of the other
15 utilities, how they do their billing and so forth like
16 that.

17 And it seems to me that the Public Service
18 Commission, they can take this with a grain of salt or
19 a bite of pepper, that all of the utility companies,
20 even though they're different: KCP&L, the gas
21 company and so forth, it seems to me that KCP&L apply
22 for a rate increase -- or excuse me. Let me restate
23 that again.

24 That when they apply for a rate increase,
25 that the Missouri Public Service Commission gave them

1 roughly 23 -- I could be -- 23 percent. I was maybe
2 incorrect about that. And it just keeps happening.

3 I wrote a letter to one of the head
4 individuals at the KCP&L, never did get any response
5 from them. And I'm not trying to get off one track;
6 I'm just trying to state the facts that they're all
7 involved together.

8 And the Public Service Commission is
9 supposed to be on the customer's side, and it don't
10 seem to be happening like that. It really doesn't.
11 And I remember, I don't get the newspaper, that KCP&L
12 asked for a -- to have a re hearing on the thing and
13 have it reduced down to 13 percent. So I don't know
14 what happened.

15 But people just haven't got the money
16 anymore. Let me make this comment that I heard on TV
17 a month or so ago, that some guy down in Kansas City,
18 and this was on the Channel 9 news, that had a
19 restaurant, and they were going to ask for an increase
20 on the minimum wage.

21 What is it, \$7.25, something like that, and
22 he filed a suit against the State of Missouri on
23 account of they asked for a dollar because he thought
24 it was going to hurt the businesses. Well, why don't
25 he put himself in other people's shoes that don't make

1 much money.

2 If you make \$7 and something an hour, by
3 the time you take the federal tax, state tax out and
4 local tax, you haven't got any money left. So what
5 I'm saying here tonight, as I said back in 2009,
6 people just haven't got the money anymore.

7 And we keep -- I understand that everybody
8 wants to make a profit. But we're not making the
9 profit. The customer is not making a profit; we're
10 paying the bills. And if anybody -- I've asked this
11 question before: What goes broke first, a utility
12 company or a bank?

13 And no one could answer my question the
14 last time, and it's a bank that goes broke first.
15 Because it's not a utility company, because it's the
16 customers that are paying the bill.

17 And once again here we are again tonight.
18 Is this keeps going on and on and on, and it don't
19 never stop, you know. And as the old saying goes,
20 it's the greasy wheel that gets the -- I forget how it
21 goes.

22 CHAIRMAN GUNN: The squeaky wheel that gets
23 the grease.

24 MR. LAWTON: The squeaky wheel that gets
25 the grease. Thank you very much. And I also thought

1 I'd tell you this: My Missouri Bar Number is 777, and
2 their request for the increase is denied. That will
3 be it.

4 JUDGE STEARLEY: Are there any questions
5 from counsel for this witness. Mr. Chairman?

6 CHAIRMAN GUNN: I don't have anything.
7 Thank you, sir.

8 MR. LAWTON: You're welcome.

9 JUDGE STEARLEY: Thank you very much. Next
10 on my list I have Michael Miester. If you would
11 please state and spell your name for us.

12 MR. MIESTER: My name is Michael Miester,
13 Jr., M-I-C-H-A-E-L M-I-E-S-T-E-R, J-R period.

14 JUDGE STEARLEY: Would you please raise
15 your right hand.

16 MICHAEL MIESTER, JR.,
17 of lawful age, was sworn and testified as follows:

18 MR. MIESTER: I'd like to start off by
19 saying that I agree with Mr. Lawton that, like, where
20 does it end? I mean basically I just don't say no
21 justification for asking for a rate increase every two
22 years, which basically seems like the pattern that
23 we're currently on.

24 And not only that, basically, with these
25 rate increases the way they are, I know that basically

1 earlier they said that the sewer bill is basically
2 initiated by the city. But with these rate increases
3 the way they are, including the city charges, it
4 really is ruining small-town America.

5 I mean basically the people outside of the
6 city limits pay a substantially larger amount for
7 their waste water than what the people inside the city
8 limits do. I think right now for the City of St.
9 Joseph, it's currently 2.4 percent -- 240 percent
10 times -- 2.4 times the amount that the people inside
11 of the city limits pay for their waste water.

12 And with these rate increases it just makes
13 that all the much worse. And basically, I mean, I
14 understand that on an average customer that only uses
15 4500 gallons of water, it says depending on whether
16 you go with the staff's proposed rate increase or the
17 company's proposed rate increase, you're looking at
18 somewhere between 8 and 5 dollars of an increase for
19 just 4500 gallons of water.

20 But whenever you're talking about companies
21 that have the additional sewer charges because they
22 are outside the city limits and they use hundreds of
23 thousands of gallons of water, you're talking hundreds
24 of dollars. And I mean it's a very substantial amount
25 that they're asking for.

1 Other than that, I mean, I really don't
2 have much more to say. I think that basically the --
3 I think that if Missouri-American Water Company is
4 going to be handling the bill for the city, they're
5 the ones that actually puts what the city tells them
6 to put out the bill for the waste water, then they
7 should at least come up with a commission that
8 basically monitors what the cities are charging the
9 suburban areas, basically.

10 I mean because it seems to me like the
11 people outside the city limits of St. Joseph, from
12 what I understand, they don't have a right to vote on
13 their city council, but the city council is the ones
14 that are imposing those fees on them.

15 JUDGE STEARLEY: Does counsel have any
16 questions for this witness? Mr. Chairman?

17 CHAIRMAN GUNN: I don't. Thank you very
18 much for your testimony.

19 MR. MIESTER: Thank you.

20 JUDGE STEARLEY: Next on my list I have
21 James Horn.

22 MR. HORN: James Horn, H-O-R-N.

23 JAMES HORN,
24 of lawful age, was sworn and testified as follows:

25 MR. HORN: I would just like to comment

1 about the increase like everyone else. I know that's
2 not one of the four that was pre required here at the
3 beginning of the meeting, but it seems like 48.1
4 percent in the last 12 years seems to be quite a bit
5 of money for the City of St. Joe to cough up for
6 residential rates. At a return rate of 10 percent, I
7 think, is just outrageous.

8 I'm really sorry there's not enough people
9 here to share my grievance here, but apparently it
10 makes no difference to them. I would like to make
11 that clear and on the record. Thank you.

12 JUDGE STEARLEY: Don't leave yet. I want
13 to make sure no one has any questions for you. Any
14 questions from counsel? Mr. Chairman, any questions?

15 CHAIRMAN GUNN: No. But I will point out
16 that we've had -- we've got about 13,000 comment cards
17 into the Commission; all right? So just because folks
18 aren't here doesn't mean they're not commenting. They
19 are.

20 MR. HORN: Apparently they weren't looking
21 for a lot of people to be here tonight, because of the
22 small room.

23 JUDGE STEARLEY: Actually, we tried to book
24 a larger room, and we were unable to. We would have
25 found a way to accommodate the people.

1 MR. HORN: Thank you.

2 JUDGE STEARLEY: Thank you very much. Mr.
3 Campbell, would you please state and spell your name.

4 MR. CAMPBELL: Again, my name is Terry
5 Campbell, T-E-R-R-Y C-A-M-P-B-E-L-L.

6 JUDGE STEARLEY: Would you please raise
7 your right hand.

8 TERRY CAMPBELL,
9 of lawful age, was sworn and testified as follows:

10 MR. CAMPBELL: I'm going to read off my
11 statement here, if that's all right with you guys.
12 Can you hear me all right?

13 CHAIRMAN GUNN: Yes, sir.

14 MR. CAMPBELL: I need to point out several
15 things. One: Good evening. My name is Terry
16 Campbell. I live at 12250 Victory Drive, St. Joseph,
17 Missouri 64505. I am a resident of Andrew County and
18 a customer of the Public Water Supply District #1 of
19 Andrew County.

20 I am also the manager of the Public Water
21 Supply District #2 of Andrew County located at 668
22 Main Street, Cosby, Missouri. Our Public Water Supply
23 District serves approximately 1500 customers. I
24 testified at the Commission's local public hearing in
25 the last Missouri-American rate case, and I appreciate

1 the opportunity to appear before you this evening.

2 Much of my testimony this evening can be
3 found in the previous record, but it's still timely
4 and relevant today. Andrew #2 has intervened in this
5 proceeding along with Public Water Supply District #1
6 of Andrew County. Their clerk, Tammy Ellis, is here
7 with me this evening.

8 We serve several rural customers in the
9 areas outside of St. Joseph, but we are within the
10 St. Joseph district of Missouri-American. Our water
11 districts are not-for-profit political subdivisions,
12 and although we are among Missouri-American's larger
13 customers, we are in reality only representatives of
14 our rural customers, since any increases in the cost
15 of water must eventually be passed onto the water
16 district's rural customers.

17 Our entire water supply comes from
18 Missouri-American. We are not standby users. Our
19 need for water and usage is 24/7 throughout the year.
20 As I discussed in the last proceeding back in 2000,
21 when the Commission voted to abandon single-tariff
22 pricing in favor of district-specific pricing at the
23 time when the new St. Joseph water plant was being
24 placed in the rate base, our water district rates from
25 Missouri-American increased by over 200 percent -- and

1 that's the wholesale people; we absorbed that -- above
2 previously approved rates.

3 That rate increase was unprecedented in
4 shear magnitude and was extremely difficult for our
5 customers to understand. In the last rate case we
6 were parties to the stipulation and agreement the
7 resulted in across-the-board increases to the St.
8 Joseph District rates of 3.43 percent.

9 Our attention is primarily focused on the
10 rate-design aspects of Missouri-American cases. Our
11 two water districts are essentially wholesale
12 customers. We take our water supplies directly from
13 the mains of Missouri-American. The water districts,
14 themselves, provide the distribution system to our
15 customers beyond the Missouri-American meters.

16 Historically, we believe too much of
17 Missouri-American's distribution system has been
18 assigned to water districts. We shouldn't be
19 responsible for paying for Missouri-American's
20 distribution system that we don't use.

21 It should be noted that all of our points
22 of connection are very close to Missouri-American
23 lines in St. Joseph. The amount of trunk line of
24 Missouri-American used only for districts is very
25 short. The longest one is a quarter mile.

1 In this case it appears that
2 Missouri-American has provided separate treatment for
3 the larger mains that provide primarily a transmission
4 function as distinguished from the smaller mains that
5 provide more of a distribution function.

6 We also understand the staff has performed
7 a similar adjustment for the sale for resale class in
8 the St. Joseph District. Another major concern is any
9 proposed changes to the rate structure for the sales
10 for resale class in St. Joseph. Missouri-American's
11 rate structure for our class apparently consists of a
12 declining block rate structure.

13 It appears that the staff proposes to keep
14 declining block rates for our class as it allows for
15 larger customers who generally experience better load
16 factors to pay a lower tail block rate to reflect the
17 lower cost to serve them.

18 However, in this case it appears that the
19 company is proposing a single block rate that does not
20 reflect this benefit. Since the water districts are
21 large volume users, we take much of our water from the
22 last block of the rate schedule.

23 We are advised that the studies performed
24 by the staff and the resulting rate impacts are still
25 changing for our class here in St. Joseph. We are

1 still analyzing these complex studies and the
2 testimony regarding them, and it appears that staff is
3 still using assumptions that lead to more costs being
4 allocated to our customer class resulting in higher
5 rates.

6 Our water districts are only conduits to
7 hundreds of residents, farms and small businesses. It
8 is those persons who will feel the brunt of this
9 unfair increase, not the water district which only
10 serves as their supplier on a not-for-profit basis.

11 The increases being proposed also overlook
12 the fact that Andrew #1, that's Public Water Supply
13 District #1, maintains all of its truck lines from the
14 points of connection through the district as well as
15 its distribution lines, a total of 400 miles.

16 Andrew #2, that's my district, does the
17 same thing. We have a total of 300 miles. The water
18 districts do all billing and pay all administrative
19 expense. Unlike for most of its other water users,
20 Missouri-American has none of this expense. We would
21 request that the Commission carefully consider these
22 impacts when it decides this case.

23 The resulting rate impacts to our
24 residential customers, users and farmers and other
25 customers, would be very burdensome especially in this

1 time of painful economic stress. I might add that in
2 the last year in my district alone we have lost three
3 dairy farmers that averaged 150,000 gallons each per
4 month.

5 I'm not putting the sole blame on water
6 cost, but that's a pretty good size amount of water.
7 Thank you for your attention and I'd be glad to try
8 and answer any questions.

9 JUDGE STEARLEY: Mr. Campbell, I just want
10 to make clear for our record, you say you're employed
11 by Public Water Supply District 1 in Andrew County?

12 MR. CAMPBELL: 2.

13 JUDGE STEARLEY: 2?

14 MR. CAMPBELL: I'm with 2.

15 JUDGE STEARLEY: Okay, you're from 2.

16 MR. CAMPBELL: 2 and 1 both intervene. We
17 intervene together.

18 JUDGE STEARLEY: Yes. And you are a party
19 in this case.

20 MR. CAMPBELL: That's correct.

21 JUDGE STEARLEY: Which means you're
22 represented by counsel.

23 MR. CAMPBELL: Yes.

24 JUDGE STEARLEY: And your counsel, however,
25 is not present tonight; correct?

1 MR. CAMPBELL: That's correct. I don't
2 think -- well, this is being taped?

3 JUDGE STEARLEY: That's correct.

4 MR. CAMPBELL: Okay. Now, what I'm getting
5 into the record is as a customer, myself, and as a
6 manager I have some understanding of it and it's a
7 statement. I'm not giving expert testimony. That
8 comes later on. We can see about that, but that's
9 what we hire those guys for.

10 JUDGE STEARLEY: That's what I wanted to
11 make clear. Because of my knowledge, right now
12 counsel for your parties has not prefiled any
13 testimony, has not identified any witnesses at this
14 time.

15 MR. CAMPBELL: I don't think there is at
16 this point. I think they've got till the 19th or
17 something like that.

18 JUDGE STEARLEY: Okay.

19 MR. CAMPBELL: But this is purely a
20 statement that needs to be out there.

21 JUDGE STEARLEY: Right. And we're happy to
22 take that. I just want to be clear.

23 MR. CAMPBELL: I understand your position.

24 JUDGE STEARLEY: Are there any questions
25 from counsel for this witness?

1 MR. REICHART: Your Honor, no. Other than
2 I think what you were trying to do, I would like the
3 record to reflect that Mr. Campbell represents a party
4 that has intervened in the case. And I think the
5 Company would like to preserve the right to respond to
6 his comments as they deem appropriate within the
7 context of these proceedings.

8 JUDGE STEARLEY: Exactly. And I don't
9 know, but it could be possible that they're going to
10 want to take live testimony from you in an evidentiary
11 hearing or some --

12 MR. CAMPBELL: It was the same thing last
13 time with you guys.

14 JUDGE STEARLEY: Correct. I just want to
15 be sure we have that clear in the record tonight.
16 Missouri-American is certainly free to reserve any
17 rights for rebutting these comments.

18 MR. REICHART: Thank you.

19 JUDGE STEARLEY: Any other questions for
20 this witness?

21 MS. KLEITHERMES: I would have the same or
22 similar comments.

23 JUDGE STEARLEY: Okay. Mr. Chairman, any
24 questions for this witness?

25 CHAIRMAN GUNN: I don't. For everybody

1 else in the room, that's procedural stuff, but, so we
2 appreciate your comments. Thank you very much.

3 MR. CAMPBELL: Okay. Thank you.

4 JUDGE STEARLEY: Richard Nigh? Mr. Nigh
5 has left. Lonnie Johnson? Mr. Johnson has left as
6 well. Terry McClatchey? I hope I got your name
7 right.

8 MR. McCLATCHEY: That's close enough.

9 JUDGE STEARLEY: State and spell your name.

10 MR. McCLATCHEY: My name is Terry
11 McClatchey, T-E-R-R-Y M-c-C-L-A-T-C-H-E-Y.

12 JUDGE STEARLEY: If you could please raise
13 your right hand.

14 TERRY McCLATCHEY,
15 of lawful age, was sworn and testified as follows:

16 JUDGE STEARLEY: You may proceed.

17 MR. McCLATCHEY: My name is Terry
18 McClatchey and I'm here to represent Ag Processing, a
19 cooperative who owns and operates a soy bean
20 processing vegetable oil refinery and bio diesel here
21 in St. Joseph.

22 I want to thank the Missouri Public Service
23 Commission for allowing AGP to express our concerns
24 relating to this Missouri-American Water Company's
25 recently filed water case. AGP has multiple

1 facilities in Minnesota, Iowa, Nebraska, St. Joseph,
2 Missouri. AGP is a cooperative owned by various local
3 and regional coops that are, in turn, owned by farmers
4 including farmers in Missouri.

5 We operate in a very competitive industry
6 in regional, national and international markets. Our
7 feed stock, soybeans and finished products of soy bean
8 meal into oil, are all commodities traded on the
9 Chicago Board of Trade.

10 Because we're in the commodity business, we
11 do not have the opportunity to pass on higher water
12 costs to our customers. The additional costs reduce
13 our bottom line. In the past 11 years AGP, in the St.
14 Joseph's facility, has experiences six water-rate
15 filings which include the 176 percent increase in
16 2000.

17 The last five cases have had up and down
18 but net are increases as well. AGP understands that
19 the Missouri-American proposes to reduce water rates
20 for St. Joseph in the water case in exchange for
21 single tariff pricing. The St. Joseph community has
22 been paying a very high water rate since 2000, to pay
23 for the \$71 million plant.

24 St. Joseph rate payers have paid out a
25 certain percentage of that through depreciation of the

1 new treatment plant and are now prepared to enjoy
2 stable rates in the future by using district specific
3 tariffs.

4 Our concern with single tariff pricing in
5 the St. Joseph community will be an obligation to pay
6 off other district's future capital improvements such
7 as treatment plants, water towers, et cetera. For
8 example, several small water systems purchased by
9 Missouri-American over the past few years also require
10 several million dollars of system improvements to meet
11 regulatory requirements.

12 Single tariff pricing appears to be almost
13 like in the grocery store, they call it a loss leader.
14 You go in there for that loss leader and it's a good
15 deal, but later you pay for it. That's almost what
16 this is looking like. There's a benefit now but there
17 could be big dollars in the future to pay for some of
18 these other district's improvements, and that would be
19 unfair.

20 And we had some testimony today from the
21 Office of Public Counsel that kind of mirrored the
22 same conversation that I'm talking about. We ask the
23 Commission to maintain district specific pricing for
24 St. Joe and reject Missouri-American's proposal to
25 implement single tariff pricing.

1 Thank you for allowing me to provide
2 comments on this important issue.

3 JUDGE STEARLEY: Mr. McClatchey, I need to
4 make a point to, as we did with Mr. Campbell, AG
5 Processing, Incorporated is a party to this action.

6 MR. McCLATCHEY: Yes, same thing.

7 JUDGE STEARLEY: You're represented by
8 counsel; your counsel is not here tonight?

9 MR. McCLATCHEY: Right.

10 JUDGE STEARLEY: They have prefiled some
11 testimony from a different witness but not yourself.

12 MR. McCLATCHEY: I'm just from the local
13 plant here, and that's taken care of out of our
14 corporate office.

15 JUDGE STEARLEY: And again, Mr. Reichart,
16 I'm assuming that your company wishes to retain its
17 right to rebut or respond to any of his testimony?

18 MR. REICHART: That is correct, Your Honor.
19 Thank you.

20 JUDGE STEARLEY: Any questions from counsel
21 at this point?

22 MS. KLIETHERMES: I will make the same
23 reservation mentioned previously.

24 JUDGE STEARLEY: No other questions from
25 counsel. Mr. Chairman, do you have any questions for

1 this witness?

2 CHAIRMAN GUNN: No.

3 JUDGE STEARLEY: That completes the number
4 of people who had signed up to testify. If there's
5 anybody else here present tonight that would like to
6 offer comments to the Commission, they're certainly
7 welcome to do so. Please come forward, sir. Please
8 state and spell your name for us, sir.

9 MR. STEHR: John Stehr, S-T-E-H-R.

10 JOHN STEHR,
11 of lawful age, was sworn and testified as follows:

12 JUDGE STEARLEY: Please proceed.

13 MR. STEHR: I have a little quality issue
14 this year. My bill increased 33 percent during the
15 course of the year, and I called the office of
16 Missouri -- of MAW and asked them if they would come
17 out to check and see if I might have had a leak in my
18 system. And they told me that they didn't have time
19 and that to check it myself.

20 And currently my bill is still 33 percent
21 higher than what it was a year ago, and we haven't
22 been using any increase in usage to my knowledge to
23 cause that.

24 Another deal was I think MAW's statistics
25 are all wet. Here they've got St. Joe possibly having

1 the lowest rate in the state, and I'm sure that's not
2 true. And then lower they've got the people of
3 Parkville using twice as much water as the people of
4 Brunswick on their stat sheet, and I find that hard to
5 believe.

6 And another one is it kind of bites me a
7 little bit that they want to raise their customer
8 charge for fixed costs from currently 9.6 to -- well,
9 they've proposed 16.80. Missouri's kind of a 12.48 on
10 the district, whatever. So whether you use any water
11 or not, you're paying \$15 a month for fixed costs. I
12 think that's -- it seems like they want to increase
13 that every time.

14 Oh, one other little thing. I have a
15 person that I work with, Jim Pickrell, and he had an
16 economist, a professor here at the college, I believe
17 it was Dr. Amansi, and Missouri-American Water had
18 hired him approximately eight to ten years ago to do a
19 study to justify a rate increase, then.

20 And he came back and told MAW that it was
21 not justified. So they fired him and apparently
22 they've hired a new economist to replace him. That's
23 all I have today.

24 JUDGE STEARLEY: Any questions from counsel
25 for this witness? Mr. Chairman?

1 CHAIRMAN GUNN: Thank you. Sir, do you
2 know the approximate timeframe that you first noticed
3 the 33 percent increase in your bill?

4 MR. STEHR: It was during the winter last
5 year.

6 CHAIRMAN GUNN: Winter of 2011?

7 MR. STEHR: 2010.

8 CHAIRMAN GUNN: And you said you called
9 them. Did you call them right after you discovered
10 it?

11 MR. STEHR: Right after I got my bill.

12 CHAIRMAN GUNN: And it was approximately a
13 third higher than --

14 MR. STEHR: From what it had been, yes.

15 CHAIRMAN GUNN: And someone on the phone
16 told you they didn't have time to come and check for a
17 leak?

18 MR. STEHR: Yes, sir.

19 CHAIRMAN GUNN: Was that the only contact
20 you had with the company, when you called and someone
21 on the phone said they didn't have time?

22 MR. STEHR: That's the only time I talked
23 to them, yes.

24 CHAIRMAN GUNN: Did you do any follow up
25 or --

1 MR. STEHR: I've still been getting the
2 bill. I've been checking for leaks, personally. I'm
3 not leaking anywhere and it seems like the bill is the
4 same every month.

5 CHAIRMAN GUNN: So you have done what they
6 suggested, which is go check internally to places that
7 you could find to see if there were any leaks?

8 MR. STEHR: Yes. And I believe I did have
9 a slight leak and it might have been caused from a
10 freeze on a pipe. And it's been repaired and my rate
11 or my usage has remained the same even after that.

12 CHAIRMAN GUNN: So you repaired the leak
13 and you noticed no change in your usage, yet the bill
14 was still approximately a third higher?

15 MR. STEHR: Yes, sir.

16 CHAIRMAN GUNN: All right. That's all I
17 have, but Jim Busch is our water service person in the
18 back. Jim, could you raise your hand? If you could
19 give him your address after this, we will take a look
20 at it and check into it, as well.

21 MR. STEHR: Thank you, Mr. Gunn.

22 CHAIRMAN GUNN: I don't have anything
23 further.

24 JUDGE STEARLEY: Thank you for your time.

25 THE WITNESS: Thank you, Your Honor.

1 JUDGE STEARLEY: Is there anyone else who
2 would like to speak this evening? All right. Seeing
3 none, Mr. Chairman, do you have any closing remarks?

4 CHAIRMAN GUNN: Just where we go from here.
5 This is about the middle of the process. We have an
6 evidentiary hearing that's going to start February
7 27th, I believe.

8 JUDGE STEARLEY: The 21st.

9 CHAIRMAN GUNN: The 21st, scheduled to go
10 through March 6th. That can be viewed -- the actual
11 evidentiary hearing, can be reviewed either live or a
12 recording on our web site, which is WWW.PSC.MO.GOV.

13 And then the May 27th, I think, is the
14 actual operation-of-law date when we would have to
15 have a decision held by. So there's still a ways to
16 go. For all folks that know people that couldn't make
17 it out to one of our local public hearings, we are
18 having 11 across the state, but not everybody can get
19 everywhere, there's a couple ways you can do it.

20 Every person should have been mailed a
21 comment card. There are about 450,000 out, so they
22 could do it that way. Our web site, as I said before,
23 PSC.MO.GOV, you could do comments on that.

24 You could call. And on some of the
25 materials that are outside, our phone number, our

1 toll-free number, where you can call, make a comment.

2 We also accept written letters or anything like that

3 that you want to file as a public comment.

4 So folks who can't get here tonight, if you

5 walk out of the room and think to yourself, oh, I

6 should have said that, you can always follow up with a

7 phone call or a letter and it will be entered into the

8 case.

9 The proceedings tonight are being

10 transcribed, and all the other commissioners do read

11 those transcripts, so all of your comments will be

12 officially part of the evidentiary record and will be

13 read by the other commissioners.

14 So other than that, it was a beautiful

15 night tonight, so I thank everybody for coming out and

16 taking the time to give us your testimony. It was

17 actually very, very helpful and we appreciate it very

18 much. So thank you.

19 JUDGE STEARLEY: Since there's no further

20 comments tonight, the public hearing on WR-2011-0337

21 is hereby adjourned. Thank you all very much.

22 (WHEREIN, the hearing was concluded at 7:30

23 PM.)

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